

May 24, 2023

A **Regular Meeting** of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, and Toms River, New Jersey at 6:01 PM.

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Friday, **January 6, 2023**, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBM News on Thursday **January 5, 2023**, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on Tuesday, **January 3, 2023**. The meeting dates have also been posted on the Township web page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Lamb, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Rodrick, Council Vice-President Geoghegan and with Council President Lotano voting yes, to approve the Minutes of the **Regular Meeting of May 10, 2023**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Mayor Hill and Council Members presented a proclamation to Eagle Scout Dawson Fournier.

Township of Toms River

Proclamation

Eagle Scout Dawson Fournier

May 24, 2023

WHEREAS, Dawson Fournier is a graduated member of BSA Troop 20 of the Jersey Shore Council of the Boy Scouts of America of Toms River, New Jersey and has earned the highest honor in BSA - the rank of **Eagle Scout**; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of 22 months tenure, have earned at least 7 skill awards, logged a minimum of 18 hours community service time, served at least 16 months as a troop leader in 3 of 11 leadership positions, and have amassed at least 21 badges (13 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, starting Cub Scouts with Pack 57 and crossing over to Boy Scout Troop 20 in 2016, Dawson worked through the ranks of Scout, Tenderfoot, Second Class, First Class, Star and Life Scout by 2019. When the world went virtual, Dawson continued learning scout skills and taking classes online and made a teaching video to help facilitate his troop to earn their Personal Fitness merit badge. At that time in Troop 20, there were close to 30 other scouts, with a large gap between older and younger scouts – none in the middle – so Dawson, along with 3 other scouts put their own advancement on hold so they could help teach the younger scouts, helping them advance so they would be able to carry the troop as the older scouts left the troop. Dawson has earned 38 merit badges and 3 Eagle Palms, the National Outdoor Achievement Award for Camping and the National Outdoor Achievement Award for Camping Gold Device #1, served as Troop Bugler, Librarian, Troop Guide, Assistant Patrol Leader and Patrol Leader and Den Chief for Cub Scout Pack 92. Dawson is grateful to Troop 20's leaders for instilling the virtues of scout law and scout oath in him, teaching him service above self and a strong respect for patriotism; and

WHEREAS, Dawson's Eagle Scout project was inspired by a family he met while at a fundraiser for Toms River Township Mobile Sensory Trailer whose son uses a special program on an iPad device to assist in his communication. He decided to create a replica of the "playground" screen for this boy and his friends at his school, meeting with Mr. Gray, Principal at East Dover and a team of teachers to research icons useful for kids to use while on the playground. He designed the board, working with Girtain Signs, with installation by John Swenson and Keith Wallace, maintenance groundsmen, making it possible for all children to easily communicate wants and needs and especially to make friends. Dawson intends to share his design and digital files throughout Toms River Schools to bring inclusivity and communication district wide.

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 **Dawson Fournier** 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

Matthew W. Lotano
Council President

Kevin M. Geoghegan
Council Vice-President

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Jim Quinlisk

Daniel T. Rodrick

Mayor Hill and Council Members presented a proclamation to Eagle Scout Nicholas Pape.

Township of Toms River

Proclamation

Eagle Scout Nicholas Pape

May 24, 2023

WHEREAS, *Nicholas “Nick” Pape is a graduated member of BSA Troop 20 of the Jersey Shore Council of the Boy Scouts of America of Toms River, New Jersey and has earned the highest honor in BSA - the rank of Eagle Scout; and*

WHEREAS, *to achieve the rank of Eagle Scout, a scout must have a minimum of 22 months tenure, have earned at least 7 skill awards, logged a minimum of 18 hours community service time, served at least 16 months as a troop leader in 3 of 11 leadership positions, and have amassed at least 21 badges (13 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, *Nick started his scouting journey in Tiger Scouts, continued through Webelos, earning his Arrow of Light, crossing over into Boy Scout Troop 20 in 2016. Nick has served as Troop Librarian and Troop Guide, the latter of which helps scouts work through the requirements to earn their first rank. Nick became a member of the Order of the Arrow by completing The Ordeal initiation weekend. He attended summer camps and earned 31 merit badges, 2 Eagle Palms, America the Beautiful Hometown Hero award for conservation work and the Outdoor Activity award. Nick’s favorite activities include kayaking trips, camping at Jenny Jump State Park, attending the State Police Camporee and a trip to Washington, DC to lay a wreath at the grave of a former Boy Scout buried in Arlington National Cemetery; and*

WHEREAS, *the beneficiary of Nick’s Eagle Scout Project was The Caring Closet at Cedar Grove Elementary School where Nick was a former student. Ms. Harxhi runs the program and she distributes items such as water bottles, lunch boxes, headphones, spiritwear and toiletries to students in need. Nick organized a drive to collect these items to re-supply the closet for the current school year. Nick also enlisted Ms. Harxhi to identify some children who would like a bike but would not be able to purchase one. He used the money from his scout account through fundraising to purchase 6 bicycles, and members of Troop 2 helped him assemble the bikes and distribute them to the kids. Nick also purchased helmets and his grandparents donated head and taillights for each bike.*

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 **Nicholas Pape** 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

Matthew W. Lotano
Council President

Kevin M. Geoghegan
Council Vice-President

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Jim Quinlisk

Daniel T. Rodrick

Eagle Scout Austin Scott Lisa had to reschedule for a later Council Meeting.

Mayor Hill and Council Members presented a proclamation to Eagle Scout Henry Sohl.

