

June 8, 2022

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

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

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

**OPEN PUBLIC MEETINGS ACT**  
**STATEMENT**

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

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Kopp, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, and with Council Member Lamb abstaining as he was absent from the Regular Meeting on May 25, 2022,, to approve the Minutes of the **Regular Meeting of May 25 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 - NONE**

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, REPEALING CHAPTER 473 (VACANT AND  
ABANDONED PROPERTIES) OF THE TOWNSHIP CODE AND ESTABLISHING A  
NEW CHAPTER 473 (PROPERTY REGISTRATION PROGRAM) TO COMPLY WITH  
P.L. 2021, C.244**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy

of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

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

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

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

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

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

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REPEALING CHAPTER 473 (VACANT AND ABANDONED PROPERTIES) OF THE TOWNSHIP CODE AND ESTABLISHING A NEW CHAPTER 473 (PROPERTY REGISTRATION PROGRAM) TO COMPLY WITH P.L. 2021, C.244**

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 Lamb said we need to do more for Ortley Beach.

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

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

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

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

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

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

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

Council Member Lotano 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 §162-1A(1) AND (2) OF THE TOWNSHIP CODE TO PROVIDE FOR THE ISSUANCE OF ONE ADDITIONAL PLENARY RETAIL DISTRIBUTION AND 2 ADDITIONAL RETAIL CONSUMPTION LIQUOR LICENSES BASED ON 2020 CENSUS FIGURES AND TO ESTABLISH A FEE FOR THEATER LICENSES**

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

1. Sections 162-1A(1) and (2) of the Township Code are hereby amended and supplemented to provide as follows:

- (1) Not more than 31 plenary retail consumption licenses based on 2020 census figures shall be issued.
- (2) Not more than 12 plenary retail distribution licenses based on the 2020 census figures shall be issued.

2. Section 162-4 (License fees) of the Township Code is hereby amended and supplemented to add the following provision:

D. Theater license fee: \$250

3. All other provisions of Chapter 162 (Alcoholic Beverages) remain in full force and effect.

3. 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.

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.

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 June 8, 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 June 22, 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, June 10, 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 Lotano 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 MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO A LEASE AGREEMENT WITH SAVE BARNEGAT BAY, INC., A NOT-FOR-PROFIT CORPORATION, FOR PROPERTY DESIGNATED ON THE MUNICIPAL TAX MAP AS BLOCK 705, LOTS 1, 1.01 AND 1.02**

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. The Mayor is authorized to execute and the Township Clerk to attest to a Lease Agreement with Save Barnegat Bay, Inc., a not-for-profit corporation, a copy of which is attached hereto as Schedule "A", for property designated on the municipal tax map as Block 705, Lots 1, 1.01 and 1.02, for nominal consideration pursuant to N.J.S.A. 40A:12-14(c). The term of this lease is for five (5) years commencing July 14, 2022 and terminating on July 13, 2027, with an option to extend the term of the lease for two (2) additional five-year periods.

2. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph,

subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.

3. 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.

4. Since this ordinance is not legislative in nature, it need not be codified in the Code of the Township of Toms River, New Jersey.

### **SCHEDULE "A" - SEE ATTACHMENTS**

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 June 8, 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 June 22, 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, June 10, 2022.

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

#### **CONSENT AGENDA**

Township Deputy 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 **F, K, and L**, which were done separately.

#### **RESOLUTION**

June 8, 2022 5

*JUNE 8, 2022*

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>FIRST JERSEY TITLE SVCS INC</i>	<i>794.46</i>	<i>23</i>	<i>2022/3</i>	<i>\$3,106.20</i>

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

Approved as to content:

**R E S O L U T I O N**

*JUNE 8, 2022*

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO A 2021 WIDOW OF A VETERAN D EDUCATION BEING REFUNDED BACK TO HOME OWNER, 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>GAVALA, MICHAEL JR &amp; AUDREY</i>	<i>1004</i>	<i>1</i>	<i>2021/4</i>	<i>\$ 250.00</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 AUTHORIZING THE RENEWAL  
OF LIQUOR LICENSES FOR 2022-2023**

**June 8, 2022**

WHEREAS, all of the present Liquor License holders listed below have made application for the renewal of their respective licenses and have paid the necessary fees for such renewals; and

WHEREAS, the submitted application form is complete in all respects; and

WHEREAS, the applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and

WHEREAS, the applicant has disclosed, and the issuing authority has ascertained and reviewed the source of any additional financing obtained in the previous license term for use in the licensed business;

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

1. That Plenary Retail **Consumption** Liquor Licenses be and are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the respective premises, to wit:

1507-33-002-004  
Aqua Blu Restaurant & Grill LLC  
3410 Route 37 East  
Toms River, NJ 08753

1507-33-006-011  
Cayard Inc.  
t/a Office Lounge  
820 Main Street & 10 Highland Parkway  
Toms River, NJ 08753

1507-33-008-006  
South Jersey Pub' s  
T.G.I Friday' s  
1279 Hooper Ave  
Toms River, NJ 08753

1507-33-009-011  
Apple Food Service of TR LLC  
t/a Applebee' s Grill & Bar  
1201 Hooper Ave #1095  
Toms River, NJ 08753

1507-33-010-006  
BJ' s Restaurant Operations Company  
1275 Hooper Ave  
Toms River, NJ 08753

1507-33-012-008  
B20PCO  
t/a B2 Bistro & Bar  
1250 Hooper Ave  
Toms River, NJ 08753

1507-33-017-007  
Red Lobster Restaurants, LLC  
t/a Red Lobster #568  
1298 Hooper Ave  
Toms River, NJ 08753

1507-33-018-011  
JMJ License Corporation  
t/a Ale House  
1850 Hooper Ave  
Toms River, NJ 08753

1507-33-019-008  
Spot Enterprises, Inc.  
t/a The Spot  
1426 Lakewood Rd. Suite 1  
Toms River, NJ 08753

1507-33-024-009  
McIntyre's Pub LLC  
1747 Hooper Ave  
Toms River, NJ 08753

1507-33-025-005  
Wisk Inc.  
t/a Miracle Bar & Liquors  
201 Highway 37 West  
Toms River, NJ 08755

1507-33-026-009  
Chef's International, Inc.  
t/a Baker's Water Street  
4 Robbins Parkway  
Toms River, NJ 08753

1507-33-042-007  
PF Chang's Bistro  
1201 Hooper Ave  
Toms River, NJ 08753

1507-33-044-003  
GMRI, Inc.  
Olive Garden #1483  
1277 Hooper Ave  
Toms River, NJ 0853

1507-33-046-007  
Mrs D's Inc.  
Bahama Breeze Holdings LLC.  
1201 Hooper Ave  
Toms River, NJ 08753

