

May 11, 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
Council Vice-President Lotano	- Present
Council President Geoghegan	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Lamb, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Members Kopp and Rodrick abstaining as they were not at the April 27, 2022 Regular Meeting, to approve the Minutes of the **Regular Meeting of April 27, 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 Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

The following new officers were introduced by Police Chief Little, and Mayor Hill swore them in:

- Officer Justin Barberi #459
- Officer Matthew Cladek #460
- Officer Christian Corbisiero #461
- Officer Maria Cusimano #467
- Officer Danielle Errico #468

Police Chief Little introduced the three civilian for bravery and presented them with certificates.

Christina Cobb
Melissa Watson
Frank Cerankowski

Mayor Hill introduced the two Eagle Scouts Stephen Alexander Byron and Matthew C. Hirtis and presented them with proclamation.

Township of Toms River

Proclamation

Eagle Scout Court of Honor

May 11, 2022

***WHEREAS, Matthew C. Hirtes** is a graduated member of Troop 92 of the Jersey Shore Council of the Boy Scouts of America of Toms River, New Jersey and has been awarded the prestigious rank of Eagle Scout; and*

***WHEREAS,** to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (thirteen of which are required by the Boy Scouts of America National Committee); and*

***WHEREAS,** before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and*

***WHEREAS,** Matthew began his journey in scouting as a member of Troop 92 in September of 2011 in the first grade as a Wolf, progressing through the ranks while holding many leadership positions including Den Chief, Scribe, Quartermaster, Chaplain's Aide and Senior Patrol Leader. Having turned 18 years old, Matthew now serves as Assistant Scout Master in the troop, mentoring younger scouts; and*

***WHEREAS,** Matthew chose as the beneficiaries of his Eagle Scout project local wounded veterans of our community, creating reserved parking spots at three busy facilities: Community Medical Center, the Toms River service center of New Jersey Department of Motor Vehicles, and St. Joseph Roman Catholic Church. It is Matthew's hope that this project will make visiting these facilities a little easier for our disabled veterans. The project was particularly special to Matthew as his older brother served in the United States Army.*

***NOW, THEREFORE, I, MAURICE B. HILL, JR., MAYOR** of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate **Matthew C. Hirtes** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and efforts for the good of his community.*

Maurice “Mo” B. Hill, Jr., Mayor

Maurice “Mo” B. Hill, Jr., Mayor

Kevin M. Geoghegan
Lotano
Council President
President

Matthew W.
Council Vice-

David Ciccozzi
D. Lamb

Joshua D. Kopp

Justin

Jim Quinlisk
Rodrick

Daniel T.

Township of Toms River Proclamation Eagle Scout Court of Honor *May 11, 2022*

WHEREAS, Stephen Alexander Byron is a graduated member of Troop 175 of the Jersey Shore Council of the Boy Scouts of America of Toms River, New Jersey and has been awarded the prestigious rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (thirteen of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout’s achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout’s 18th birthday; and

WHEREAS, Stephen began his journey in scouting as a Cub Scout while in the third grade, progressing to Boy Scout in March of 2015. He has earned a total of twenty-two merit badges (only twenty-one merit badges are required for the rank of Eagle Scout) and has served as an Assistant Patrol Leader,

Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader, and Instructor; and

WHEREAS, Stephen chose as the beneficiary of his Eagle Scout project the Island Heights Volunteer First Aid Squad, the squad he is a Nationally Registered Emergency Medical Technician with, where he helped paint the exterior of the building.

NOW, THEREFORE, I, MAURICE B. HILL, JR., MAYOR of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, congratulate Stephen Alexander Byron on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and efforts for the good of his community.

Maurice “Mo” B. Hill, Jr., Mayor

Kevin M. Geoghegan
Lotano
Council President
President

Matthew W.
Council Vice-

David Ciccozzi
D. Lamb

Joshua D. Kopp

Justin

Jim Quinlisk
Rodrick

Daniel T.

Mayor Hill introduced Kitt Christie and presented her with a proclamation.

Township of Toms River Proclamation

World Neurofibromatosis Awareness Day , May 17, 2022
May 11, 2022

Whereas, The Children’s Tumor Foundation is observing May 17, 2022 as World Neurofibromatosis (NF) Awareness Day to educate the public about this rare genetic disorder; and

Whereas, although over 2 million people around the world are living with NF and 1 in every 3,000 births is diagnosed with NF, it is still is relatively unknown to the public; and

Whereas, NF affects all populations equally, regardless of race, ethnicity or gender; and

Whereas, NF causes tumors to grow on nerves throughout the body and also can affect development of the brain, cardiovascular system, bones and skin; and

Whereas, the disorder can lead to blindness, deafness, bone abnormalities, disfigurement, learning disabilities, disabling pain, and cancer; and

Whereas, The Children’s Tumor Foundation leads efforts to promote and financially sponsor world-class medical research aimed at finding effective treatments and, ultimately, a cure for NF; and

Whereas, The Children’s Tumor Foundation is connecting the unconnected, leading the way through innovative and inventive approaches to scientific advancement and improved patient care, revamping systems to accelerate the path from discovery to treatment; and

Whereas, The Children’s Tumor Foundation works to improve access to quality patient care through its national NF Clinic Network; and

Whereas, The Children’s Tumor Foundation provides patient and family support through its information resources, youth programs, and community activities; and

Whereas, much remains to be done in raising public awareness of NF to help promote early diagnosis, proper management and treatment, prevention of complications, and support for research.

Now Therefore, I, MAURICE “Mo” B. HILL JR., Mayor of the Township of Toms River, on behalf of myself, the Township Council and the residents of Toms River, in recognition of this important initiative, do hereby proclaim May 17, 2022 as “World Neurofibromatosis (NF) Awareness Day.”

Maurice “Mo” B. Hill, Jr., Mayor

Kevin M. Geoghegan
Lotano
Council President
President

Matthew W.
Council Vice-

David Ciccozzi
D. Lamb

Joshua D. Kopp

Justin

Jim Quinlisk
Rodrick

Daniel T.

Mayor Hill Introduced Childhood Apraxia of Speech Day.

Township of Toms River

Proclamation

WHEREAS, May 14, 2022 marks *Childhood Apraxia of Speech Day* during which awareness will be raised throughout Toms River about childhood apraxia of speech, an extremely challenging speech disorder that affects 1-in-1,000 children; and

WHEREAS, Childhood apraxia of speech (CAS) causes children to have significant difficulty learning to speak and is among the most severe speech deficits in children; and

WHEREAS, Without appropriate speech therapy intervention, children with apraxia will have diminished communication skills, but are also placed at high risk for secondary impacts in reading, writing, spelling, and other school-related skills; and

WHEREAS, That such primary and secondary impacts diminish future independence and employment opportunities and challenge the ability to become productive, contributing citizens if not resolved or improved; and

WHEREAS, Public awareness about childhood apraxia of speech in Toms River is essential for families of children with this neurological disorder and the professionals who support them; and

WHEREAS, Our highest respect goes to these children, as well as their families, for their effort, determination, and resilience in the face of such obstacles.

