

July 13, 2021

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 6:03 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 Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, 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 5, 2021. The meeting dates have also been posted on the Township web page.

Roll Call:

Council Member Huryk	- Present
Council Member Kopp	- Present
Council Member Lotano	- Present
Council Member Rodrick	- Present
Council Member Turnbach	- Present
Council Vice-President Maruca	- Present
Council President Geoghegan	- Present

APPROVAL OF MINUTES

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach and with Council President Geoghegan voting yes, to approve the **Regular Meeting of June 22, 2021**. 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 Maruca, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

Council President Geoghegan presented proclamations to the following Toms River Police Officers for life saving award for issuing lifesaving assistance during motorcycle crash on June 16, 2021.

Officer Bridget Badalis for lifesaving award.
Joseph Drago – Good Samaritan
Christopher Drago – Good Samaritan
Miguel Otero – Good Samaritan, who was unable to attend the meeting.

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Township of Toms River

Proclamation

Lifesaving Award Toms River Police Officer Bridgette Badalis #453

WHEREAS, on June 16, 2021, Toms River Police Officer **Bridgette Badalis, #453**, responded to a horrific motorcycle crash at the intersection of Route 70 and Whitesville Road; and

WHEREAS, **Officer Badalis** immediately rendered critical life support by applying her issued tourniquet to the injured motorcyclist's leg; and

WHEREAS, **Officer Badalis** also assisted Toms River Police Officer Terry Warren in applying a second issued tourniquet before the victim was flown to Jersey Shore University Medical Center Trauma Unit for further treatment; and

WHEREAS, **Officer Bridgette Badalis**, who started with the Toms River Police Department as a special officer in September, is commended for her quick response and using her training and experience to save a person's life.

NOW, THEREFORE, be it resolved that We, Mayor Maurice "Mo" B. Hill, and Kevin M. Geoghegan, Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim our sincere appreciation and gratitude as we honor and recognize **Toms River Police Officer Bridgette Badalis, #453**, for her life saving action.

Mayor Maurice B. Hill, Jr.

Kevin M. Geoghegan
Council President

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Good Samaritan Award

July 13, 2021

Miguel Otero

WHEREAS, on June 16, 2021, civilian *Miguel Otero* demonstrated bravery and heroism when he took action in a life threatening situation involving an injured motorcyclist; and

WHEREAS, *Mr. Otero* witnessed a horrific crash at the intersection of Route 70 and Whitesville Road between a car and a motorcycle; and

WHEREAS, *Mr. Otero* immediately rendered aid to the injured motorcyclist by removing his own shirt to help control the bleeding on the victim's leg; and

WHEREAS, *Mr. Otero* also assisted first responders in lifting the injured motorcyclist onto a backboard for transportation to Jersey Shore University Medical Center for further treatment; and

WHEREAS, *Mr. Otero's* heroic actions and quick thinking helped save a life that day.

NOW, THEREFORE, be it resolved that We, Mayor Maurice "Mo" B. Hill, and Kevin M. Geoghegan, Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim our sincere appreciation and gratitude as we honor and recognize *Miguel Otero* for his life saving action.

Mayor Maurice B. Hill, Jr.

Kevin M. Geoghegan
Council President

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Good Samaritan Award

July 13, 2021

Joseph Drago

WHEREAS, on June 16, 2021, civilian *Joseph Drago* demonstrated bravery and heroism when he took action in a life threatening situation involving an injured motorcyclist; and

WHEREAS, *Mr. Drago* witnessed a horrific crash at the intersection of Route 70 and Whitesville Road between a car and a motorcycle; and

WHEREAS, *Mr. Drago* immediately rendered aid to the injured motorcyclist by removing his belt and using it as a tourniquet on the victim's leg; and

WHEREAS, *Mr. Drago* also assisted Toms River Police Officer Badalis in applying a second issued tourniquet before the victim was flown to Jersey Shore University Medical Center for further treatment; and

WHEREAS, *Mr. Drago's* heroic actions and quick thinking helped save a life that day.

NOW, THEREFORE, be it resolved that We, Mayor Maurice "Mo" B. Hill, and Kevin M. Geoghegan, Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim our sincere appreciation and gratitude as we honor and recognize *Joseph Drago* for his life saving action.

Mayor Maurice B. Hill, Jr.

Kevin M. Geoghegan
Council President

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Good Samaritan Award

July 13, 2021

Christopher Drago

WHEREAS, on June 16, 2021, civilian *Christopher Drago* demonstrated bravery and heroism when he took action in a life threatening situation involving an injured motorcyclist; and

WHEREAS, *Mr. Drago* witnessed a horrific crash at the intersection of Route 70 and Whitesville Road between a car and a motorcycle; and

WHEREAS, *Mr. Drago* immediately called 9-1-1 to report the accident; and

WHEREAS, *Mr. Drago* also assisted first responders in lifting the injured motorcyclist onto a backboard for transportation to Jersey Shore University Medical Center for further treatment; and

WHEREAS, *Mr. Drago's* heroic actions and quick thinking helped save a life that day.