1507-33-050-002  
Brinker New Jersey Inc.  
t/a Chili's Grill & Bar  
1315 Hooper Ave  
Toms River, NJ 08753

1507-33-052-003  
AntSul BWW V LLC  
Buffalo Wild Wings  
2 Route 37 West Unit C-1  
Toms River, NJ 08753

1507-33-053-003  
Garden State Dining LLC  
d/b/a Tio Juan's Margarita  
Mexican Restaurant  
270 Hwy 37 East



Toms River, NJ 08753

1507-33-054-003  
Freehold Raceway Off Track LLC.  
t/a Favorites at Toms River  
1071 Route 37 West  
Toms River, NJ 08755

1507-33-057-002  
Joe Bella's, LLC  
781 Fischer Blvd  
Toms River, NJ 0753

2. That Plenary Retail Consumption Liquor License be and they are hereby renewed to the following for the same premises presently, to wit:

1507-36-036-008  
TR Lodging Realty LLC  
t/a TR Hotel  
Atlantis & Coral Ballrooms  
290 Route 37 East  
Toms River, NJ 08753

1507-36-040-001  
85 Venture Group, Inc.  
t/a Clariion Hotel & Conference Center  
815 Route 37 West  
Toms River, NJ 08755

1507-36-041-007  
Dorca Co Inc. t/a Versailles  
Ramada Inn Suites of Toms River  
2373 Route 9  
Toms River, NJ 08755

a) Said license shall not be renewed or transferred except for or to a hotel (or motel) containing at least 100 sleeping rooms.

3. That Plenary Retail Consumption Liquor License be and is hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-36-016-003  
Tirumala LLC  
t/a Howard Johnson Hotel  
Christopher's Pub & Grill  
Legend Restaurant  
955 Hooper Avenue  
Toms River, NJ 08753

Subject, however, to the following special conditions, which conditions shall be part of the license:

a) Said License shall not be renewed or transferred except for or to a hotel or motel containing at least 50 sleeping rooms.

4. That Plenary Retail Consumption License with Broad Package Privilege hereby renewed and granted to the following for the same premises presently licensed, to wit:

1507-32-015-007  
Mrs. D. Inc. Spirits Unlimited / Social 37  
2 Route 37 West, Bldg. E & B-2  
Toms River, NJ 08753

5. That Plenary Retail **Distribution** Liquor Licenses be and they are hereby granted to the following applicants, all of whom are presently holders of such licenses, for the presently respective licensed premises, to wit:

1507-44-013-006  
1617 Highway, LLC  
t/a Monaghan's Liquors  
1617 Route 37 East  
Toms River, NJ 08753

1507-44-022-004  
Overdue LLC  
t/a Anthony's Wines and Liquors  
1237-47 Route 166  
Toms River, NJ 08753

1507-44-023-008  
Wines & Liquors, Inc.  
t/a Spirits Unlimited  
897 Fischer Boulevard  
Toms River, NJ 08753

1507-44-043-006  
Overdue LLC  
t/a EZ Liquors  
2016 Route 37  
Toms River, NJ 08753

1507-44-045-007  
Mrs. D Inc.  
t/a Spirits Unlimited  
A&P Shopping Center Rt. 35  
Seaside Heights, NJ 08751

1507-44-047-002 (Pocket)  
3 Times, LLC  
952 Lakewood Rd  
Toms River, NJ 08753

1507-44-056-001  
Limited Liability CC  
Retail LLC  
t/a Buy Rite Liquor  
2360 Lakewood Rd Unit A3&A4  
Toms River. NJ 08755

Subject, however, to the following special conditions, which conditions shall be part of the license:

a) The following Plenary Retail Distribution Liquor Licenses are subject to a **2,000 foot proximity restriction**. Said Liquor Licenses cannot be located within 2,000 feet of another Plenary Retail Distribution (D) Liquor License as denoted by an asterisk, following the License Number.

1507-44-048-004\*  
Retail, LLC  
Buy Rite Liquors  
1789-91 Hooper Ave  
Toms River, NJ 08753

1507-44-049-004 \*  
Again, Inc.  
t/a Spirits Unlimited  
941 Route 37 West - Store 1  
Toms River, NJ 08755

1507-44-051-003 \*  
Cool Is The Rule, Inc.  
t/a Spirits Unlimited  
1426 Lakewood Road - Suite 2  
Toms River, NJ 08753

6. Each of the licenses referred to in the preceding paragraphs hereof shall be executed for and on behalf of this Municipality by Clerk of the Township of Toms River, with an effective date of **July 1, 2022**.

7. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Division of Taxation, the issuance of each said license as soon as such licenses are issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Municipal Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
140 East Front Street, Fifth Floor  
CN 087  
Trenton, N. J. 08625-0087
- e) Licensees, as listed above
- f) NJ Division of Taxation  
ATTN: ABC Licensing Unit  
PO Box 245  
Trenton, NJ 08695

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TOWNSHIP'S PARTICIPATION IN AND ADOPTION IN A WATERSHED MANAGEMENT PLAN WHICH IS A REQUIREMENT OF THE NATIONAL FLOOD INSURANCE PROGRAM'S (NFIP) COMMUNITY RATING SYSTEM**

**JUNE 8, 2022**

WHEREAS, the National Flood Insurance Program's (NFIP) Community Rating System (CRS) is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Flood Insurance Program requirements; and

WHEREAS, by participating in the CRS program Township property owners will receive a discount on their flood insurance premiums to reflect the reduced flood risks resulting from community actions; and

WHEREAS, the CRS provides credit for a full range of public information activities that inform people about flooding and ways to address potential flood damage to their property, including map information, outreach projects, real estate disclosure, libraries, websites, and providing technical advice and assistance; and

WHEREAS, the Township of Toms River has continued to pursue an even higher discount on flood insurance for its property owners; and

WHEREAS, to this end, the Township has developed a Watershed Management Plan that analyzes the combined effects of existing and expected development and redevelopment on drainage throughout the Township and also includes a plan of action to address current and expected issues; and

WHEREAS, the adoption of this Plan is a required activity of the Township for its Community Rating System participation;

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

1. The Township Council formally adopts the Toms River Township Watershed Management Plan.

2. The Township Officials are instructed to consider this plan where possible and update it on a regular basis pursuant to their most recent Community Rating System Coordinator's Manual

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Certified Financial Officer
- f) Engineering Department
- g) Emergency Management
- h) Kathleen Lear, Project Manager  
NJ Office of Emergency Management  
Recovery Bureau, Mitigation Unit  
Box 7068 River Road  
West Trenton, NJ 08628

**RESOLUTION  
TO ESTABLISH A DEDICATED TRUST BY RIDER FOR SENIOR CENTER SERVICES**

**June 8, 2022**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a Dedication by Rider of revenues received by a municipality when the revenue is not subject to reasonable accurate estimates in advance; and

WHEREAS, N. J. S. A. 40A:4-39 provides that the Director of the Division of Local Government Services may approve expenditures of monies by Dedication by Rider.