NOW, THEREFORE, be it resolved that I, Mayor Maurice B. Hill, and the Township Council, recognize May 14 , 2022 is “*Apraxia Awareness Day*” and citizens of Toms River are encouraged to work within their communities to increase awareness and understanding of childhood apraxia of speech.

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:

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND LOCATED AT 1944 WHITESVILLE ROAD AND 133 RIVERWOOD DRIVE IN THE TOWNSHIP OF TOMS RIVER AND RELATED EXPENSES AND APPROPRIATING \$4,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,000,000 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 \$4,200,000, including the sum of \$200,000 appropriated from the Township's Open Space Trust Fund to cover the cost of the down payment required by the Local Bond Law.

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 \$4,000,000, 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 is the acquisition of land for open space purposes located in the Township, commonly known as 1944 Whitesville Road, designated on the municipal tax map as Block 298, Lot 27 and 133 Riverwood Drive, designated on the municipal tax map as Block 171, Lot 7, and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto, with a total appropriation and estimated cost of \$4,200,000, estimated amount of bonds and notes therefor of \$4,000,000, and an average period of usefulness of 40 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 \$4,000,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$4,200,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$4,200,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$200,000 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 40 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 \$4,000,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$255,000 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.

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 April 27, 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 May 11, 2022, at ___:___ 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 ACQUISITION OF LAND LOCATED AT 1944 WHITESVILLE ROAD AND 133 RIVERWOOD DRIVE IN THE TOWNSHIP OF TOMS RIVER AND RELATED EXPENSES AND APPROPRIATING \$4,200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$4,000,000 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): The acquisition of land for open space purposes located in the Township, commonly known as 1944 Whitesville Road, designated on the municipal tax map as Block 298, Lot 27 and 133 Riverwood Drive, designated on the municipal tax map as Block 171, Lot 7, and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto.

Appropriation: \$4,200,000

Bonds/Notes Authorized: \$4,000,000

Section 20 Costs: \$255,000

Useful Life: 40 Years

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

**CERTIFICATE OF MUNICIPAL CLERK
EXTRACT OF MINUTES
SHOWING PUBLIC HEARING
AND FINAL ADOPTION OF ORDINANCE**

I, 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 May 11, 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 relates to Bond Ordinance and the subject matter 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 May 2022.

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

Municipal Clerk

(SEAL)

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

Council Member Rodrick questioned the Ordinance and would like to table it. Council Member Lamb would like to see appraisal reports.

On motion by Council Member Lotano, seconded by Council Member Rodrick and carried to **table the following Ordinance.**

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

On motion by Council Member Lotano, seconded by Council Member Rodrick 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	Abstained
Council Vice-President Lotano	Yes
Council President Geoghegan	Yes

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

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO ADOPT A CORRECTORY ACCESS EASEMENT AGREEMENT AND DISCHARGE OF MEMORANDUM OF ESCROW AGREEMENT BETWEEN CT-CT07 MAZEL LLC, DT-DT07 MAZEL LLC AND THE TOWNSHIP OF TOMS RIVER, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE DEPUTY MUNICIPAL CLERK TO ATTEST TO SAID AGREEMENT

WHEREAS, Mazel, L.L.C (Original Grantor) and Township of Toms River (Grantee) entered into an Access Easement Agreement and Discharge of Memorandum

of Escrow Agreement dated July 2, 2015 ad recorded on July 14, 2015 in the Ocean County Clerk's Office at Book 16132, Page 1917 (Original Agreement); and

WHEREAS, the Original Agreement erroneously described the Easement Area in Exhibit A (Original Exhibit "A"), as the entirety of Grantor's Tract rather than a portion of Grantor's Tract", contrary to the intent of the parties to the Original Agreement; and

WHEREAS, the parties desire to enter into this Correctory Agreement for the purpose of deleting the Original Exhibit "A" and replacing it was Correctory Exhibit "A", which is attached hereto and made a part hereof, for the purpose of otherwise restating and confirming the terms and conditions of the Original Agreement as incorporated into this Agreement; and

WHEREAS, Grantor, as successor-in-interest to Original Grantor, is the owner of certain property located in the Township of Toms River, Ocean County, New Jersey ("Township") known and designated as Block 159, Lot 31 on the Township Tax Map ("Grantor's Tract"); and

WHEREAS, Grantee is the owner of certain property located in the Township known and designated as Block 159, Lot 9.01 ("Grantee's Tract"); and

WHEREAS, Grantee is desirous of securing an easement for access through a portion of Grantor's Tract;

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

1. It hereby authorizes the Township to adopt this Correctory Access Agreement and Discharge of Memorandum of Escrow Agreement The easement in question is described on the attached Schedule "A", which is attached to this Ordinance and made a part hereof.

2. The Mayor is authorized to execute and the Deputy Municipal Clerk to attest to this Correctory Access Easement Agreement and Discharge of Memorandum of Escrow Agreement, and any other documents required in connection with this conveyance.

3 All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

5. Since this ordinance is not legislative in nature, it need not be codified in the Township Code.

6. A copy of this ordinance 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) Gregory P. McGuckin, Esq.
- f) Township Engineer
- g) Tax Assessor
- h) Tax Collector
- i) Giordano, Halleran & Ciesla, P.C.
125 Half Mile Road, Suite 300
Red Bank, NJ 07701-6777
Attn: Michael Vitiello, Esq.
- j) CT-CT07 Mazel LLC
DT-DT07 Mazel LLC

399 Monmouth Street
East Windsor, NJ 08520
Attn: Francine E. Tajfel, General Counsel

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on May 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 May 25, 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 Friday, May 15, 2022.

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

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

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §391-36B THE TOWNSHIP CODE TO PERMIT THE LIMITED OPERATION OF FOOD TRUCKS ON WASHINGTON STREET

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

1. Subsection B of §391-36 (Prohibited practices; violations and penalties) of the Township Code is hereby amended and supplemented to provide as follows:

- B. No person regulated hereunder shall hawk, peddle, or vend any goods, wares, or merchandise, including but not limited to food, ice cream, and soft drinks, within 1,000 feet of any store establishment or machine selling, vending or dispensing the

same or substantially similar goods, wares, or merchandise, nor upon any of the following streets or rights-of-way thereof: Highway 37 (east and west); Washington Street; Highway 35 (north and south); Main Street (Route 166); Lakewood Road (Route 9); Fischer Boulevard; and Hooper Avenue.