NOW, THEREFORE, be it resolved that We, Mayor Maurice "Mo" B. Hill, and Kevin M. Geoghegan, Council President of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, proclaim our sincere appreciation and gratitude as we honor and recognize *Christopher Drago* for his life saving action.

Mayor Maurice B. Hill, Jr.

Kevin M. Geoghegan
Council President

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Anthony Merlino, Township Attorney, made a presentation prior to this vote. "Separating Fact from Fiction". He gave important updates and clarification to the public and council.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS
SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT REGULATIONS)
OF THE TOWNSHIP CODE IN ACCORDANCE WITH THE CONSENT ORDER
ENTERED IN UNITED STATES OF AMERICA V. TOWNSHIP OF TOMS RIVER,
CIV. ACT. NO. 3:21-cv-04633 (FLW) (LHG)**

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.

Professor Marci Hamilton spoke regarding RLUIPA and the township handling of it with great success.

Michelle Williams would like to know if the presentation is post it on website?

Marian Leadbetter, 1608 Otter Drive, questioned if it will go to one acre?

Councilman Rodrick questioned if you can request variances and if they don't get what they want, can they sue? Answer: yes.

Art Anderson questioned if RLUIPA have acreage rule?

Richard Ciullo thanked Township Attorney Merlino for presentation.

Councilwoman Maruca spoke regarding the decision of the council and the best solution for the residents.

Councilwoman Huryk spoke on the decision of the council and the best solution for the residents of Toms River.

Councilman Kopp spoke on negotiations and the quality of guidance they were given by experts.

Councilman Lotano discussed litigation in a lose/win situation, used the best judgment for the residents.

Councilman Rodrick read a letter sent by Mayor Hill into the record. It doesn't stop lawsuits in the future. He said Mayor Hill lied to residents.

Councilman Turnbach spoke regarding Marci Hamilton and her expertise on RLIUPA, which councilman Rodrick is not. Step in right directions.

Councilman Geoghegan spoke the importance of getting the facts.

On motion by Council Member Maruca, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Maruca, offered the following ordinance and moved its adoption, Council Member Huryk 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 Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

Township Planner Roberts gave a brief explanation to Council and the public. This is an update to the original ordinance due to an oversight.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL,
TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY,
AMENDING THE REDEVELOPMENT PLAN FOR THE PHASE 1
DOWNTOWN WATERFRONT REDEVELOPMENT AREA**

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.

Councilman Rodrick questioned what are the benefits for being in an area of redevelopment; does the value of the area increase due to the increase in density; and pictures on the development projects.

Art Anderson, 12 Park Street, asked if it is a contract? Who decides on how high and how much parking we can require.

Marin Belick, BID, thanked Township Planner Roberts for working on project since 2017.

Councilman Turnbach explained picture on project is not what we are voting on.

Councilwoman Maruca clarified about concept plans.

Councilwoman Huryk spoke on concept plans.

Diana Tromboli spoke regarding traffic and fixing what we have.

Dave Ciccozzi, owner of property in downtown Spoke on his experience as a downtown property owner. Supports project and thanked professionals.

Paul Diqrogorio, support plan from 2017.

Elizabeth Puglisi spoke on the concerns of residence looking for safe family area.

Councilman Turnbach spoke on safety and downtown redevelopment.

Councilman Geoghegan spoke regarding listing to our professionals.

On motion by Council Member Maruca, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Huryk 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 Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING §175-21B OF
THE TOWNSHIP CODE TO ESTABLISH NON-RESIDENT DAILY FEE RATES FOR
THE TOWNSHIP SWIMMING POOL**

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.

Marc Yellin, 103 Joyce Court, Brick, moved to a community without a pool, currently use Toms River's pool. Would you consider a tier-system for County residents as a compromise?

Councilman Lotano said he toured the facility and spoke to residents. Residents pay to keep facility up and running.

Councilman Rodrick request to have class two officer on premises and waive 20 day holding period.

Councilman Turnbach appreciated council getting this done so quickly.

On motion by Council Member Maruca, seconded by Council Member Huryk and carried, the public hearing was closed.

Council Member Maruca offered the following ordinance and moved its adoption, Council Member Huryk 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 Huryk	Yes
Council Member Kopp	Yes
Council Member Lotano	Yes
Council Member Rodrick	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, ESTABLISHING A NEW CHAPTER 234 OF THE
TOWNSHIP CODE TO PROHIBIT THE OPERATION OF CANNABIS ESTABLISHMENTS,
DISTRIBUTORS, AND DELIVERY SERVICES IN THE TOWNSHIP**

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. Public comment was held on May 11, 2021.