Township of Toms River
Proclamation
Eagle Scout Henry Sohl
May 24, 2023

***WHEREAS, Henry Sohl** is a graduated member of BSA Troop 20 of the Jersey Shore Council of the Boy Scouts of America of Toms River, New Jersey and has earned the highest honor in BSA - the rank of **Eagle Scout**; and*

***WHEREAS,** to achieve the rank of Eagle Scout, a scout must have a minimum of 22 months tenure, have earned at least 7 skill awards, logged a minimum of 18 hours community service time, served at least 16 months as a troop leader in 3 of 11 leadership positions, and have amassed at least 21 badges (13 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,** Henry has been active in scouting since Kindergarten and as a Cub Scout, he earned all cub ranks and the Arrow of Light. After crossing over to Boy Scouts, Henry served in a variety of leadership roles and, following his attendance of National Youth Leadership Training (NYLT), he served as Senior Patrol Leader in Troop 20. In May of 2022, Henry earned his Eagle Award; and*

***WHEREAS,** the beneficiary of Henry's Eagle Scout was St. Justin the Martyr Roman Catholic Church in Toms River. Henry created a lending library and completed landscaping renovations for the church.*

***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 **Nicholas Pape** 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

Matthew W. Lotano
Council President

Kevin M. Geoghegan
Council Vice-President

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Jim Quinlisk

Daniel T. Rodrick

Mayor Hill and Council Members presented a proclamation to 2023 Memorial Day Parade Grand Marshall, Captain Jerry Wagner.

Township of Toms River
Proclamation
2023 Memorial Day Parade Grand Marshall
Captain Jerry Wagner, United States Army and Military Intelligence
May 24, 2023

WHEREAS, Captain Jerry Wagner, United States Army, Command Military Intelligence has been named by the George P. Vandever Post No. 129 American Legion as Grand Marshall and guest speaker at the 2023 Toms River Memorial Day Parade; and

WHEREAS, Capt. Wagner first deployed in the United States Army in 2004 to Iraq, initially spending a few weeks in Baghdad before moving to Anbar Province, spending the fall of 2004 in the second battle of Fallujah, where there was heavy fighting and as part of the Army unit that provided support by fire about 1/3 of a mile from the city center, while the Marines and other Army units cleared the city; and

WHEREAS, Capt. Wagner's second deployment in 2006 was with the force that took over the city of Ramadi where they occupied an Iraqi lady's home and politely asked her to leave and lived in the house for about 6 months and they developed the Combat Out Post (COP) Falcon where they lived and set up about 5 other Combat Out Posts. A SEAL team worked with them from Navy SEAL Team 3, providing sniper and counter-sniper work. Of note is that in the movie "American Sniper" about Navy SEAL Chris Kyle, these 2 deployments were the first 2 deployments shown in the movie and Chris Kyle's SEAL team worked in the same areas of the city as did Capt. Wagner. (*Capt. Wagner named his youngest son Christopher Michael Kyle as a tribute to Chris Kyle.*) Navy SEAL Marcus Luttrell from "Lone Survivor" was also in Ramadi in 2006. Books have been written about the actions in this city as well as the historic significance of the awakening; and

WHEREAS, Capt. Wagner was deployed to Egypt in 2008 as a peacekeeping force, with this deployment being fairly insignificant, other than a strategic peacekeeping mission; and

WHEREAS, Capt. Wagner also supported Iraq and Afghanistan deployments with intelligence support from the United States. He provided a portion of the commanding General's daily read book for about 4 months when American forces returned to Iraq in 2015.

NOW, THEREFORE, I, MAURICE B. HILL, JR., MAYOR of the Township of Toms River, with the full concurrence of the **Township Council** are greatly honored to have **United States Army Captain Jerry Wagner** serve as the **Grand Marshall of the upcoming 2023 Memorial Day Parade and guest speaker at the event.**

Maurice "Mo" B. Hill, Jr., Mayor

Matthew W. Lotano
Council President

Kevin M. Geoghegan
Council Vice-President

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Jim Quinlisk

Daniel T. Rodrick

Robert Hudak introduced Township Secretary of Community Development, Kim Bauer, and presented her with a clock for her retirement.

Michael Cruoglio, Township Clerk read the following Ordinance by title only to be considered for adoption:

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ACQUISITION, BY PURCHASE, FOR PRESERVATION AS OPEN SPACE OF BLOCK 393.03, LOT 3, (ST. JOSEPH WHITTY ROAD SITE), CONSISTING OF APPROXIMATELY 21 ACRES IN TOTAL ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, FOR THE PURCHASE PRICE AMOUNT NOT TO EXCEED \$3.7 MILLION, TO BE PAID OUT OF THE OPEN SPACE TRUST FUND

WHEREAS, the Mayor and Township Council of the Township of Toms River wish to acquire for preservation as open space, Block 393.03, Lot 3, (ST. Joseph Whitty Road Site), as identified on the Official Tax Map of the Township of Toms River, Ocean County, New Jersey; and

WHEREAS, the Mayor and Township Council believe that this acquisition would be in the best interest of the Township of Toms River because it would expand the Township's open space inventory:

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

1. The Mayor and Township Council of the Township of Toms River wish to acquire for preservation as open space, Block 393.03, Lot 3, (St. Joseph Whitty Road Site), as identified on the Official Tax Map of the Township of Toms River, Ocean County, New Jersey.

2. The purpose of this Ordinance is to promote the goal of expanding the Township's open space inventory.

3. The total purchase price for the parcel acquired shall not exceed the sum of \$3.7 Million, to be paid out of the Open Space Trust Fund, established pursuant to Chapter 95 of the Township Code.

4. The Township of Toms River is empowered by N.J.S.A. 40A:12-5, et seq. to acquire lands or rights therein by purchase. The appropriate Township Officials are authorized to execute any and all documents necessary to complete the purchase.