- (1) Notwithstanding any other prohibition to the contrary, duly-licensed and -inspected food trucks are permitted to operate on Washington Street in between the intersections with Route 166 and Hooper Avenue on Sundays between the hours of 9:00 am and 9:00 pm, provided the operators thereof obtain a special events permit pursuant to §348-5.20E of the Township Code. The exception does not apply on Sundays when Washington Street is closed or access thereto is restricted for an event, parade, roadwork, emergency, or for public safety reasons.
- (2) Food trucks permitted pursuant to subsection B(1) must be parked within striped parking spaces facing the sidewalk. They are prohibited from parking in front of an open or operating establishment serving or selling food and from obstructing vehicular or pedestrian traffic. They must also observe other public safety regulations. Food trucks so operating do not constitute an encroachment under Article VIII of Chapter 450.

2. All other provisions of Chapter 391 remain in full force and effect.

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

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

A motion was made by Council Member Kopp, seconded by Council Member Quinlisk, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on May 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 May 25, 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 Friday, May 15, 2022.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §189-7A(4)
OF THE TOWNSHIP CODE TO REVISE THE REGULATIONS PROHIBITING THE
ISSUANCE OF PERMITS FOR DUNE WALKOVERS**

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

1. Section 189-7A(4) of the Township Code is hereby amended and supplemented to provide as follows:

(4) Create a private walkover if there is a public walkover within 250 feet; except that a permit for a private walkover may be issued, regardless of the distance, if the applicant can establish a legal right to crossover the dune by way of an easement or court order, subject to review and approval by the Township Engineer.

2. All other provisions of Chapter 189 remain in full force and effect.

3. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.

4. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

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

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on May 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 May 25, 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 Friday, May 15, 2022.

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

Council Member Rodrick questioned regarding the budget not be showing to the public.

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, that the following Resolution:

**Toms River
Business Improvement District Budget
May 11, 2022**

BE TABLED TO COUNCIL MEETING ON MAY 26, 2022.

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 **B, C, D, F, G and R**, which were done separately.

May 11, 2022 15

RESOLUTION

May 11, 2022

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

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

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

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

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

NAME	BLOCK	LOT	Qual/Year	Amount
<i>Timothy B. Middleton Trust</i>	<i>394.13</i>	<i>127</i>	<i>2021/4</i>	<i>\$4,436.45</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 AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR DATA DRIVEN APPROACHES TO CRIME AND TRAFFIC SAFETY (DDACTS) GRANT

May 11, 2022

WHEREAS, N. J. S. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant from the Data Driven Approaches to Crime and Traffic Safety (DDACTS) Grant and wishes to amend its 2022 Budget to include a portion of this amount as revenue.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2022 Budget the sum of \$22,500.00 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenues Offset with

Appropriations:

Data Driven Approaches to Crime and Traffic Safety (DDACTS) Grant..... \$22,500.00 pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$22,500.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

Data Driven Approaches to Crime and Traffic Safety (DDACTS) Grant..... \$22,500.00

BE IT FURTHER RESOLVED, that the Township Clerk forward copies of this resolution to the following:

- A) Division of Local Government Services (done electronically)
- B) Chief Financial Officer
- C) Township Auditor
- D) Grant Manager
- E) Police Department

Approved as to Content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY , REJECTING ALL BIDS RECEIVED FOR THE SUPPLY OF SOD FOR VARIOUS TOWNSHIP LOCATIONS, AND AUTHORIZING THE APPROPRIATE TOWNSHIP OFFICIALS TO ADVERTISE FOR THE REBID FOR THIS PURCHASE

MAY 11, 2022

WHEREAS, bids were invited for the Supply of Sod for Various Township Locations; and

WHEREAS, bids were received on May 3, 2022, from the following vendors:

SiteOne Landscape Supply
1385 East 36th Street
Cleveland, OH 44114

East Coast Sod and Seed LLC
596 Pointers Auburn Road
Pilesgrove, NJ 08908

WHEREAS, the bids have been reviewed by the Purchasing Division, and recommendation has been made to reject both bids as being non-responsive;

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

1. It is in the best interest of the Township to reject all of the above-mentioned bids received as non-responsive.

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Bey Lea Golf Course
- e) Recreation
- f) Parks, Buildings & Grounds
- g) Aforementioned bidders

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT FOR THE CONCESSION FOR KAYAK, STAND-UP PADDLEBOARD AND CANOE RENTALS AND LESSONS, TO PADDLE SHARE LLC, AS THE SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS

MAY 11, 2022

WHEREAS, bids were invited for the Concession for Kayak, Stand-Up Paddleboard and Canoe Rentals and Lessons; and

WHEREAS, one bid was received on April 26, 2022, as follows:

Paddle Share LLC
2515 Hiering Rd
Toms River, NJ
08753

A. Flat Concession Fee Per Annum for Two (2) Season Contract Term: Beginning May 28, 2022 and ending September 4, 2023 (Labor Day)	<u>\$3,600.00</u>
Total for two (2) Seasons:	<u>\$7,200.00</u>

WHEREAS, the bid has been reviewed by the Purchasing Division and the Recreation Department, and they recommend that the award of a contract be made to Paddle Share LLC, as the sole bidder meeting all the bid specifications;

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 for the Concession for Kayak, Stand-Up Paddleboard and Canoe Rentals and Lessons, to Paddle Share LLC, as the sole bidder meeting all the bid specifications. The contract term shall be effective for a term of two (2) seasons beginning May 28, 2022 and ending September 4, 2023 (Labor Day).

2. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one year terms after the expiration of the original contract period, contingent upon the approval of the governing body by resolution with the agreement of

the vendor. All terms and conditions of the contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. This contract is subject to all the terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Recreation Department
- e) Paddle Share LLC
2515 Hirling Road
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
PURCHASE OF ONE (1) ADDITIONAL SINGLE-ENGINE HYDROSTATIC PURE
VACUUM SWEEPER FOR THE DEPARTMENT OF PUBLIC WORKS, FROM
NORTHEAST SWEEPERS & RENTALS INC., IN THE TOTAL CONTRACT AMOUNT
NOT TO EXCEED \$248,425.66**

MAY 11, 2022

WHEREAS, bids were invited for One (1) Single-Engine Hydrostatic Pure Vacuum Sweeper, New and Unused, 2021 or Newer, for the Department of Public Works; and

WHEREAS, bids were received on October 14, 2021 and awarded by resolution on November 9, 2021 to Northeast Sweepers & Rentals, Inc. for one (1) Single-Engine Hydrostatic Pure Vacuum Sweeper New and Unused, 2021 or Newer, with the option to purchase up to one (1) additional unit over the next twelve (12) months based upon the availability of funds in the appropriate municipal budget; and

WHEREAS, the Department Public Works Department has requested to purchase one (1) additional unit, as follows:

Single-Engine Hydrostatic Pure Vacuum Sweeper New and Unused 2022 for the Department of Public Works.