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

1. The Township Council of the Township of Toms River hereby requests permission of the Director of Division of Local Government Services, to pay expenditures under the provisions of N. J. S. A. 40A:4-39, as amended by P. L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individual to offset the costs of operating municipal "fee-based" Senior Center recreation program.

2. The purpose of this Dedication by Rider is to accept and expend funds for Senior Center programs to help to support services, materials and activities for our senior citizens.

3. The Municipal Clerk is hereby directed to forward two certified copies of this resolution to the Director of Local Government Services.

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

- A) Township Chief Financial Officer
- B) Township Auditor
- C) Director of Health and Human Services

Approved as to Content

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

**FIRST ONE (1) YEAR CONTRACT EXTENSION FOR BIO-  
DECONTAMINATION SERVICES TO RYLES RESTORATION LLC D/B/A  
SERVPRO OF TOMS RIVER, EFFECTIVE JUNE 9, 2022 THROUGH  
JUNE 8, 2023**

**JUNE 8, 2022**

**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**, the Purchasing Division has 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 9, 2022 through June 8, 2023;

**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-year extension of the open-ended contract with Ryles Restoration LLC D/B/A SERVPRO of Toms River. The extended contract term for Bio-Decontamination Services shall become effective from June 9, 2022 through June 8, 2023.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT  
TO P & A CONSTRUCTION INC., AS THE LOWEST BIDDER, MEETING ALL OF  
THE BID SPECIFICATIONS, FOR THE 2022 (F.Y. 2021) TOWNSHIP-WIDE PAVING  
PROGRAM, AT A TOTAL CONTRACT PRICE NOT TO EXCEED \$3,500,000.00**

**JUNE 8, 2022**

**WHEREAS**, bids were invited on May 19, 2022, for the 2022 (F.Y. 2021) Township-Wide Paving Program; and

**WHEREAS**, bids were received, as follows:

<b><u>Vendors:</u></b>	<b><u>Total Bid:</u></b>
P & A Construction Inc. P.O. Box 28 Colonia, NJ 07067	\$3,720,165.00
Black Rock Enterprises, LLC 1316 Englishtown Road Old Bridge, NJ 08857	\$4,598,375.00
Earle Asphalt Company P.O. Drawer 556 Farmingdale, NJ 07727	\$3,888,313.00
S & G Paving, Inc. 224C Forsgate Drive Jamesburg, NJ 08831	\$6,062,900.00

**WHEREAS**, the bids have been reviewed by the Purchasing Division and the Engineering Division, and recommendation has been made to award a contract to P & A Construction Inc., as the lowest bidder, meeting all the bid specifications, at a total contract price not to exceed \$3,500,000.00;

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

1. It hereby awards a contract for the 2022 (F.Y. 2021) Township-Wide Paving Program to P & A Construction Inc., as the lowest bidder, meeting all the bid specifications, at a total contract price not to exceed \$3,500,000.00.

2. Due to unanticipated pricing escalations, bids came in higher than anticipated. Therefore, line item quantities shall be reduced so that the total contract amount shall not exceed \$3,500,000.00

3. Funds in the amount not to exceed \$3,500,000.00 are available in the following Accounts:

X-04- -250-001	\$ 200,000.00
X-04- -250-003	\$ 300,000.00
X-04- -253-001	\$3,000,000.00

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

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) Engineering Division
- e) Aforementioned bidders

Dated: June 8, 2022

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT TO GRANTURK EQUIPMENT CO., INC., AS LOWEST BIDDER WHO MEETS ALL THE BID SPECIFICATIONS, FOR ONE (1) NEW AND UNUSED 2023 OR NEWER REARLOADING REFUSE COLLECTION BODY WITH CAB AND CHASSIS, 66,000 LB. GVW MINIMUM PURCHASE WITH CART TIPPERS FOR THE DEPARTMENT OF PUBLIC WORKS, IN THE MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$260,576.00**

**JUNE 8, 2022**

**WHEREAS**, bids were invited for one (1) New and Unused 2023 or Newer Rearloading Refuse Collection Body with Cab and Chassis, 66,000 LB. GVW Minimum Purchase with Cart Tippers, for the Department of Public Works; and

**WHEREAS**, bids were received on May 26, 2022, as follows:

	GranTurk Equipment Co., Inc. One Schuylkill Pkwy, Building B Bridgeport, PA 19405 Price Per Each	Mid-Atlantic Waste Systems 10641 Cordova Road Easton, MD 21601 Price Per Each
REAR LOADING REFUSE COLLECTION BODY WITH CAB & CHASSIS NEW AND UNUSED 2023 MODEL 66,000 LB GVW MINIMUM (OR NEWER)	\$259,685.00	\$285,625.00
MAKE CAB /CHASSIS BID:	Freightliner Leach 25 yd ZR111	Freightliner
MODEL BID:	SD114	114SD
YEAR BID:	2024	2024
DELIVERY DATE:	365 ARO	2023 4th quarter
TRADE IN: TRUCK #179 - 2010 AUTOCAR ACX64; 121,595 MILES, VIN# 5VCACLKFXAH210657	-\$15,000.00	\$ -
GRAND TOTAL BID COLLECTION SYSTEMS LESS TRADE INS	\$244,685.00	\$285,625.00
OPTIONAL CART TIPPERS	\$15,891.00	\$8,200.00
TOTAL WITH CART TIPPERS	\$260,576.00	\$293,825.00

**WHEREAS**, the aforesaid bids were reviewed by the Division of Purchasing and the Department of Public Works, and they have recommended that a contract be awarded to GranTurk Equipment Co., Inc., as lowest bidder meeting all of the bid specifications, as stated above in the maximum amount of contract not to exceed \$260,576.00;

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

1. It hereby awards a contract for one (1) New and Unused 2023 or Newer Rearloading Refuse Collection Body with Cab and Chassis, 66,000 LB. GVW Minimum Purchase with Cart Tippers, for the Department of Public Works, as stated above, in the total maximum amount of contract not to exceed \$260,576.00.