5. If necessary, the Mayor is authorized to expend funds for any other necessary expert analysis, engineering or other professional service as may be required to acquire the Property. Such additional costs, if incurred, shall also be paid out of the Open Space Trust Fund, established pursuant to Chapter 95 of the Township Code.

6. Should any section, paragraph, sentence or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared severable.

7. 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.

8. Since this ordinance is not legislative in nature, it need not be codified.

Council President Lotano announced this is a final reading if anyone should have any questions or comments:

- Jake Palla, 1851 Cable Dr, asked if Township collects tax revenue on Downtown Waterfront Redevelopment.

-Council President Lotano responded saying the land is tax exempt.

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

Council Member Kopp made a motion to adopt the ordinance, Council Member Quinlisk seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

Michael Cruoglio, Township Clerk read the following Ordinance by title only to be considered for adoption:

**TOWNSHIP OF TOMS RIVER
COUNTY OF OCEAN**

BOND ORDINANCE NO. _____

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LAND FOR OPEN SPACE PURPOSES LOCATED AT THE ST. JOSEPH - WHITTY ROAD SITE IN THE TOWNSHIP OF TOMS RIVER AND APPROPRIATING \$3,800,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$3,610,000 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 \$3,800,000, including the sum of \$190,000 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 \$3,610,000, 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 the St. Joseph - Whitty Road Site, designated on the municipal tax map as Block 393.03, Lot 3, 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 \$3,800,000, estimated amount of bonds and notes therefor of \$3,610,000, 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 \$3,610,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$3,800,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$3,800,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$190,000 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.

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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 \$3,610,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 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.

Council President Lotano announced this is a final reading if anyone should have any questions or comments:

- No comments

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

Council Member Kopp made a motion to adopt the ordinance, Council Member Quinlisk seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

Michael Cruoglio, Township Clerk read the following Ordinance by title only to be considered for adoption:

ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 76 (ADVISORY COMMITTEES) OF THE TOWNSHIP CODE TO ESTABLISH A MAYOR'S ADVISORY COMMITTEE ON THE TOMS RIVER SENIOR CENTER

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

1. Chapter 76 (Advisory Committees) of the Township Code is hereby amended and supplemented to provide as follows:

§76-14. Mayor's Advisory Committee on the Toms River Senior Center.

- A. There is hereby established the Mayor's Advisory Committee on the Toms River Senior Center, which shall serve for the purpose of advising the Mayor and Director of Human Services on, and researching, recommending, and implementing programs and activities for, the Toms River Senior Center.
 - B. The Committee shall consist of not more than 20 members, at least 15 of which must be Township residents, who shall serve in a volunteer capacity for one-year terms commencing on January 1 and expiring on December 31.
 - C. The Committee shall meet at least twice per year; the first meeting shall occur no later than March 31, at which time the Committee shall elect a chairperson. The Director of the Department of Human Services shall serve as co-liaison to the Committee.
2. All other provision of Chapter 76 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.

Council President Lotano announced this is a final reading if anyone should have any questions or comments:

- **No comments**

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

Council Member Kopp made a motion to adopt the ordinance, Council Member Quinlisk seconded the motion:

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

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

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

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

Michael Cruoglio, Township Clerk read the following Ordinance by title only to be considered for adoption:

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-64 SCHEDULE VI, OVERNIGHT PARKING PROHIBITED – MOTOR VEHICLES (BAYSHORE DRIVE) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE CODE OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

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

1. Section 477-64 (Schedule VI: Overnight Parking Prohibited – Motor Vehicles) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is amended and supplemented as follows:

NAME OF STREET:	Bayshore Drive
SIDES:	Both
HOURS:	10:00 p.m. to 6:00 a.m.
LOCATION:	Between Fischer Boulevard and Minturn Road

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

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

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

Council President Lotano announced this is a final reading if anyone should have any questions or comments:

- Council Member Justin Lamb thanked Chief Little & Chief Dellane for all their help.

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

Council Member Kopp made a motion to adopt the ordinance, Council Member Quinlisk seconded the motion:

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

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

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

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

Michael Cruoglio, Township Clerk read the following Ordinance by title only to be considered for adoption:

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §348-8.11.1D
OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE
TOWNSHIP CODE TO REVISE THE REGULATIONS GOVERNING DRIVEWAY
SETBACKS**

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

1. Subsection D of §348-8.11.1D (Driveways) of Chapter 348 (Land Use and Development Regulations) of the Township Code is hereby amended and supplemented to provide as follows:

D. Driveways serving one-or two-family dwellings shall be no closer than five feet to a side or rear lot line, except that lots less than 4,000 square feet in lot area or 40 feet or less in lot width and properties located in the PRC Zone shall have driveways no closer than two feet to a side or rear lot line. See the related provisions of § 348-8.20(l)(6).

2. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 of the Code of the Township of Toms River not inconsistent herewith are ratified and confirmed.

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

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

Council President Lotano announced this is a final reading if anyone should have any questions or comments:

- No comments

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

Council Member Kopp made a motion to adopt the ordinance, Council Member Geoghegan seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

CONSENT AGENDA

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
SERVICING			2023/1	\$1,347.11
TOTAL:				\$1,347.11

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

Approved as to content:

RTC152423

A3.