Northeast Sweepers & Rentals Inc.
20 Montesano Road
Fairfield, NJ 07004

	Price Per Each
ONE (1) SINGLE-ENGINE HYDROSTATIC PURE VACUUM SWEEPER NEW AND UNUSED	\$ 248,425.66
MAKE CAB / CHASSIS BID:	Ravo
MODEL BID:	5i
YEAR BID:	2021 or newer
DELIVERY DATE:	30 days

WHEREAS, the Division of Purchasing has recommended that a contract be awarded to Northeast Sweepers & Rentals, Inc., 20 Montesano Road, Fairfield, NJ, 07004, for One (1) Single-Engine Hydrostatic Pure Vacuum Sweeper, New and Unused, 2022 for the Department of Public Works, in the total contract amount not to exceed \$248,425.66;

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 Northeast Sweepers & Rentals Inc., for One (1) Single-Engine Hydrostatic Pure Vacuum Sweeper, New and Unused, 2022 for the Department of Public Works, in the total contract amount not to exceed \$248,425.66. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds in the amount of \$248,425.66 are available in Account No. X-04- -257-204. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Northeast Sweepers & Rentals, Inc.
20 Montesano Rd.
Fairfield, NJ 07004

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Northeast Sweepers & Rentals, Inc., in the total contract amount not to exceed \$248,425.66, are available in Account No. X-04- -257-204.

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

JUDITH TUTELA
CERTIFIED FINANCIAL OFFICER

Dated: May 11, 2022

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) TORO 3555 FAIRWAY MOWER FOR THE BEY LEA GOLF COURSE, FROM TURF EQUIPMENT & SUPPLY COMPANY INC., UTILIZING ESCNJ COOPERATIVE CONTRACT #18/19-25, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$60,505.50

MAY 11, 2022

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

May 11, 2022 20

WHEREAS, pursuant to bids received, a contract was awarded to Turf Equipment & Supply Company Inc. by the Educational Services Commission of New Jersey, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Purchasing Division is requesting authorization to purchase One (1) Toro 3555 Fairway Mower for the Bey Lea Golf Course, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$60,505.50, from the following vendor:

**Turf Equipment & Supply Co.
16 Hagerty Blvd.
West Chester, PA 19382
ESCNJ # 18/19-25**

Product	Product ID #	MSRP Pricing	ESC Co-Op
Reelmaster 3555-D	03820	\$52,463.00	\$41,970.40
(5)22" 8 blade Radial Reels	03487	\$20,315.00	\$16,252.00
5" Weight kit for Cut units	03412	\$321.00	\$256.80
Universal Sunshade White	30669	\$887.00	\$709.60
Golf Ball Guard	03614	\$829.00	\$663.20
(5)Rear Roller Scraper Kit 107-	3280	\$417.20	\$333.76
1,000 Hr MVP Filter Kit	44963	\$192.98	\$154.38
(5)Wiehle Scrapers 107-	2993-03	\$206.70	\$165.36
	Total	\$75,631.88	\$60,505.50

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

1. It hereby authorizes the purchase of One (1) Toro 3555 Fairway Mower for Bey Lea Golf Course, from Turf Equipment and Supply Company Inc., utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$60,505.50.

2. Funds in the amount of \$60,505.50 are available in Account No. X-04- - 257-203

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Bey Lea Golf Course
- e) Department of Public Works
- f) Turf Equipment & Supply Company Inc.
16 Hagerty Blvd.

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of One (1) Toro 3555 Fairway Mower from Turf Equipment & Supply Company Inc., in the total maximum amount not to exceed \$60,505.50, are available in Account No. X-04- -257-203.

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

JUDITH TUTELA
CERTIFIED FINANCIAL OFFICER

Dated: May 11, 2022

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE REJECTION OF BIDS RECEIVED FOR THE BEY LEA MUNICIPAL GOLF COURSE RESTAURANT CONCESSION, AS NON-CONFORMING, AND AUTHORIZE THE APPROPRIATE TOWNSHIP OFFICIALS TO REBID FOR THESE SERVICES AFTER REVISING THE BID SPECIFICATIONS

MAY 11, 2022

WHEREAS, bids were invited for Bey Lea Municipal Golf Course Restaurant Concession Services; and

WHEREAS, one bid was received on March 15, 2022 at 11:00 a.m. prevailing time from the following vendor:

Toto Dodo, Inc.
1536 N. Bay Avenue
Toms River, NJ 08753

WHEREAS, the bid has been reviewed by the Purchasing Division and they are rejecting this bid as non-responsive. The bid specifications will be revised and the contract rebid;

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

1. It is in the best interest of the Township to reject the above-mentioned bid received as non-responsive. The bid specifications will be revised and the contract rebid.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Recreation Department
- e) Toto Dodo, Inc.
1536 N. Bay Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP TO UTILIZE STATE CONTRACT T0109, VENDOR #83909, MOTOROLA SOLUTIONS, INC., C/O WIRELESS COMMUNICATIONS ELECTRONICS, FOR THE PURCHASE OF MOTOROLA RADIO COMMUNICATIONS EQUIPMENT FOR THE POLICE DEPARTMENT, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$43,718.85

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

2. State Contract No. T-0109, Vendor No. 83909, for the Purchase of Motorola Radio Communications Equipment for the Police Department, from Motorola Solutions, Inc. c/o Wireless Communications Electronics, for a total contract amount not to exceed \$43,718.85, as follows:

State Contract #T-0109, Vendor # 83909

Motorola Solutions, Inc.
c/o Wireless Communications Electronics
153 Cooper Road
West Berlin, NJ 08091

LIN E #	DESCRIPTION	QTY	UNIT SALE PRICE	TOTAL
1	APX 8000 ALL BAND PORTABLE MODEL 2.5	5	\$4,244.25	\$21,221.25
1A	Q806CB ADD: ASTRO DIGITAL CAI OPERATION	5	\$386.25	\$1,931.25
1B	Q361AN ADD: P25 9600 BAUD TRUNLING	5	\$225.00	\$1,125.00
1C	QAO0580AA ADD: TDMA OPERATION	5	\$337.50	\$1,687.50
1D	Q15AJ ADD: AES/DES-XL/DES- OFB ENCRYPTION AND ADP	5	\$112.50	\$562.50
1E	ADD: GROUP SERVICES	5	\$112.50	\$562.50
1F	ADD: OUT OF THE BOX WIFI PROVISIONING	5	\$0.00	\$0.00
1G	ADD: WIFI CAPABILITY	5	\$225.00	\$1,125.00
1G	ENH: ASTRO 25 OTAR W/MULTIKEY	5	\$555.00	\$2,775.00
1I	ADD: ENHANCED DATA APX	5	\$112.50	\$562.50
1J	ADD: SMARTZONE OPERATION	5	\$900.00	\$4,500.00
1K	ADD: SMARTCONNECT	5	\$0.00	\$0.00
1L	ADD: PROGRAMMING OVER P25 (OTAP)	5	\$75.00	\$375.00
1M	ADD: 5Y ESSENTIAL ACCIDENTAL DAMAGE	5	\$482.00	\$2,410.00
1N	ADD: APX6000/7000/8000 RFID STANDARD KNOB	5	\$18.75	\$93.75
1O	ADD: APX PERSONNEL ACCOUNTABILITY	5	\$187.50	\$937.50
4	BATT IMPRES 2 LIION R IP67 3400T	5	\$85.20	\$426.00