2. The award of this contract is subject to all terms and conditions of the bid specifications.

3. Funds for this contract in the amount not to exceed \$260,576.00 are available in Account No. X-04- -257-204.

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) Department of Public Works
- e) Granturk Equipment Co., Inc.  
One Schuylkill Parkway, Bldg. B  
Bridgeport, PA 19405
- f) Mid-Atlantic Waste Systems  
10641 Cordova Road  
Easton, MD 21601

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT FOR THE PURCHASE OF 95-GALLON SANITATION CONTAINERS TO SCHAEFER PLASTICS NORTH AMERICA, AND 64-GALLON SANITATION COLLECTION SYSTEM AUTOMATED/SEMI-AUTOMATED (ROBO) CONTAINERS AND PARTS DISCOUNT FOR THE DEPARTMENT OF PUBLIC WORKS, TO IPL NORTH AMERICA INC., AS THE LOWEST RESPONSIBLE BIDDERS MEETING ALL THE BID SPECIFICATIONS**

**JUNE 8, 2022**

**WHEREAS**, the Division of Purchasing requests authorization to award a contract for the purchase of 95 and 64-Gallon Sanitation Collection System Automated/Semi-Automated (ROBO) Containers and Parts Discount for the Department of Public Works; and

**WHEREAS**, bids were received on May 25, 2022, from the following vendors:

	Schaefer Systems International Inc	IPL North America Inc
	10301 Westlake Drive	140 rue Commerciale Saint-Damien-de- Buckland, QC Canada GOR 2Y0
	Charlotte, NC 28273	
<b>1 95-Gallon Sanitation Containers - Each:</b>	\$ 70.50	\$ 74.76
Manufacturer and Model of Container Bid:	Schaefer 95Z	IPL 60204
Delivery Time:	90 days ARO and artwork approval	3-4 months
<b>2 64-Gallon Sanitation Containers - Each:</b>	\$ 60.00	\$ 53.67
Manufacturer and Model of Container Bid:	Schaefer 65Z	IPL 70216
Delivery Time:	90 days ARO and artwork approval	2-3 months
<b>3 Discount off current parts catalog</b>	0.00%	0.00%



State the number of years the company has been in business:

32 years  
Exceptions on file

77 years  
Exceptions on file

**WHEREAS**, the bids have been reviewed by the Purchasing and Public Works Departments, and recommendation has been made to award contracts to Schaefer Plastics North America for Item No. 1, 95-Gallon Sanitation Containers, and to IPL North America Inc., for Item No. 2, 64-Gallon Sanitation Containers;

**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 Item No. 1, 95-Gallon Sanitation Containers to Schaefer Plastics North America, and Item No. 2, 64-gallon Sanitation Containers to IPL North America Inc., as the lowest responsible bidders meeting all the bid specifications, for the Department of Public Works, as stated above.

2. There shall be a one-time order for this bid with the ability to order additional loads upon agreement of both parties not to exceed 7500 cans combined. The award of these contracts are subject to all the terms and conditions of the bid specifications.

3. These will be open-ended contracts with funds being encumbered each time an order is placed, contingent upon availability in the applicable municipal budgets

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) IPL North America, Inc.  
140 rue Commerciale  
Saint-Damien-de-Buckland, QC  
Canada GOR 2YO
- f) Schaefer Plastics North America  
10301 Westlake Drive  
Charlotte, NC 28273

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO TOTO DODO, INC., THROUGH THE COMPETITIVE CONTRACTING PROCESS, FOR THE BEY LEA MUNICIPAL GOLF COURSE RESTAURANT CONCESSION, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$115,500.00 PAYABLE TO THE TOWNSHIP OF TOMS RIVER**

**JUNE 8, 2022**

**WHEREAS**, proposals were invited on May 25, 2022 for the Bey Lea Municipal Golf Course Restaurant Concession through the competitive contracting process; and

**WHEREAS**, one proposal was received as follows:

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

\$115,500.00

**WHEREAS**, the review committee for this solicitation was performed by Judith Tutela, Certified Financial Officer, Jared Tate, Recreation Director, and Gail Catania, Purchasing Agent; and

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

**WHEREAS**, Committee members reviewed the proposal separately, and scored the vendor as follows:

	<u>Total Points</u>
Toto Dodo, Inc. 1536 N. Bay Avenue Toms River, NJ 08753	247

**WHEREAS**, based upon previous history, the vendor scored high in their experience and qualifications of management and personnel, as well as the ability to obtain the concessionary permit for alcohol service. The results were lower when it came to the hours of operation, halfway house and cart service which were not addressed but are mandatory. This will be monitored during the contract term; and

**WHEREAS**, Purchasing reviewed the proposal to determine that all paperwork was in order, and the Committee unanimously agreed that the contract should be awarded to Toto Dodo, Inc., in the amount of \$115,000.00 per year for the term effective June 11, 2022 through June 10, 2032, with the option to extend for an additional ten years pursuant to N.J.S.A. 40:61-22.15. The annual amount shall increase 2 percent per year beginning year five;

**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 Toto Dodo, Inc., for the Bey Lea Municipal Golf Course Restaurant Concession, in the amount of \$115,500.00 per year for the term effective June 11, 2022 through June 10, 2032, through the competitive contracting process, with the option to extend for an additional ten years pursuant to N.J.S.A. 40:61-22.15.

2. The report prepared has been posted to the Township website more than 48 hours in advance of award of contract, and shall become part of the public record and shall reflect the final action of the governing body. A contract shall be executed pursuant to N.J.S.A.40A:11-14.

3. The clerk or secretary of the contracting unit shall publish a notice in the official newspaper of the contracting unit summarizing the award of a contract, which shall include, but not be limited to, the nature, duration, and amount of the contract, the name of the vendor and a statement that the resolution and contract are on file and available for public inspection in the Office of the Township Clerk or secretary of the municipality, county, local public authority or special district of the governing body.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Division of Purchasing
- d) Certified Financial Officer
- e) Township Attorney
- f) Township Administrator
- g) Recreation
- h) Toto Dodo, Inc.  
1536 N. Bay Avenue

**RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.**

June 8, 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 sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on June 22, 22 at 11:00 a.m. at Priced-Rite Towing and Freedom Towing:

**Vehicles for Auction with Titles:**

Request to hold abandoned vehicle auctions on June 22, 2022 at the following locations and times:

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2012	VOLKSWAGEN	3VWDP7AJ7CM005823

Freedom Towing, 1725 Lakewood Road Unit 1, Toms River, NJ 08755 at 11:00am

YEAR	MAKE	VIN#
2005	SUBARU	4S4BP86C454353860
1996	FORD	1FDNF80C6TVA12489
2001	NISSAN	JN1CA31D71T802707

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 Mitch Little
- c) Chief Financial Officer
- d) Priced-Rite Towing  
24 Germania Station Road  
Toms River, NJ 08755
- e) Freedom Towing  
1725 Lakewood Road Unit 1, Toms River,  
NJ 08755

**LEGAL NOTICE  
TOWNSHIP OF TOMS RIVER  
PUBLIC SALE**

**TAKE NOTICE** that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on **June 22, 2022 at 11:00 a.m. at Priced-Rite Towing and Freedom Towing** the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

**Vehicles For Auction with Titles:**

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2012	VOLKSWAGEN	3VWDP7AJ7CM005823

Freedom Towing, 1725 Lakewood Road Unit 1, Toms River, NJ 08755 at 11:00am

YEAR	MAKE	VIN#
2005	SUBARU	4S4BP86C454353860
1996	FORD	1FDNF80C6TVA12489
2001	NISSAN	JN1CA31D71T802707

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF STRIKE GUARD LIGHTNING DATA RECEIVER AND ACCESSORIES FROM TURF EQUIPMENT & SUPPLY COMPANY, FOR THE DEPARTMENT OF RECREATION, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$31,320.00**

**JUNE 8, 2022**

**WHEREAS**, the Purchasing Division has requested the Township to authorize the Purchase of Strike Guard Lightning Data Receiver and Accessories for the Department of Recreation, from Turf Equipment & Supply Company, in the total contract amount not to exceed \$31,320.00; and

**WHEREAS**, Turf Equipment & Supply Company, 8015 Dorsey Run Road, Jessup, MD, 20794, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which documents are on file in the Municipal Clerk's Office; and

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

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

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

1. It hereby authorizes the Purchase of Strike Guard Lightning Data Receiver and Accessories for the Department of Recreation, from Turf Equipment & Supply Company, in the total contract amount not to exceed \$31,320.00.