**RESOLUTION
May 24, 2023**

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
255 ROUTE 37 REALTIES LLC	647	8.02	2022/4	\$5,407.56
JENNIFER R JACOBUS, ESQ ATTY FOR PANS HOSPITALITY LLC	799	4	2020/4 \$9,494.66 2021/4 \$9,536.54	\$19,031.20
			TOTAL:	\$24,438.76

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

Approved as to content:
RTC252423

B.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO ADVERTISE AND RECEIVE SEALED BIDS FOR THE LEASE OF ONE (1) BOAT SLIP RENTAL AT THE FOOT OF ROBBINS PARKWAY – BLOCK 668, LOT 14.01, AND FIX A MINIMUM RENTAL FEE

MAY 24, 2023

WHEREAS, the Township of Toms River is desirous of receiving bid(s) for the following items/project:

THE LEASE OF ONE (1) BOAT SLIP RENTAL AT THE FOOT OF ROBBINS PARKWAY – BLOCK 668, LOT 14.01 , AND FIX A MINIMUM RENTAL FEE

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 Purchasing Division is hereby authorized to prepare bid specifications for the above-mentioned items/project.

2. The Purchasing Division is hereby authorized to advertise for the receipt of sealed bids for the lease of one (1) boat slip rental at the foot of Robbins Parkway – Block 668, Lot 14.01 and fix a minimum rental fee:

Minimum Yearly Rental Fee for Years 1-5:	\$12,500.00
Minimum Yearly Rental Fee for Years 6-10:	\$13,500.00

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) Division of Parks, Buildings & Grounds

C.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
FIRST ONE (1) YEAR CONTRACT EXTENSION FOR GENERAL
CONSTRUCTION AND REPAIR SERVICES WITH AMERISTAR
CONTRACTING GROUP, INC., COMMENCING JUNE 22, 2023
THROUGH JUNE 21, 2024**

MAY 24, 2023

WHEREAS, the Department of Purchasing is requesting authorization for the first one (1) year contract extension for General Construction and Repair Services to Ameristar Contracting Group, Inc.; and

WHEREAS, resolution of the Township Council dated June 22, 2021, authorized award of a contract for the General Construction and Repair Services to Ameristar Contracting Group, Inc. commencing June 22, 2021 through June 21, 2023; and

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

WHEREAS, the Department of Purchasing and the Public Works Department have determined that it is in the best interest of the Township to extend this contract for the first additional one (1) year extension term, commencing June 22, 2023 through June 21, 2024

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

1. It hereby authorizes the first one (1) year extension of the existing open-ended contract for General Construction and Repair Services with Ameristar Contracting Group Inc., Inc. The extended contract term shall be effective commencing June 22, 2023 through June 21, 2024.

2. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon funds being available in the appropriate municipal budget. The extension of this contract is subject to all the terms and conditions of the original contract.

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) All Departments
- e) Ameristar Contracting Group, Inc.
1 Memorial Drive, Unit 101
Waretown, NJ 08758

D.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE
FIRST ONE (1) YEAR OPEN-ENDED CONTRACT EXTENSION FOR
THE SUPPLY OF SOD TO COOMBS SOD FARMS LLC AND EAST
COAST SOD AND SEED, FOR ONE (1) YEAR COMMENCING JUNE 22,
2023 THROUGH JUNE 21, 2024**

MAY 24, 2023

WHEREAS, resolution of the Township Council dated June 22, 2022 authorized the award of an open-ended contract for the Supply of Sod to Coombs Sod Farms LLC and East Coast Sod and Seed, effective June 22, 2022 through June 21, 2023; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 which allows for the contract to be extended for no more than two (2) one-year extensions upon expiration of the original contract term. The Department of Purchasing and associated departments have determined it is in the best interest of the Township to extend this contract;

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

1. It hereby authorizes the first one (1) year extension of the open-ended contract with Coombs Sod Farms LLC and East Coast Sod and Seed for the Supply of Sod, commencing June 22, 2023 through June 21, 2024.

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

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

4. 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 Department
- f) Division of Parks, Buildings & Grounds
- g) East Coast Sod and Seed
596 Pointers Auburn Road
Pilesgrove, NJ 08098
- h) Coombs Sod Farms LLC

84 Route 77
Elmer, NJ 08318

E.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR OPEN-ENDED CONTRACT EXTENSION FOR BIO-DECONTAMINATION SERVICES TO RYLES RESTORATION LLC D/B/A SERVPRO OF TOMS RIVER, EFFECTIVE JUNE 9, 2023 THROUGH JUNE 8, 2024

MAY 24, 2023

WHEREAS, resolution of the Township Council dated June 9, 2020, authorized the award of an open-ended contract for Bio-Decontamination Services to Ryles Restoration, LLC D/B/A SERVPRO of Toms River, 15 Adafre Avenue, Toms River, NJ, 08753, commencing June 9, 2020 through June 8, 2022; and

WHEREAS, the terms of the above contract included the provision authorized pursuant to N.J.S.A. 40:A11-15 which allows for this contract to be extended for no more than one (1) two-year, or two (2) one-year extensions upon the expiration of the original contract term; and

WHEREAS, resolution of the Township Council dated June 8, 2022, authorized the award of the first one (1) year extension of the open-ended contract for Bio-Decontamination Services to Ryles Restoration LLC D/B/A SERVPRO of Toms River, commencing June 9, 2022 through June 8, 2023; and

WHEREAS, the Purchasing Division has determined that it is in the best interest of the Township to extend this contract for the second and final one (1) year extension term, commencing June 9, 2023 through June 8, 2024;

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

1. It hereby authorizes the second and final one (1) year extension of the existing open-ended contract with Ryles Restoration LLC D/B/A SERVPRO of Toms River, 15 Adafre Avenue, Toms River, NJ, 08753. The extended contract term for Bio-Decontamination Services shall become effective June 9, 2023 through June 8, 2024.