5	CHARGER,SINGLE-UNIT, IMPRES 2, 3A, 115VAC	5	\$120.00	\$600.00
6	CARRY ACCESSORY-CASE, APX6000 CC 2.75 SWLBL TIA BATTERY	5	\$68.26	\$341.30
7	AUDIO ACCESSORY, XVP850 REMOTE SPEAKER MICROPHONE, WITH CHANNEL KNOB	5	\$406.08	\$2,030.40
8	RX ONLY XL CLEAR TUBE EARPIECE, 3.5MM JACK	5	\$60.48	\$302.40
9	DEVICE PROGRAMMING	1	\$150.00	\$150.00
			TOTAL	\$43,718.85

3. Funds in the amount of \$43,718.85 are available in Account No. X-04- -258-001.

Contract with: Motorola Solutions, Inc.
c/o Wireless Communications Electronics
153 Cooper Road
West Berlin, NJ 08091

State Contract No. T0109

Vendor No. 83909

Account No. X-04- -258-001

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Police Department
- e) Motorola Solutions, Inc.
c/o Wireless Communications Electronics
153 Cooper Road
West Berlin, NJ 08091

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract for vendor with State contract, Motorola Solutions, Inc. c/o Wireless Communications Electronics, in the total maximum contract amount not to exceed \$43,718.85, are available in Account No. X-04- -258-001

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

JUDITH TUTELA
CERTIFIED FINANCIAL OFFICER

Dated: May 11, 2022

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS BLOCK 231, LOT 15 (1880 Church Road)

May 11, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 231, Lot 15.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #S336127 in the amount of \$23,580.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$2,620.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$5,000.00 which represents the Safety and Stabilization guarantee.
- 4) Check in the amount of \$1,440.00 which represents the escrow fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by Rossi General Contracting, Inc., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Rossi General Contracting, Inc.
954 Fischer Blvd
Toms River NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS WAWA BLOCK 1092.01, LOT 1.01 FOR A TRASH ENCLOSURE AND FUEL TANK (179 Route 37 East)

May 11, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa Block 1092.01, Lot 1.01.

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

- 1) Cash Bond in the amount of \$450.00 currently on deposit in account # X-19- -601-801 is hereby released;
- 2) Cash Bond in the amount of \$3,600.00 currently on deposit in account # X-19- -601-785 is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Wawa, Inc
260 West Baltimore Pike
Wawa, PA 19063

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 578, LOT 3.01 AND 3.03 (1201 Hooper Avenue)

May 11, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 578, Lots 3.01 & 3.03.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$27,280.00 which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

- 1) Previously posted Surety Bond # 106939198 in the amount of \$245,520.00 currently on account is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Simon Property Group, LP
1099 RPT P.O. Box 7066
Indianapolis, IN 46207

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE
GUARANTEES FOR A MINOR SITE PLAN KNOWN AS WAWA, BLOCK 364, LOT
85
(1680 Lakewood Road)**

May 11, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Wawa, Block 364, Lot 85.

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 \$880.00 currently on deposit in account # X-19- -601-802 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. Wawa, INC.
260 West Baltimore Pike
Wawa, PA 19063

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE MAYOR TO
EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A LICENSE AGREEMENT
WITH THE COUNTY OF OCEAN AND THE OCEAN COUNTY UTILITIES
AUTHORITY FOR EMPLOYEE PARKING AND STORAGE OF CERTAIN
MATERIALS AND EQUIPMENT ON THE LICENSED PREMISES,
BLOCK 1033, LOT 1**

MAY 11, 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 Township Clerk to attest to a License Agreement on behalf of Toms River Township with the Ocean County Utilities Authority and the County of Ocean relating to a portion of the Ocean County Utilities Authority premises, located on Fielder Avenue, Block 1033, Lot 1, together with the County of Ocean, the purpose of which shall be to allow the Township of Toms River and the County of Ocean to provide employee parking and to store certain materials and equipment on the licensed premises for a period of one (1) year commencing on June 1, 2022 and ending on May 31, 2023. Said agreement provides that no charge shall be incurred by the Township. A copy of the License Agreement and Exhibits "A" and "B" are attached to this resolution as Schedule "A", and made a part hereof.

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

- a) Township Attorney
- b) Business Administrator
- c) Chief Financial Officer
- d) Township Engineer
- e) Public Works Department
- f) Recreation Department
- g) Kathleen Balassone
Executive Assistant
Ocean County Utilities Authority
501 Hickory Lane
PO Box "P"
Bayville, NJ 08721

SCHEDULE "A" - SEE ATTACHMENTS

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING RENEWAL OF A
GENERAL SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF
TOMS RIVER AND TOMS RIVER MUNICIPAL UTILITIES AUTHORITY FOR
VARIOUS SERVICES**

MAY 11, 2022

WHEREAS, the Township of Toms River and the Toms River Municipal Utilities Authority are both Public Agencies serving the residents of Toms River Township; and

WHEREAS, each Agency may possess specialized equipment, resources, and expertise of each individual Agency; and

WHEREAS, it is deemed in the best interest of the Public for these Agencies to share such equipment, resources, and expertise;

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 Deputy Municipal Clerk to attest to the renewal of a General Shared Services Agreement between the Township of Toms River and the Toms River Municipal Utilities Authority, wherein the parties hereto shall provide for the sharing of resources and services including but not limited to:

- a. The construction of any or all capital improvements as may be authorized by the Agencies from time-to-time, including construction supervision services;
- b. Snow plowing services, e.g., salt, sanding, etc.;
- c. Road construction, maintenance, and repair;
- d. Printing services;
- e. Transportation services;
- f. Custodial services;
- g. Heat, venting, and air conditioning maintenance and repair;
- h. Public building and grounds maintenance and repair;
- i. Engineering and design services;
- j. Surveying services;
- k. Trash collection and disposal;
- l. Vehicle purchasing, maintenance, and repair;
- m. Financial and auditing services;
- n. Information technology, including computer and internet services, maintenance, and repair;
- o. Security and law enforcement services;
- p. Employee labor;
- q. Fuel services; and

r. Sign shop.