2. Funds for this purchase in the amount not to exceed \$31,320.00, are available in Account No. X-04- -242-004.

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

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

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

- e) Department of Recreation
- f) Turf Equipment & Supply Company  
8015 Dorsey Run Road  
Jessup, MD 20794

**RESOLUTION AUTHORIZING THE PERSON-TO  
PERSON TRANSFER OF PLENARY RETAIL  
CONSUMPTION LIQUOR LICENSE  
1507-33-053-005 FROM GARDEN STATE DINNING LLC  
TO KRISH FOODS, LLC**

**June 8, 2022**

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-33-053-005**, heretofore issued to Garden State Dinning LLC  
And

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

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

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

1. It hereby does authorize the **Person-To-Person Transfer** of Plenary Retail Consumption Liquor License Number 1507-33-053-005 from **Garden State Dinning LLC to Krish Foods, LLC**.

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) NJ Division of Taxation  
PO Box 999  
Trenton, NJ 08646-099
- e) Krish Foods, LLC  
270 Route 37 East  
Toms River, NJ 08753

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS  
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE  
ISSUANCE OF 36 BEACH BADGES TO THE GOLDEN GULL  
APARTMENTS (BLOCK 1022, LOT 1) IN ACCORDANCE WITH THE  
DEED OF DEDICATION AND PERPETUAL STORM DAMAGE  
REDUCATION EASEMENT**

**June 8, 2022**

**WHEREAS**, on or about November 9, 2015, the owners of the Golden Gull Apartments (located at 1926 Ocean Avenue, Toms River, New Jersey, and

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designated as Block 1022, Lot 1, on the Township tax map) (“subject property”) executed a Deed of Dedication and Perpetual Storm Damage Reduction Easement in favor of the Township, which was key to enabling the construction of the Army Corps of Engineers Manasquan Inlet to Barnegat Inlet, New Jersey Hurricane and Storm Damage Reduction Project; and

**WHEREAS**, the dune ultimately constructed pursuant to this project bisects the subject property at a point between approximately 30 feet from the existing apartment complex and the former mean high water line; and

**WHEREAS**, the Army Corps also constructed additional beach area east of the dune beyond the former mean high water line, which, pursuant to the New Jersey Supreme Court’s decision in City of Long Branch v. Liu, 203 N.J. 464 (2010), is, as a matter of law, publicly-owned beach area, belonging to the State of New Jersey; and

**WHEREAS**, the Army Corps dune construction and beach replenishment project effectively deprived the subject property of most private beach area accessible to the ocean; and

**WHEREAS**, the subject property is adjacent to Township-owned and operated beach areas; and

**WHEREAS**, in accordance with the deed of easement, the Township has serviced the newly-created public beach area east of the dune on the subject property with lifeguard protection and beach cleaning and maintenance; and

**WHEREAS**, as a condition of the deed of easement, the newly-created beach area must be publicly accessible; and

**WHEREAS**, as additional consideration for the grant of the easement, and in keeping with the parties original understanding that tenants of the subject property would continue to have access to the formerly private beach area, the Township has had a longstanding arrangement with the property owners to provide, on an annual basis, 36 beach badges for use by those tenants; and

**WHEREAS**, this arrangement created a synergistic relationship between the adjacent Township beaches and the subject property, expanding the area of beach area accessible to those holding Township-issued beach badges, furthering the state-mandated goal of expanded public access; and

**WHEREAS**, this arrangement had not previously been formalized, and it is the intent of this resolution to do so:

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

1. The Department of Recreation is hereby authorized to issue annually, upon written application by the owners of the subject property, 36 Township beach badges for use by the tenants of the Golden Gull apartments for access to the newly-created public beach area east of the Army Corps-constructed dune.

2. As a condition of the issuance of these beach badges, anyone holding Township-issued beach badges shall be allowed to access this area on an equal and unobstructed basis.

3. A copy of this resolution shall be maintained on file in the Office of the Township Clerk and provided to the following parties:

- a. Mayor
- b. Business Administrator
- c. Township Attorney
- d. Township Engineer
- e. Director of Recreation
- f. Dr. Joseph Marini  
Golden Gull Apartments  
1926 Ocean Avenue  
Toms River, New Jersey 08753

Art Anderson, 12 Park Street, questioned if price was included in the value.

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano,,Quinlisk, Rodrick, and 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, AUTHORIZING THE AWARD OF A CONTRACT FOR TWO (2) AUTOMATED REFUSE COLLECTION SYSTEMS TRUCKS CAB & CHASSIS WITH 33 YARD SIDE LOADING BODY & ARM, NEW AND UNUSED, 2023 OR NEWER, FOR THE TRADE IN OF VEHICLE #64 - AND VEHICLE #91 FOR THE DEPARTMENT OF PUBLIC WORKS, TO HUNTER JERSEY PETERBILT, AS THE LOWEST BIDDER, MEETING ALL OF THE BID SPECIFICATIONS, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED  
\$668,962.00**

**JUNE 8, 2022**

**WHEREAS**, the Division of Purchasing is requesting authorization to award a contract for Two (2) Automated Refuse Collection Systems Trucks Cab & Chassis with 33 Yard Side Loading Body & Arm, New and Unused, 2023 or Newer, (for the trade in of Vehicle #64 - 2009 PETERBILT, VIN# 3BPZL00X59F719173, 86,341 miles in the amount of \$8,000.00, and Vehicle #91, 2009 PETERBILT, VIN# 3BPZL00X09F719176, 99,910 miles in the amount of \$8,000.00), for the Department of Public Works; and