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

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Law Division
- e) Police Department
- f) Division of Parks, Buildings & Grounds
- g) Ryles Restoration, LLC DBA
SERVPRO of Toms River
15 Adafre Avenue
Toms River, NJ 08753

F.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING**

May 24, 2023 27

CHANGE OF VENDOR NAME AND CONTRACT NUMBER FOR BODY CAMERA EQUIPMENT AND MANAGEMENT SOFTWARE FROM MOTOROLA SOLUTIONS – WATCHGUARD-VIDEO, TO MOTOROLA SOLUTIONS INC., DUE TO A COMPANY ACQUISITION AND EXPIRED STATE CONTRACT, EFFECTIVE IMMEDIATELY

MAY 24, 2023

WHEREAS, by resolution dated October 12, 2021, the Township Council authorized award of a contract for body camera equipment and management software for a five (5) year term utilizing NJ State Contract #17-FLEET-00793 from State Vendor Motorola Solutions – Watchdog Video, for a total five year contract in the amount of \$1,230,964.00, with the balance to be paid in installments over the next four years, contingent upon the availability of funds in the appropriate municipal budget, with the first year total amount not to exceed \$246,192.80 covered in 2022 by a grant from the Body-Worn Camera Grant Program; and

WHEREAS, the Purchasing Division was notified of a vendor name change to Motorola Solutions Inc. from Motorola Solutions – Watchdog Video, and to change the contract information due to the previous contract being expired, effective immediately; and

WHEREAS, the Township Council authorizes acceptance of the vendor name change to Motorola Solutions Inc. from Motorola Solutions – Watchdog Video, and a change in the contract information due to the previous contract being expired, effective immediately;

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 to Motorola Solutions Inc. from Motorola Solutions – Watchdog Video, and a change in the contract information due to the previous contract being expired, effective immediately;

2. This contract is subject to all the terms and conditions of the original bid specifications and will remain in effect through its expiration. All other terms and conditions of the original contract 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) Motorola Solutions Inc.
500 West Monroe
Chicago, IL 60661

G.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT WITH ROBERT H. HOOVER & SONS INC. FOR ONE (1) 2023 WESTERN STAR 49X SB ROLL-OFF TRUCK WITH OPTIONS 2-1, 2-2, 2-4 AND 2-5 FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$236,249.00

MAY 24, 2023

WHEREAS, bids were invited for One (1) 2023 Western Star 49X SB Roll-Off Truck for the Department of Public Works; and

WHEREAS, one (1) bids was received on May 9, 2023, as follows:

Robert H. Hoover & Sons
Inc.
149 Gold Mine Rd.
Flanders, NJ 07836

<u>Item #</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Cost</u>
1	<u>ROLL-OFF TRUCK</u>		
#1-1	FURNISHING AND DELIVERY OF ONE (1) 2023 WESTERN STAR 49X SB ROLL-OFF TRUCK, OR EQUAL	1	\$226,285.00
2	<u>OPTIONS</u>		
#2-1	7 YEAR/250,000 MILE EW4 ENGINE WARRANTY TO INCLUDE TURBO, INJECTORS AND WATER PUMP	1	\$6,265.00
#2-2	5 YEAR ALLISON TRANSMISSION WARRANTY	1	\$873.00
#2-3	5 YEAR TOWING/ROADSIDE ASSISTANCE WARRANTY	1	\$920.00
#2-4	SPARE MICHELIN FRONT TIRE AND RIM MOUNT	1	\$1,593.00
#2-5	SPARE MICHELIN REAR TIRE AND RIM MOUNT	1	\$1,233.00
	Total Cost		\$236,249.00

WHEREAS, the bid was reviewed by the Purchasing Division and the Department of Public Works, and recommendation has been made to award a contract to Robert H. Hoover & Sons Inc., 149 Gold Mine Rd., Flanders, NJ, 07836, as the sole bidder meeting all the bid specifications, with options 2-1, 2-2, 2-4 and 2-5. Options 2-3 will not be awarded with this contract;

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

1. It hereby awards a contract for One (1) 2023 Western Star 49X SB Roll-Off Truck with options 2-1, 2-2, 2-4 and 2-5 from Robert H. Hoover & Sons, Inc., 149 Gold

Mine Rd., Flanders, NJ, 07836, as the sole bidder meeting all the bid specifications, in the total contract amount not to exceed \$236,249.00.

2. Option 2-3 will not be awarded with this contract. The award of this contract is subject to all the terms and conditions of the bid specifications.

3. Funds for this contract in the amount not to exceed \$236,249.00 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.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Robert H. Hoover & Sons Inc.
149 Gold Mine Rd.
Flanders, NJ 07836

H.

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING
PERFORMANCE GUARANTEES FOR A MAJOR SUBDIVISION
KNOWN AS BLOCK 693, LOT 20 AND 56
(697 Brookside Drive)**

May 24, 2023

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 693, Lot 20 & 56.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #GM220251 in the amount of \$200,430.00 is hereby released;
- 2) Cash in the amount of \$22,270.00 in account # 3-14 - -902-101 is hereby released with applicable interest if any;

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:

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Magna Holdings, LLC
168 Bedell Avenue
Staten Island, NY 10307

I.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RESCINDING CONTRACT AWARDED BY RESOLUTION DATED FEBRUARY 23, 2022 TO GLOBAL ELECTRICAL SERVICES INC. FOR LICENSED ELECTRICIAN SERVICES DUE TO NO LONGER BEING ABLE TO PROVIDE THE SERVICES LISTED IN THE BID SPECIFICATIONS, AND AWARDING THE REMAINING OPEN-ENDED CONTRACT TO BRICKTOWN ELECTRICAL CONTRACTING, LLC, AS THE SECOND LOWEST BIDDER MEETING ALL OF THE BID SPECIFICATIONS, BASED UPON 2nd YEAR PRICING, FOR A MAXIMUM AMOUNT NOT TO EXCEED \$500,000.00 OVER TWO (2) YEARS, AND \$250,000.00 PER YEAR UPON EXTENSION