A copy of the Shared Services Agreement is attached hereto as Schedule "A" and made a part of this resolution.

2. If during the course of sharing these resources of labor and equipment, labor overtime costs, or out-of-pocket expenses are incurred, it is agreed that these costs will be reimbursable to the providing Agency by the Agency receiving the services.

3. The Administrator of the Township of Toms River and the Executive Director of the Toms River Municipal Utilities Authority or their designee(s) shall have the authority to approve or disapprove any request for sharing of equipment, resources, or services.

4. The term of this Agreement shall be commence retroactive to January 1, 2022 through December 31, 2024. It is the intent to renew this Shared Services Agreement, however, the Agreement may be terminated by either Agency during its term.

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

- a) Township Attorney
- b) Certified Financial Officer
- c) Public Works Department
- d) Recreation Department
- e) Purchasing Division
- f) Engineering Department
- g) Business Administrator
- h) Mayor Maurice B. Hill, Jr.
- i) Parks, Buildings & Grounds
- j) Toms River Municipal Utilities Authority
340 West Water Street
Toms River, N.J. 08753
Attn: Bernard Rutkowski
Executive Director

Laurie Singer, 113 Garfield Avenue, I am a fully licensed massage therapist. Wondering what this is for?

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

RESOLUTION

May 11, 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

**15-22 Massage Haven
 917 Route 166
 Toms River, NJ 08753**

**16-22 Queen Spa
 1231 Route 166 #2
 Toms River, NJ 08753**

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

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

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

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

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

RESOLUTION CHANGING CUSTODIAN OF THE DEPARTMENT OF SENIOR SERVICES PETTY CASH FUND

May 11, 2022

WHEREAS, JoAnn Benson and Lynda Valeri are the custodians of the Department of Senior Services Petty Cash Fund; and

WHEREAS, in accordance with N. J. S. A. 40A:5-21 the Township Council of the Township of Toms River is changing the custodians of the Department of Senior Services Petty Cash Fund from JoAnn Benson/Lynda Valeri to Maria Maruca/Alison Carlisle; and,

WHEREFORE, Maria Maruca and Alison Carlisle are bonded in the amount of \$50,000.00 by virtue of a surety bond.

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, in the County of Ocean and State of New Jersey, hereby authorizes such action and two copies of this Resolution be filed with the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

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) Director, Division of Local Government Services
- b) Business Administrator
- c) Township Attorney
- d) Township Auditor
- e) Director of Finance/CFO
- f) Affected Department Head

Approved as to Content:

Council Member Lamb wants to see a fee for audit.

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

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year **2021** has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the *Council of the Township of Toms River*, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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

- a) Township Clerk
- b) Chief Financial Officer

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AND ACCEPTING THE NAME CHANGE OF VENDOR FOR PUBLIC INFORMATION CONSULTING SERVICES FROM DIRECT DEVELOPMENT LLC TO CHERRONIA LLC D/B/A DIRECT DEVELOPMENT LLC, DUE TO A CHANGE OF OWNERSHIP, EFFECTIVE IMMEDIATELY

MAY 11, 2022

WHEREAS, by resolution dated March 23, 2022, the Township Council awarded a contract to Direct Development LLC, 97 Apple St., Suite 2, Tinton Falls, NJ, 07724, for Public Information Consulting Services through the competitive contracting process, in accordance with NJSA 40A:11-4.1; and

WHEREAS, letter dated April 21, 2022, from Direct Development LLC, advised the Township that Direct Development LLC changed ownership on March 15, 2022, to Cherronia LLC D/B/A Direct Development LLC, 1970 Brunswick Ave., Suite 2, Lawrenceville, NJ, 08648; and

WHEREAS, the Township Council authorizes acceptance of the vendor name change from Direct Development LLC to Cherronia LLC D/B/A Direct Development LLC, under the same contractual terms and conditions as originally awarded to Direct Development LLC by resolution dated March 23, 2022, continuing through the balance of the contract term with the Township of Toms River;

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

1. It hereby authorizes acceptance of the vendor name change from Direct Development LLC to Cherronia LLC D/B/A Direct Development LLC, effective immediately, for the balance of the contractual term, with the Township of Toms River.

2. All other terms and conditions of the original contract awarded by resolution dated March 23, 2022, remain unchanged and in full force and effect through the remainder of the stated contractual term.

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

- a) Business Administrator
- b) Township Attorney
- c) Certified Financial Officer
- d) Purchasing Division
- e) IT Department
- f) Cherronia, LLC
1970 Brunswick Ave., Suite 2
Lawrenceville, NJ 08648
- g) Direct Development, LLC
97 Apple St., Suite 2
Tinton Falls, NJ 07724

Council Member Rodrick questioned the following Resolution.

Council Member Lotano mentioned that notes are short term debt.

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

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER
PROVIDING FOR AN ISSUE OF GENERAL
IMPROVEMENT BONDS AUTHORIZING THE SALE OF
\$32,490,000 PRINCIPAL AMOUNT OF GENERAL
IMPROVEMENT BONDS, SERIES 2022, AUTHORIZING
ADVERTISEMENT OF A NOTICE OF SALE;
AUTHORIZING THE CHIEF FINANCIAL OFFICER TO
SELL AND AWARD THE BONDS; DETERMINING THE
FORM AND OTHER DETAILS OF THE BONDS; AND
AUTHORIZING OTHER MATTERS RELATING
THERE TO.**

WHEREAS, the Township of Toms River, in the County of Ocean, New Jersey (the "Township") has adopted the Bond Ordinances listed on the attached **Appendix A** (collectively, the "Bond Ordinances") authorizing the issuance of obligations of the Township for the purpose of financing the general improvements described in the Bond Ordinances; and

WHEREAS, the Township Council has determined to finance permanently a portion of the costs of the general improvement projects undertaken pursuant to the Bond Ordinances by the issuance of \$32,490,000 principal amount of general improvement bonds of the Township, unless adjusted pursuant to Section 9 hereof; and

WHEREAS, the Township Council has determined to proceed with the public sale of said bonds for the purposes authorized in the Bond Ordinances.

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

Section 1. General Improvement Bonds, Series 2022, Authorization of Sale. The principal amount of general improvement bonds authorized to be issued pursuant to the Bond Ordinances described in **Appendix A** hereto shall be issued as "General Improvement Bonds, Series 2022", in the aggregate principal amount of \$32,490,000 unless adjusted pursuant to Section 9 hereof (the "Bonds"), and are authorized to be sold in accordance with the terms of this Resolution.

The average period of usefulness for the general improvements financed by the Bonds is 23.42131533 years.

Section 2. Public Sale of Bonds. The Bonds shall be issued and sold at a public sale upon electronic bids, in accordance with Section 8 hereof and the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented.