**WHEREAS**, bids were received on May 26, 2022, as follows:

	Hunter Jersey Peterbilt 524 Monmouth Road, PO Box 729 Clarksburg, NJ 08510		Mid-Atlantic Waste Systems  314 Bay W Blvd New Castle, DE 19720	
	PRICE PER ONE	PRICE PER TWO	PRICE PER ONE	PRICE PER TWO
TWO (2) AUTOMATED REFUSE COLLECTION SYSTEMS CAB & CHASSIS NEW AND	\$342,481. <u>00</u>	<u>\$684,962.00</u>	\$364,446. <u>00</u>	\$728,892. <u>00</u>
			June 8, 2022	23

UNUSED 2023  
 MODEL 66,000 LB  
 GVW MINIMUM

MAKE CAB / CHASSIS	Peterbilt	Peterbilt	Peterbilt	Peterbilt
BID:	520	520	520	520
MODEL BID:	2023 or newer	2023 or newer	2023	2023
YEAR BID:	end of 2023	end of 2023	2023 4th quarter	2023 4th quarter
DELIVERY DATE:	524 Monmouth Rd, Clarksburg, NJ 08510		New Castle, DE	
SERVICE FACILITY LOCATION:				
TRADE IN #1:				
VEHICLE #64 - 2009 PETERBILT, 86,341 MILES, VIN# 3BPZLOOX59F719173	\$8,000.00		\$0.00	
TRADE IN #2:				
VEHICLE #91- 2009 PETERBILT, 99,910 MILES, VIN# 3BPZLOOX09F719176	\$8,000.00		\$0.00	
GRAND TOTAL BID COLLECTION SYSTEMS LESS THE TRADE INS	\$668,962.00		\$728,892.00	

**WHEREAS**, the bids were reviewed by the Purchasing Division and the Department of Public Works, and they have recommended that a contract be awarded to Hunter Jersey Peterbilt as the lowest bidder, meeting all of the bid specifications, in a total maximum contract amount not to exceed \$668,962.00:

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

1. It hereby awards a contract for the purchase of two (2) Automated Refuse Collection Systems Trucks Cab & Chassis with 33 Yard Side Loading Body & Arm, New and Unused, 2023 or Newer, (for the trade in of Vehicle #64 - 2009 PETERBILT, VIN# 3BPZL00X59F719173, 86,341 miles, and Vehicle #91, 2009 PETERBILT, VIN# 3BPZL00X09F719176, 99,910 miles), to Hunter Jersey Peterbilt, as the lowest bidder meeting all of the bid specifications, for the Department of Public Works, in a total maximum contract amount not to exceed \$668,962.00.

2. The award of this contract includes the trade in of Vehicle #64 - 2009 PETERBILT, VIN# 3BPZL00X59F719173, with 86,341 miles, in the amount of \$8,000.00, and Vehicle #91, 2009 PETERBILT, VIN# 3BPZL00X09F719176, with 99,910 miles, in the amount of \$8,000.00. 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 of \$668,962.00 are available in Account #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) Division of Purchasing
- b) Certified Financial Officer
- c) Business Administrator



- d) Township Attorney
- e) Department of Public Works
- f) Hunter Jersey Peterbilt  
524 Monmouth Road  
Clarksburg, NJ 08510
- g) Mid-Atlantic Waste Systems  
314 Bay W Blvd.  
New Castle, DE 19720

Mrs. Tormolion asked the council to explain the following resolution and designation of conditional redeveloper.

Township Planner Roberts explained the following resolution.

Council Member Rodrick does not support the following resolution and had a hard time hearing Mr. Roberts explained.

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

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN  
THE COUNTY OF OCEAN, NEW JERSEY, CONTINUING  
THE DESIGNATION OF A CONDITIONAL  
REDEVELOPER FOR THE PROPERTY IDENTIFIED ON  
THE TAX MAPS OF THE TOWNSHIP AS BLOCK 658,  
LOT 25 AND AUTHORIZING THE EXECUTION OF AN  
AMENDMENT TO THE INTERIM COSTS AGREEMENT  
RELATED THERETO**

**JUNE 8, 2022**

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Redevelopment Law”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, the Township Council (the “Council”) of the Township of Toms River, in the County of Ocean, New Jersey (the “Township”), by resolution duly adopted pursuant to the Redevelopment Law, authorized and directed the Planning Board of the Township (the “Planning Board”) to undertake a preliminary investigation to determine if a specific area located in the Township, identified on the Tax Maps of the Township as Block 566.01; Block 566.02; Block 566.03; Block 567; Block 569, Block 570; Block 566.04, a portion of Lot 1; and Block 658, Lots 25, 47, 48 and 58 (the “Study Area”), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on November 5, 2008, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law; and

WHEREAS, on December 3, 2008, the Planning Board adopted Resolution #2008-94 recommending that Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on January 27, 2009, after reviewing the recommendations of the Planning Board, the Council adopted a resolution designating the Study Area an area in need of redevelopment under the Redevelopment Law (the “Original Redevelopment Area”); and

WHEREAS, in 2012, the Council adopted a resolution designating Block 658.01, as shown on the Tax Maps of the Township, as an area in need of redevelopment in accordance

with the Redevelopment Law and adding said parcel to the Original Redevelopment Area (the “Redevelopment Area”); and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for a portion of the Redevelopment Area identified on the Tax Maps of the Township as Block 566.01; Block 566.02, Lots 3, 7, 8, 9 and a portion of 5; Block 566.03; Block 567; Block 569, Lots 4, 5, 6, 7, 8, 9, 10 and 11; Block 658, Lots 25, 47, 48 and 58 and Block 658.01 (the “Phase 1 Redevelopment Area”) to be prepared, entitled the “Redevelopment Plan for Phase 1 Downtown Waterfront Redevelopment Area” (the “Redevelopment Plan”) dated November 16, 2017; and

WHEREAS, on December 26, 2017, the Council adopted an Ordinance approving the Redevelopment Plan; and

WHEREAS, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for a portion of the Phase 1 Redevelopment Area identified on the Tax Maps of the Township as Block 658, Lot 25 (“Lot 1”) and Block 569, Lots 3, 4, 10 and 11.01 (“Lot 2” and together with Lot 1, the “Project Area”); and

WHEREAS, on May 3, 2019, the Township received a response to the RFP (the “Proposal”) from Capodagli Property Company, LLC, (“Capodagli”); and

WHEREAS, the Township reviewed the Proposal based on the designated criteria in the RFP, including but not limited to, (i) compliance with the terms of the RFP, (ii) operating experience in the field, including experience as a redeveloper of residential, retail, office and mixed-use in downtown districts, (iii) appropriateness of design, pedestrian circulation and parking solutions, (iv) creativity in approach to mix of uses, (v) soundness of financial plan and commitments, and (vi) capability of redeveloper to execute the project; and