MAY 24, 2023

WHEREAS, a contract was awarded by resolution of the Township Council on February 23, 2022, for Licensed Electrician Services to Global Electrical Services, Inc. as the lowest bidder meeting all of the bid specifications; and

WHEREAS, bids for Licensed Electrician Services were received on January 25, 2022, and a contract was awarded by resolution of the Township Council on February 23, 2022 to Global Electrical Services Inc. as the lowest bidder meeting all of the bid specifications. Global Electrical Services Inc. can no longer provide the services listed in the bid specifications. Therefore, the remaining contract shall be awarded to the second lowest bidder, Bricktown Electrical Contracting, LLC, 1103B Industrial Parkway, Brick, NJ, 08724. The contract shall be awarded based on 2nd year pricing; and

WHEREAS, the original contract period was in effect from March 22, 2022 through March 21, 2024. Bricktown Electrical Contracting, LLC shall start the contract May 25, 2023 through March 21, 2024. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one-year terms, or one (1) additional two-year term after the expiration of the original contract period. The contract shall not exceed \$500,000.00 over the two-year term, and \$250,000.00 per year upon extension, as follows:

Second Year: [Thirteen through Twenty-Four (24) Consecutive Months]

Journeyman/Electrician Hourly Rate:	<u>\$91.74</u>
Apprentice Hourly Rate:	<u>\$45.94</u>
Cost of Materials (Parts) Above Dealer's Cost:	<u>5%</u>

Required Equipment (If Outside Of Submitted Hourly Rate)

40' Bucket Truck	<u>\$250.00</u> /day
Power Auger	<u>\$175.00</u> /day

Trencher	\$300.0 <u>0</u> /day
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NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, and State of New Jersey, as follows:

1. It hereby rescinds the contract awarded to Global Electrical Services Inc. for Licensed Electrician Services due to no longer being able to perform the services listed in the bid specifications.

2. It hereby awards the remaining contract to Bricktown Electrical Contracting LLC as the second lowest bidder meeting all the bid specifications, based on 2nd year pricing, as follows:

Second Year: [Thirteen through Twenty-Four (24) Consecutive Months]

Journeyman/Electrician Hourly Rate:	<u>\$91.74</u>
Apprentice Hourly Rate:	<u>\$45.94</u>
Cost of Materials (Parts) Above Dealer's Cost:	<u>5%</u>

Required Equipment (If Outside Of Submitted Hourly Rate)

40' Bucket Truck	\$250. <u>00</u> /day
Power Auger	\$175.0 <u>0</u> /day
Trencher	\$300.0 <u>0</u> /day

3. The original contract period was in effect from March 22, 2022 through March 21, 2024. Bricktown Electrical Contracting LLC shall start the contract May 25, 2023 through March 21, 2024. Pursuant to N.J.S.A. 40A:11-15, this contract may be extended for up to two (2) additional one-year terms, or one (1) additional two-year term after the expiration of the original contract period. The contract shall not exceed \$500,000.00 over the original two-year term, and \$250,000.00 per year upon extension.

4. This contract shall be contingent upon the availability of funds in the appropriate municipal budget. The award of this contract is subject to all the terms and conditions of the bid specifications.

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

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

- a) Purchasing Division
- b) Certified Financial Officer

- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Department of Public Works
- f) Global Electrical Services Inc.
91 Lower Oak Grove Rd.
Frenchtown, NJ 08825
- g) Bricktown Electrical Contracting, LLC
1103B Industrial Parkway
Brick, NJ 08724

J.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CLOSEOUT OF THE BARRIER ISLAND PICKLEBALL COURTS PROJECT WITH SHORE TOP CONSTRUCTION CORP., AUTHORIZING RELEASE OF RETAINAGE, RELEASING PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, AND AUTHORIZING FINAL PAYMENT TO CONTRACTOR IN THE AMOUNT OF \$64,037.01

MAY 24, 2023

WHEREAS, resolution of the Township Council dated April 27, 2021, authorized award of contract to Shore Top Construction Corp., for the Barrier Island Pickleball Courts Project, in the total maximum contract amount not to exceed \$612,115.00; and

WHEREAS, resolution of the Township Council dated December 28, 2022, authorized Change Order No. 1, in the maximum amount not to exceed \$9,885.50, for a total project amount not to exceed \$622,000.50; and

WHEREAS, the contractor retained for the Barrier Island Pickleball Courts Project, has submitted the required documents in connection with the closeout of this project; and

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

a) Original Maintenance Bond No. B1245771 with Shore Top Construction Corp., as Principal and Selective Insurance Company of America, as Surety.

b) Contractor's Application for Payment in the amount of \$64,037.01

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. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Barrier Island Pickleball Courts Project, releasing

Performance Bond, accepting Maintenance Bond, releasing retainage, and authorizing final payment to Shore Top Construction Corp., in the amount of \$64,037.01, and funds are available in Account No. X-04- -219-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Certified Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Shore Top Construction Corp.
23 Yellowbrook Road
Farmingdale, NJ 07727

K.