Section 3. Description of the Bonds. The Bonds shall be dated the date of delivery, shall be in book-entry only form, shall bear interest at the rate or rates specified by the successful bidder therefor in accordance with the Notice of Sale hereinafter provided for, said interest to be payable on June 1 and December 1, commencing on June 1, 2023 and shall mature on June 1 in the following years and amounts:

GENERAL IMPROVEMENT BONDS, SERIES 2022

<u>Year</u>	<u>Principal Amount</u>
2023	\$900,000
2024	1,680,000

2025	1,730,000
2026	1,780,000
2027	1,800,000
2028	1,800,000
2029	1,400,000
2030	1,400,000
2031	1,400,000
2032	1,400,000
2033	1,400,000
2034	1,400,000
2035	1,800,000
2036	1,800,000
2037	1,800,000
2038	1,800,000
2039	1,800,000
2040	1,800,000
2041	1,800,000
2042	1,800,000

The Bonds shall contain such other terms and conditions as are specified in the Notice of Sale, approved in Section 5 hereof (the "Notice of Sale"), and in the form of the Bonds, approved in Section 12 hereof.

Section 4. Redemption. (A) The Bonds maturing prior to June 1, 2032 are not subject to redemption prior to their stated maturity. The Bonds maturing on or after June 1, 2032 are subject to redemption, at the option of the Township, prior to their stated maturity and upon notice as hereinafter provided, at any time on or after June 1, 2031, in whole or part from such maturities as the Township shall determine and by lot within a single maturity, at the redemption price of 100% of the principal amount to be redeemed together with unpaid interest accrued to the redemption date.

(C) Any Bond subject to redemption as aforesaid may be called in part, provided that the portion not called for redemption shall be in the principal amount of \$5,000 or any integral multiple thereof. If less than all of the Bonds of a particular series and maturity are to be redeemed, Bonds of that series and maturity shall be selected by the Chief Financial Officer (or, if appointed pursuant to Section 14 hereof, the Paying Agent) by lot.

When any Bonds are to be redeemed, the Chief Financial Officer (or, if appointed by Section 14 hereof, the Paying Agent) shall give notice of the redemption of the Bonds by mailing by first class mail in a sealed envelope with postage prepaid to the registered owners of any Bonds or portions thereof which are to be redeemed not less than thirty (30) days, nor more than sixty (60) days prior to the date fixed for redemption. Such mailing shall be to the owners of such Bonds at their respective addresses as they last appear on the registration books of the Township. Notice of redemption having been given as aforesaid, the Bonds, or portions thereof so to be redeemed, shall, on the date fixed for redemption, become due and payable at the redemption price specified therein plus accrued interest to the redemption date and, upon presentation and surrender thereof at the place specified in such notice, such Bonds, or portions thereof, shall be paid at the redemption price, plus accrued interest to the redemption date. On and after the redemption date (unless the Township shall default in the payment of the redemption price and accrued interest), such Bonds shall no longer be considered as outstanding.

During any period in which The Depository Trust Company (or any successor thereto) shall act as securities depository for the Bonds of any series, the notices referred to above shall be given only to such depository and not to the beneficial owners of the Bonds of such series. Any failure of such depository to advise any of its participants or any failure of any participant to notify any beneficial owner of any notice of redemption shall not affect the validity of the redemption proceedings.

Section 5. Approval of Notice of Sale. The Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as **Appendix B** and made a part hereof.

Section 6. Approval of Summary Notice of Sale. The Summary Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as **Appendix C** made a part hereof.

Section 7. Publication of Notice of Sale and Summary Notice of Sale. The Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Asbury Park Press, a newspaper circulating in the Township, and the Summary Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Bond Buyer, and/or such other nationally recognized local government bond marketing publication or electronic information service carrying municipal bond notices and devoted primarily to the subject of state and municipal bonds. The advertisement of said Notice of Sale and Summary Notice of Sale in each such medium shall be published not less than seven (7) days prior to the sale date for the Bonds. The Township Clerk or the Deputy Township Clerk, the Chief Financial Officer and such other appropriate officials are hereby authorized and directed to publish the Notice of Sale and Summary Notice of Sale as aforesaid.

Section 8. Designation of Chief Financial Officer to Award Bonds. Electronic proposals for the purchase of the Bonds shall be received by the Chief Financial Officer on such date as shall be determined by the Chief Financial Officer and set forth in the Notice of Sale and

the Summary Notice of Sale, or such later date as may be established by the Chief Financial Officer in accordance with Section 9 hereof. Electronic proposals will be received via the "PARITY Electronic Bid System" (PARITY), a nationally recognized electronic securities bidding service approved by the Director of the Division of Local Government Services (the "Director") in the Department of Community Affairs, in an open auction in accordance with the terms and conditions set forth in the Notice of Sale authorized herein. Such proposals shall be received and announced in accordance with the Notice of Sale authorized herein. The Township Council hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with this Resolution and the Notice of Sale. The Chief Financial Officer is hereby directed to report, in writing, to the Township at its first meeting after the sale of the Bonds as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

Section 9. Adjustment to Maturity Schedule. The Township may and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of bonds as specified herein and as adjusted will not exceed the amount authorized by the Ordinances. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount as calculated from the bid and the Initial Public Offering Prices required to be delivered to the Township as stated herein. The Township shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., New Jersey time, on the day of the sale and award of the Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

Section 10. Postponement of Sale. The Chief Financial Officer is hereby delegated the authority (if the Chief Financial Officer deems it to be in the best interests of the Township) (i) to postpone from time to time the sale of the Bonds from the date specified in the Notice of Sale (or, in the case of a rescheduled sale, from such rescheduled date), in each case upon not less than 24 hours' notice (to the extent practicable), and (ii) to reschedule such sale upon not less than 48 hours' notice. Notice of any such postponement and rescheduling shall be given in the manner specified in the Notice of Sale. In the event of any such postponement and rescheduling, the Chief Financial Officer may (and shall, if required by the Local Bond Law) cause a revised Notice of Sale and a revised Summary Notice of Sale to be prepared and published.

Section 11. Authorization for Official Statement. The distribution by the Township, and its Municipal Advisor, of the Preliminary Official Statement relating to the Bonds (a draft of

which is attached hereto as **Exhibit A** and shall be filed with the records of the Township) is hereby approved in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof. The Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect. The Chief Financial Officer is hereby authorized to approve the contents and terms of the final Official Statement in respect of the Bonds in substantially the form of the Preliminary Official Statement. The Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the Township, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof.

Section 12. Approval of Form of Bonds. The form of the Bonds, substantially as set forth in **Appendix D** attached hereto and made a part hereof, is hereby approved. The Bonds shall be executed in the name of the Township by the manual or facsimile signature of the Mayor and the Chief Financial Officer and the seal of the Township, or a facsimile impression thereof, shall be affixed to the Bonds and attested by the manual signature of the Township Clerk or the Deputy Township Clerk.