WHEREAS, based upon the Township’s evaluation of the Proposal, on June 25, 2019, the Council adopted a resolution (i) designating Capodagli, or an affiliated entity, as the conditional redeveloper of the Project Area for a period of one hundred eighty (180) days pending the negotiation and execution of, among other agreements, a redevelopment agreement (the “Redevelopment Agreement”) with the Township; and (ii) authorizing the execution of an interim costs agreement with Capodagli (the “Original Interim Costs Agreement”) to reimburse the Township for any and all costs incurred by the Township prior to the execution of a Redevelopment Agreement, including the Township’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of the Conditional Redeveloper, the drafting of amendments to the Redevelopment Plan, negotiation of the terms and conditions of a redevelopment agreement, financial or tax agreement, if applicable, and other documents related to the redevelopment of the Project Area including, but not limited to, fees for legal, real estate appraisal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred commencing as of June 18, 2019 (the “Interim Costs”); and

WHEREAS, the Township and Capodagli executed the Original Interim Costs Agreement in furtherance of the aforesaid resolution; and

WHEREAS, on December 23, 2019, the Council adopted a resolution (i) continuing the designation of Capodagli as conditional redeveloper of the Project Area for a period of one hundred eighty (180) days, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of an amendment to the Original Interim Costs Agreement (the “First Amendment” and together with the Original Interim Costs Agreement, the “First Amended Interim Costs Agreement”) to define the term of the agreement; and

WHEREAS, the Parties executed an amendment to the First Amended Interim Costs Agreement (the “Second Amendment” and together with the First Amended Interim Costs Agreement, the “Second Amended Interim Costs Agreement”) to establish an additional escrow fund with the Township to provide for the payment of the Interim Costs related to, among other things, the designation of Capodagli as the conditional redeveloper of the Project Area and preliminary discussions relating to the negotiation of the Redevelopment Agreement for Lot 1, commonly known as the Upper Iron Street Lot; and

WHEREAS, on May 27, 2019, the Parties executed an amendment to the Second Amended Interim Costs Agreement (the “Third Amendment” and together with the Second Amended Interim Costs Agreement, the “Third Amended Interim Costs Agreement”) extending the term of the agreement to December 18, 2020; and

WHEREAS, on January 29, 2021, the Parties executed an amendment to the Third Amended Interim Costs Agreement (the “Fourth Amendment” and together with the Third Amended Interim Costs Agreement, the “Fourth Amended Interim Costs Agreement”) extending the term of the agreement to June 18, 2021; and

WHEREAS, on June 10, 2021, the Parties executed an amendment to the Fourth Amended Interim Costs Agreement (the “Fifth Amendment” and together with the Fourth Amended Interim Costs Agreement, the “Fifth Amended Interim Costs Agreement”) extending the term of the agreement to September 1, 2021; and

WHEREAS, on August 25, 2021, the Parties executed a Redevelopment Agreement in connection with the redevelopment of Lot 2;

WHEREAS, on November 19, 2021, the Parties executed an amendment to the Fifth Amended Interim Costs Agreement (the “Sixth Amendment” and together with the Fifth Amended Interim Costs Agreement, the “Sixth Amended Interim Costs Agreement”) extending the term of the agreement to May 8, 2022; and

WHEREAS, the Township and Capodagli have agreed to (i) continue the designation of Capodagli, or an affiliated entity, as the conditional redeveloper of Lot 1 (the “Conditional Redeveloper”) until December 5, 2022 to continue the negotiations of the Redevelopment Agreement, and (ii) to amend the Sixth Amended Interim Costs Agreement to extend the term of the agreement; and

WHEREAS, the Township desires to authorize the execution of an amendment to the Sixth Amended Interim Costs Agreement (in the form attached hereto as Exhibit A, the “Seventh Amendment” and together with the Sixth Amended Interim Costs Agreement, the “Interim Costs Agreement”).

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. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The designation of Capodagli as the Conditional Redeveloper of the Lot 1 pending the execution of the Redevelopment Agreement with the Township shall be continued until December 5, 2022 and is contingent upon Capodagli providing any additional project related information as may be requested by the Township.

Section 3. The within designation is further contingent upon (i) Capodagli agreeing to reimburse the Township for any and all Interim Costs in accordance with the Interim Costs Agreement and (ii) negotiating a formal Redevelopment Agreement between the Township and Capodagli.

Section 4. The Mayor of the Township is hereby authorized and directed to execute the Seventh Amendment, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Township's redevelopment counsel and other professionals.

Section 5. This resolution shall take effect immediately.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Township Attorney
- d) David G. Roberts, Township Planner

- e) Engineering Division
- f) Frances C. McManimon, Esq.  
McManimon, Scotland & Baumann, LLC  
427 Riverview Plaza  
Trenton, NJ 08611
- g) Capodagli Property Company, LLC  
201 S. Wood Avenue  
Linden, NJ 07036

CERTIFICATE

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on June 8, 2022 by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey.

\_\_\_\_\_  
Mike Cruoglio, Deputy Municipal Clerk  
Township of Toms River, New Jersey

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

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, CONTINUING THE DESIGNATION OF A CONDITIONAL REDEVELOPER FOR BLOCK 668, LOTS 9 AND 13 AS IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AND COMMONLY KNOWN AS 1 ROBBINS PARKWAY AND AUTHORIZING THE EXECUTION OF A FOURTH AMENDMENT TO THE INTERIM COSTS AGREEMENT WITH RESPECT THERETO**

The foregoing resolution is **to be table indefinitely.**

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

**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 – May	\$199,812.00	\$310,165.00
Building Permits – YTD through May	\$1,479,715.00	\$1,377,882.00

**Recreation Department**

	2022	2021
Bey Lea Golf Course- May	\$189,180.42	\$197,773.74
Bey Lea Golf Course- YTD through May	\$500,448.99	\$515,940.61
Winding River Ice Rink- May	\$80,186.97	\$72,003.35
Winding River Ice Rink- YTD through May	\$495,494.95	\$373,400.74
Pool Badges- Week 9	\$1,875.00	\$1,950.00
Beach Badges- Week 9	\$294,735.00	\$379,650.00

**APPROVAL OF BILLS**

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **June 2, 2022**, was approved on motion by Council Member Kopp, seconded by Council Member Lotano, 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 22-03051, payable to Republicans for Toms River in the amount of \$155.00.

Purchase Order 22-03157, payable to Silverton First Aid Squad, Inc., in the amount of \$825.66.

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

Purchase Order 22-02576, payable to Brady & Kunz (Lotano Development) in the amount of \$40.50.

Purchase Order 22-03051, payable to Republicans for Toms River in the amount of \$155.00.

. Council Member Ciccozzi abstained due to Business conflicts on the following:

Purchase Order 22-03051, payable to Republicans for Toms River in the amount of \$155.00.

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

Purchase Order 22-03150, & 22-03221, payable to Owen Little & Associates, Inc., in the amount of \$7,764.75.

Purchase Order 22-03051, payable to Republicans for Toms River in the amount of \$155.00.