**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 24, 2023

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

1. It hereby authorizes 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, 2023 and ending on May 31, 2024. Said agreement provides that no charge shall be incurred by the Township. A copy of the License Agreement is 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) Certified Financial Officer
- d) Township Engineer
- e) Public Works Department
- f) Recreation Department
- g) Lisa Contessa
Executive Assistant
Ocean County Utilities Authority
501 Hickory Lane
PO Box "P"
Bayville, NJ 08721-2157

L.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REJECTING ALL BIDS RECEIVED FOR THE 2023 PICKLEBALL COURTS AT CHADWICK BEACH AND SNUG HARBOR PROJECT, AND AUTHORIZE THE APPROPRIATE TOWNSHIP OFFICIALS TO NEGOTIATE A CONTRACT FOR THIS PROJECT

MAY 24, 2023

WHEREAS, the Division of Purchasing is requesting authorization to reject all rebids received for the 2023 Pickleball Courts at Chadwick Beach and Snug Harbor; and

WHEREAS, two (2) bids were received at the initial bid opening on April 4, 2023, and subsequently rejected by resolution of the Township Council dated April 26 2023, for exceeding budgetary estimates, pursuant to N.J.S.A. 40A:11-13.2(b); and

WHEREAS, rebids were received from the following vendors on May 17, 2023, and reviewed by the Division of Purchasing and the Recreation Department:

	<u>Snug Harbor</u>	<u>Chadwick Beach</u>
Safe-t-Site LLC 123 Briscoe Drive Toms River, NJ 08753	\$27,088.00	\$22,000.00
Sports & Tennis Corporation 23 Yellowbrook Road Freehold, NJ 07728	\$49,000.00	\$30,000.00

WHEREAS, the rebid received from Safe-t-Site LLC shall be rejected for failure to provide a signed bid sheet at the time of opening; and

WHEREAS, the rebid received from Sports & Tennis Construction shall be rejected for exceeding budgetary estimates, pursuant to N.J.S.A. 40A:11-13.2(b); and

WHEREAS, recommendation has been made that it would be in the best interest of the Township to reject all bids received, pursuant to N.J.S.A. 40A:11-13.2(b);

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

1. It hereby rejects all rebids received for the reasons stated above.
2. It hereby authorizes the appropriate Township officials to negotiate this project.
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) Recreation Department
- e) Safe-t-Site LLC
123 Briscoe Drive
Toms River, NJ 08753
- f) Sports & Tennis Corporation
23 Yellowbrook Road
Freehold, NJ 07728

M.

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON
TRANSFER OF PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE 1507-33-024-008 FROM
MCINTYRE'S PUB LLC TO MAC'S PUB LLC**

MAY 24, 2023

WHEREAS, an application has been filed for PERSON-TO- PERSON TRANSFER for Plenary Retail Consumption License Number 1507-33-024-008, heretofore issued to Mac's Pub LLC, 1747 Hooper Ave; and

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

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

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

1. It hereby does authorize the Person-To-Person, Transfer of Plenary Retail Consumption Liquor License Number 1507-33-024-008 from McIntyre's Pub LLC To Mac's Pub LLC., with the address of 1747 Hooper Ave, Toms River, NJ 08753.

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey
Division of Taxation
PO Box 281
Trenton, NJ 08695
- e) Mac's Pub LLC
1747 Hooper Ave
Toms River, NJ 08753

N.

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON – PLACE- TO- PLACE
TRANSFER OF PLENARY RETAIL CONSUMPTION
LIQUOR LICENSE 1507-33-001-009 FROM
37 Eats LLC TO KHP TOMS RIVER LLC**

MAY 24, 2023

WHEREAS, an application has been filed for **PERSON-TO- PERSON, PLACE TO PLACE TRANSFER** for Plenary Retail Consumption License Number **1507-33-001-009**, heretofore issued to KHP Toms River LLC., Route 166 & 37 Crossroads Center Unit B-2, Toms River, NJ 08753 and

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

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

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

1. It hereby does authorize the Person-To-Person, Place- To- Place Transfer of Plenary Retail Consumption Liquor License Number 1507-33-001-009 from 37 Eats LLC. To KHP Toms River LLC., with the address of Route 166 & 37 Crossroads Center of Toms River Unit B-2, Toms River, NJ 08753.

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey
Division of Taxation
PO Box 281
Trenton, NJ 08695
- e) KHP Toms River LLC
Crossroads Center of Toms River
Route 166 & 37 Unit B-2
Toms River, NJ 08753

APPROVAL OF BILLS

Council President Lotano asked for a report on the bills.

The Bill List, dated **May 18, 2023**, was approved on motion by Council Member Kopp, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Rodrick, Council Vice-President Geoghegan and with Council President Lotano voting yes. **The following respective exceptions to their votes were noted as abstentions to this vote:**

Council President Lotano - NONE

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

Purchase Order 23-02930, payable to United Healthcare Insurance Company in the amount of \$84,402.18

Council Member Ciccozzi – NONE

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

Purchase Order 23-02504, payable to Owen Little & Assoc., in the amount of \$9,486.25.

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

Purchase Order 23-00036, payable to Borough of Lavallette in the amount of \$907.23.

Purchase Order 23-00755 & 23-00862, payable to Citta, Holzapfel, Zarbarsky in the amount of \$2,361.27.

Purchase Order 23-02689, payable to Dasti, McGuckin In the amount of \$20,055.30.

Purchase Order 23-02868, payable to Magistrate Salaries in the amount of \$4,119.23.

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

Purchase Order 23-02496, payable to Remington & Vernick Engineers in the amount of \$337.50.

Purchase Order 23-01014, payable to TEC Elevator in the amount of \$725.00.

Council Member Rodrick-NONE

ELECTED OFFICIALS' COMMENTS

Council Member Lamb said he attended Ortley Beach Association Meetings and spoke about their concerns about EMS coverage. He also discussed the new curfew on the barrier island, and how we should look into making it an ordinance. Councilman Lamb asked that Mayor Mo Hill please speak with him of any issues within his Ward before making any decisions that will affect Ward 1. He thanked Chief Little for all his help and quick replies. Councilman Lamb then finished by saying how happy he was with all the beach improvements and thanked High School East Students for the beautiful Storage Container Mural on Ortley Beach.