Section 13. Appointment of Securities Depository. The Depository Trust Company, New York, New York ("DTC"), shall act as securities depository for the Bonds. The ownership of one fully registered bond for each maturity of Bonds, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive certificated Bonds and will not be the registered owner thereof. Ownership interests in the Bonds may be purchased by or through DTC Participants. Each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the Township nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The appropriate officers of the Township are hereby authorized to execute a Letter of Representation to DTC and such other documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds of any series at any time by giving notice to the Township and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the Township shall designate a successor securities depository or deliver certificates to the beneficial owners of the Bonds.

Section 14. Appointment of Paying Agent and Bond Registrar. The Chief Financial Officer is hereby delegated the authority to appoint any bank, trust company or national banking association having the power to accept and administer trusts to serve as Paying Agent and Bond Registrar for the Bonds. The Paying Agent and Bond Registrar shall signify its acceptance of the duties imposed upon it by this Resolution by a written certificate delivered to the Township prior to the delivery of the Bonds.

Section 15. Tax Covenant. The Township hereby covenants with the holders from time to time of the Bonds and Notes that it will make no investment or other use of the proceeds of such Bonds or Notes or take any further action (or refrain from taking such action) which would cause such Bonds or Notes to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on such Bonds or Notes not to be excludable from gross income for federal income tax purposes, and that it will comply

with the requirements of the Code and said regulations throughout the term of such Bonds or Notes.

Section 16. Pledge of Township. The full faith and credit of the Township is hereby pledged for the payment of the principal, redemption premium, if any, and interest on the Bonds and Notes. The Bonds and Notes shall be direct obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the principal of and interest on the Bonds and Notes without limitation as to rate or amount.

Section 17. Continuing Disclosure. The form of the Continuing Disclosure Certificate for the Bonds (the "Continuing Disclosure Certificate"), in substantially the form attached hereto as **Appendix E**, is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the Township is hereby authorized. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the Township and dated the date of issuance and delivery of the Bonds, as originally executed and as they may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the Township to comply with the Continuing Disclosure Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such actions as may be necessary and appropriate, including seeking specific performance by court order, to cause the Township to comply with its obligations under this Section.

Section 18. Further Action. The proper officers of the Township are hereby authorized and directed to take all such action as may be necessary to affect the issuance and delivery of the Bonds.

Section 19. Effective Date. This Resolution shall take effect immediately.

Adopted: May 11, 2022

CERTIFICATE

I, Michael C. Cruogilo, Deputy Township Clerk of the Township of Toms River, in the County of Ocean, New Jersey, HEREBY CERTIFY that the foregoing copy of the resolution of the Township Council, duly adopted on May 11, 2022, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this __9th ____ day of __May, 2022.

Michael C. Cruogilo, Deputy Township Clerk

[SEAL]

Council Member Rodrick questioned the following Resolution.

Township Planner Roberts mentioned it is for a 52,000 square feet office building.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 172, LOT 53 (1897 Lakewood Road)

May 11, 2022 37

May 11, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 172, Lot 53.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #800130947 in the amount of \$177,759.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$19,751.00 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$7,437.75 which represents the Safety and Stabilization guarantee.
- 4) Check in the amount of \$13,626.87 which represents the escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by 1897 Lakewood Road., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. 1897 Lakewood Road
701 Cross Street
Lakewood NJ 08701

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.

Building Department

	2022	2021
Building Permits – April	\$310,100.00	\$370,584.00
Building Permits – YTD through April	\$1,324,240.00	\$1,095,583.00

	2022	2021
Bey Lea Golf Course- April	\$167,201.42	\$144,232.14
Bey Lea Golf Course- YTD through April	\$311,268.57	\$318,166.87
Winding River Ice Rink- April	\$78,425.00	\$71,708.00

Winding River Ice Rink- YTD through April	\$415,307.98	\$301,397.39
Pool Badges- Week 5	\$150.00	\$675.00
Beach Badges- Week 5	\$96,165.00	\$190,725.00

Recreation Department

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **May 6, 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 22-02500, payable to Silverton First Aid Squad, Inc., in the amount of \$1,169.16.

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

Purchase Order 22-02761, payable to Holman Frenia Allison, PC in the amount of \$30,000.00.

Council Member Ciccozzi – None

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

Purchase Order 22-02225, payable to Oceans Harbor House in the amount of \$2,000.00.

Purchase Order 22-02611, payable to Owen Little & Associates, Inc., in the amount of \$7,150.00.

Purchase Order 22-02500, payable to Silverton First Aid Squad, Inc., in the amount of \$1,159.16.

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 \$15,800.00.

Purchase Order 22-02648, payable to Magistrate Salaries in the amount of \$6,937.41.

Purchase Order 22-02761, payable to Holman Frenia Allison, PC in the amount of \$30,000.00.

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

Purchase Order 22-02240, payable to IPlay America in the amount of \$250.00.

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

Purchase Order 22-02761, payable to Holman Frenia Allison, PC in the amount of \$30,000.00.

ELECTED OFFICIALS COMMENTS

Council Member Lamb spoke regarding beach erosion in Ortley Beach. Residents are happy with pickle ball courts. Railings removed from boardwalk and will be replaced.

Council Member Quinlisk spoke regarding downtown night out; Toms River Fire Company District Two 100th Anniversary Event on Saturday.

Council Member Rodrick Congratulated Lynn O'Toole for being re-elected President of Holiday City; and spoke about increasing property taxes.

Council Member Lotano spoke regarding downtown night Saturday, May 14, 2022; thanked Building and Ground for a great job opening parks and fields.

Council Member Kopp spoke regarding food truck ordinance which came from small business committee; spoke on parent's bill of rights from last council meeting.

Council Member Ciccozzi said we live in a great town and we are going to keep moving forward, and commends planning board.

Council Member Geoghegan had no comments.

Mayor Hill thanked council for support on eminent domain/open space purchases. He also spoke on beach erosion following recent storms.

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, spoke on medical marijuana and land use committee agenda.

Kevin Laugo, 1021 Bell Street, asked about paving Vaughn Avenue.

Rick Norman, Garden State Distillery owner, spoke about ordinance #9 and support it will have on downtown Toms River.

Mike Weims, Ortley Beach Voters and Taxpayers Associates, said there's no easy solution for beach erosion, and spoke regarding walkovers.

Debbie Martin, 1921 Ocean Avenue, Ortley Beach, spoke about beach erosion and lack of beach replenishment.

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

No other business appearing, the meeting was **adjourned** at 7:38 P. M., on motion with Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

May 11, 2022 40

MICHAEL CRUOGLIO, DEPUTY CLERK