Purchase Order 22-03157, payable to Silverton First Aid Squad, Inc., in the amount of \$825.66.

Purchase Order 21-02487, payable to Sun Run Installation in the amount of \$548.00.

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

Purchase Order 22-03242, payable to Magistrate Salaries in the amount of \$6,937.41.

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

Purchase Order 22-03051, payable to Republicans for Toms River in the amount of \$155.00.

Council Member Rodrick – NONE

Attorney McGuckin invoked doctrine of necessity for PO 22-03051.

## **ELECTED OFFICIALS COMMENTS**

Council Member Lamb congratulated Congressman Chris Smith, incumbents Ginny Haines, Jack Kelly, and Sheriff Mastronardy and all county committee winners.

Council Member Rodrick congratulated all the incumbents for winning yesterday's primary. Thanked the children and band directors for being in Memorial Day Parade.

Council Member Lotano mentioned Cruising in Downtown, Toms River once a month and Downtown Night out every Friday. He spoke regarding Farmers Market and this weekend is Pride Festival in downtown. He congratulated all the winners in primary election.

Council Member Ciccozzi spoke regarding paving Washington Street and Route 37; applications on Planning Board have decreased; Community Medical Center -20 years expansion; and commented on inflation rates increasing.

Mayor Hill congratulated all the primary winners; spoke regarding renovations at Town Hall. He also thanked the Council Members for passing resolution "N" for serving lightning warning system following death of resident on beach.

Council President Geoghegan congratulated all the winners in the primary; spoke regarding Memorial Day Parade; and thanked the Police Department for their hard work.

## **PUBLIC COMMENTS**

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

Anthony Colucci, Vice-President of OBVTA,, 249 Coolidge Avenue, submitted various complaints about the conditions over Memorial Day weekend in Ortley Beach. They wants replacement for the rusted out railings on the boardwalk; storm fencing on the beach was not completed; people walking on the dunes and damaged the plantings, and want a signs indicating no walking on the dunes. Complaints of garbage on the beach and want the beach cleaned on holidays and weekend evenings. Bathrooms should always be opened and cleaned.

Laurie Singer, 113 Garfield Avenue, spoke regarding resident getting struck by a police vehicle; no crosswalk on route 37.

Joseph Cantalupo, 451 Tunney Avenue, member of OBVTA, wants handrails at walkovers on dunes. Spoke about having an issue with response from the ambulance after wife fell near his home.

Daniel Kessel, 7 Vail Street, Wants to talk about Council Member Lamb absence at previous council meeting.

Mike Romeo, 3643 Ocean Terrace, Ortley Beach, spoke about parties kids during Memorial Day weekend; requesting curfew at beach.

Scott Rawley, 445 Harding, trees blocking motorists' view on Bay Blvd.

The following people from Normandy Beach:spoke regarding parties and need a curfew:

Joe Dioreqorio, Vice President  
Wayne McCade, 113 pETERSON  
Rob Williams 360 Ocean Terrace  
Eileen Bauron 25 Kittiwake Avenue  
Debbie Martin, 1921 Ocean Avenue  
Michelle Volpe, 15 Bay Blvd

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

A motion was made by Council Member Lotano, seconded by Council Member Kopp, and carried to enter into a private Executive Session at 7:20 p.m.

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

## R E S O L U T I O N

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

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

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

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

Matters of Personnel  
Matters of Litigation

3. The following specific topics were announced.
  1. Executive Session Minutes: May 25, 2022 Regular Meeting
  2. Personnel Issues
  3. Pending Litigation – United States v. Toms River, NJ

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

Council Member Ciccozzi	- Yes
Council Member Kopp	- Yes

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

The Council **reconvened** the public portion at 7:54 P.M., a motion was made by Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, and Council Present Geoghegan voting yes, and with Council Member Rodrick absent..

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING SECTION 8.20, SUBSECTIONS "I" AND "O" OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS) OF THE TOWNSHIP CODE REGULATING PARKING FOR PLACES OF ASSEMBLY AND OFF-TRACT PARKING FOR NONRESIDENTIAL USES, AND AMENDING SECTION 8.26, SUBSECTION "G" OF THE TOWNSHIP CODE REGULATING GROUND SIGNS**

**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 348-8.20 (Off-street parking), Subsection "I" is amended and supplemented to amend paragraph (4) as follows:

§ 348-8.20 **Off-street parking.**

**I. Location of parking.**

- (4) \*All required parking spaces and facilities shall be located on the same lot or parcel as the structure or use it shall serve. In the case of nonresidential uses, parking facilities may be provided on other lots or parcels within a radius of 1000 feet from the boundary of the lot containing the use to which said parking spaces and facilities are accessory, provided that said lots are a permitted accessory use for the nonresidential use in the zone where they are located and are in the same ownership as the lot containing the principal use and subject to deed restrictions binding the owner and his heirs, successors and assigns to maintain the required number of spaces available and required facilities throughout the life of such use.

2. Section 348-8.20 (Off-street parking), Subsection "O" is amended and supplemented to amend paragraphs (10), (11), (14) and (39) as follows:

§ 348-8.20 **Off-street parking.**

**O. \*Minimum off-street parking spaces required.**

- (10) (Reserved).
- (11) (Reserved).
- (14) All places of assembly, to include a meeting room, place of worship, assembly or exhibition hall, community center, library, museum, art gallery, community club, private club or lodge, or theater: one parking space for each 100 square feet of gross floor area.
- (29) Nursery schools, day camps, adult or child-care centers, day nurseries or similar uses: one parking space per each 100 square feet of gross floor area, except as otherwise provided for in N.J.S.A. 40:55D-66a through 40:55D-66.7a.



(39) (Reserved).

3. Section 348-8.26 (Signs), Subsection “G” is amended and supplemented to amend paragraph (8) as follows:

§ 348-8.26 **Signs.**

**G. Ground Sign Requirements. Ground signs, where permitted, shall comply with the following provisions and any more specific regulations herein:**

(8) Ground signs with pylons, where permitted, shall be skirted to enclose the supporting pole(s) or pylon(s) of the sign, except for signage otherwise regulated under subsection J below. The skirting shall extend from ground to sign to not less than 50% of the full dimension of the lower edge of the sign. The skirting shall not be included in the sign size calculation unless it displays a message.

4. 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.

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 Kopp, 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 June 8, 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 June 22, 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, June 10, 2022.

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

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

**RESOLUTION APPROVING  
EXECUTIVE SESSION MINUTES**

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

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

1. The following Executive Session Minutes are approved:

**May 25, 2022 Regular Meeting**

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

No other business appearing, the meeting was **adjourned** at 7:55 P. M., on motion with Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Member Rodrick absent..

\_\_\_\_\_  
KEVIN GEOGHEGAN, COUNCIL PRESIDENT

\_\_\_\_\_  
MICHAEL CRUOGGIO, DEPUTY CLERK