Council Member Quinlisk spoke about Memorial services and encouraged everyone to come out for the downtown Memorial Day Parade.

Council Member Rodrick mentioned Fleet Week and wanted to thank the Military for all their service.

Council Vice-President Geoghegan thanked Chief Little for having the Toms River Police Dept. Community Open House on May 20, 2023. Encouraged everyone to come out for the downtown Memorial Day Parade.

Council Member Kopp stated this was the last meeting before the election and reminded everyone to exercise their right to vote. He thanked the Police Dept. for the Community Open House they held on May 20, 2023. Councilman Kopp ended by encouraging everyone to come out for the downtown Memorial Day Parade.

Council Member Ciccozzi mentioned how Planning Board Applications are down. He encouraged everyone to vote on June 6, 2023, and really research all the candidates before deciding.

Mayor Hill spoke on the dedication of Court of Honor as a tribute to cops who have served in Toms River. He thanked the Toms River High School East students for the Storage Mural at Ortley Beach. He also spoke on the debate held on May 18, 2023.

Council President Lotano asked Chief Little to discuss the new Barrier Island Curfew. He encouraged everyone to come out for the downtown Memorial Day Parade on Monday, and for everyone to enjoy their Memorial Day Weekend.

PUBLIC COMMENTS

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

Anthony Averso, 20 Rico Ave, asked about the reduction of the Downtown Redevelopment going from a 10-story building to 6 stories, and had questions about fire prevention, if the fire trucks would be able to reach the top of the building.

-Council President Lotano responded by informing him that they redesigned the building to keep the outside and restaurants the same. As far as fire prevention they will have fireproof walls and suppression systems in the building.

Elizabeth Lightbody Cimer, 714 Washington St., accused Councilman Kevin Geoghegan of discriminating elderly, that there is a social media page with his badge number doing so.

Eric Muniz, 19 Yorkshire Dr., made a statement on behalf of Mark Mutter. He wanted to know why the redevelopment building was changed from 10 stories to 6 stories and was announced at a political debate instead of a public meeting. Has the developer acted in bad faith and gave the planning board false information. An open public summit should be held to discuss changes made with redevelopment in our town.

Anthony Rivoli, 818 Victoria Rd., spoke about Govern Murphy's plans on passing a bill to devalue current liquor licenses. Anthony wants the town to start talking about how this can affect liquor businesses, and for the council to support these businesses and fight for this not to go through.

-Attorney McGuckin states that no bill has been presented to the Legislature. The council cannot oppose a bill till it has been made.

-Council President Lotano says that he understands and feels that every owner should be compensated, or the bill should not be passed.

Paul Jeffrey, 1661 Bay Blvd, spoke about the new Cell Tower being too close to the houses, and it's a disgrace. That they were never given notice that it was being put there.

-Administrator Lou Amoruso stated that it is just a temporary situation for the safety of the residents, in case of an emergency they will have service to call for help.

Paul stated he heard the town will be paving the Surf Club's parking lot. That there will be drainage problems if this is done. Please have a discussion with the residents before making decisions. He states there should be a time on the lights for Pickleball, and that rules be put in place. Paul says he is thankful for the work done on the beach. That it looks amazing and thanked Chief Little for the new curfew put in place.

Debra Martin, 1921 Ocean Ave, the beach at 5th Avenue needs to be addressed, and that EMS be there full-time year-round.

Geri Ambrosio, 938 Millstone Court, spoke on issues with EMS on Barrier Island; wants to address this quickly. Geri would like to cut wasteful fees in town such as the newsletter and asked for the firing of Art Gallagher. She also spoke on the redevelopment not being discussed at public meeting.

Robert Burns, 531 Lillie Rd, supports beach safety and is concerned about motorcycles in town.

-Chief Little spoke about the new curfew on the barrier island, and how there are a lot of rules on how to handle juveniles doing something wrong. Chief also spoke about EMS being available on the barrier island from 7am-7pm, and they have shared service with towns near.

-Councilman Lamb asked Chief little if he would support him on getting an ordinance in place to keep kids off the beach. Chief Little says it is something he is willing to look into.

Lorraine Harwelik, 605 Vision Ave, asked for confirmation on how the Police Dept. can handle violations by minors.

Mairin Bellack, Director of Toms River BID, spoke on the Farmers Market at Huddy park, 11am on Wednesdays, Wellness Wednesday Yoga, and downtown night out on Friday and Saturday all summer.

Gary Mundy, 303 Glendale Drive, spoke regarding the conflict of Attorney Robert Shea being the attorney for the Downtown Redevelopment and hosting political fundraisers for Mayor Hill.

Frank Davis, 20 West Ridge, spoke on the debate and asked if the mayor's position is a full-time job.

-President Lotano states the mayor's position is a full-time job.

Jake Palla, 851 Cable Dr, spoke about the redevelopment and if the money from the redevelopment could go into the Toms River Schools budget. He also asked about traffic and parking downtown.

-Council President Lotano said yes that they would look into putting money from the redevelopment into the township's schools, and there is a lot of free parking but it's not convenient.

-Councilman Rodrick stated he would eliminate parking authority and have all free parking.

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

No other business appearing, the meeting was **adjourned** at 7:39 P. M., on motion with Council Member Rodrick, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Rodrick, Council Vice-President Geoghegan, and Council President Lotano voting yes.

MATTHEW LOTANO, COUNCIL PRESIDENT

MICHAEL CRUOGGIO, TOWNSHIP CLERK