Councilwoman Huryk report from cannabis committee has met three times. State has imposed August 22nd date for decision. Committee is recommending a ban to include a sunset provision so that committee can continue its work in good faith.

Councilman Lotano thanked members of cannabis committee.

Councilman Rodrick is in favor of the ban.

Council Member Maruca 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 Huryk	Yes
Council Member Kopp	Abstained
Council Member Lotano	Yes
Council Member Rodrick	Yes
Council Member Turnbach	Yes
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

Councilman Rodrick opposed the Ordinance.

Councilwoman Maruca spoke on committee and working with Council.

Council Member Huryk 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 CHAPTER 234 (CANNABIS REGULATION) OF THE TOWNSHIP CODE, TO ESTABLISH AN EXPIRATION DATE FOR THE GENERAL PROHIBITION AGAINST THE OPERATION OF CANNABIS ESTABLISHMENTS, DISTRIBUTORS, AND DELIVERY SERVICES IN THE TOWNSHIP

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

1. Chapter 234 (Cannabis Regulation) of the Township Code, is hereby amended and supplemented to add the following provision:

§234-7. Expiration.

This chapter and all provisions thereunder shall remain operative through and including December 31, 2021, and thereafter shall expire and cease to be effective or enforceable.

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

3. If any part of this ordinance is invalidated, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance 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 Huryk, seconded by Council Member Turnbach and carried, with Council Members Huryk, Lotano, Turnbach, and Council President Geoghegan voting yes, and Council Member Kopp abstaining, and with Council Member Rodrick voting no, 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 July 13, 2021 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 July 27, 2021 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.

ALISON CARLISLE
TOWNSHIP 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, July 16, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and Council Member Kopp abstaining, and with Council Member Rodrick voting no.

Council Member Rodrick spoke on number of raises and how this ordinance was put together.

Council Member Maruca 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 AND
SUPPLEMENTING CHAPTER 147 (SALARIES AND COMPENSATION)
OF THE TOWNSHIP CODE TO ESTABLISH THE COMPENSATION OF
CERTAIN TOWNSHIP EMPLOYEES**

**SCHEDULE "A" – FRATERNAL ORDER OF POLICE –
SUPERIOR OFFICERS**

SCHEDULE "B" – SUPERVISORY EMPLOYEES

SCHEDULE "C" – TRPA WHITE COLLAR EMPLOYEES

SCHEDULE “D” – TRPA WHITE COLLAR – PART-TIMERS

SCHEDULE “E” –FMBA - DISPATCHERS

SCHEDULE “F” – CONFIDENTIAL EMPLOYEES

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. Chapter 147 (Salaries and Compensation) of the Code of the Township of Toms River, New Jersey, is amended and supplemented to establish the compensation of certain Township employees as set forth on Schedules A, B, C, D, E and F attached to and made a part of this Ordinance.

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 147 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.

5. This ordinance is not legislative in nature, and it does not need to be codified in the Code of the Township of Toms River, Ocean County, New Jersey.

SCHEDULE A, B, C, D, E, F

“See Attachments”

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on July 13, 2021 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 July 27, 2021 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.

ALISON CARLISLE
TOWNSHIP 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, July 16, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick abstaining.

Council Member Lotano mentioned that Mayor Hill proposed this proposal.

Council Member Rodrick agreed to this proposal and good idea to leave it to the voters, but we need County to purchase more open space.

Council Member Huryk 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 INCREASING THE OPEN SPACE TAX BY AN ADDITIONAL \$0.01 PER \$100 OF TOTAL TOWNSHIP EQUALIZED REAL PROPERTY VALUATION, SUBJECT TO VOTER APPROVAL AT THE NOVEMBER 2021 GENERAL ELECTION

WHEREAS, at the November 2000 general election, the voters of the Township of Toms River (then the Township of Dover) overwhelmingly approved a non-binding referendum authorizing the establishment of an Open Space Trust Fund to finance the acquisition of properties for preservation, conservation, and recreational purposes, funded through a special open space tax; and

WHEREAS, in December 2000, the governing body enacted Ordinance 3576-00, now codified in Chapter 95 of the Township Code, establishing the Open Space Trust Fund and imposing a special open space tax of \$0.015 per \$100 of total Township equalized property real property valuation, as approved by the voters; and

WHEREAS, the special open space tax has remained unchanged since it took effect in 2001; and

WHEREAS, in recent years the Township has been besieged by a rising tide of development that has generated increased traffic and strains on local infrastructure, rapidly receding farmland and open space, and a diminished quality of life for Township residents; and

WHEREAS, in response, the Township previously took various steps to curb excessive development, including changes to its zoning, a revised master plan with additional controls on development, and the acquisition of over 160 acres of open space since the establishment of the Open Space Trust Fund; and

WHEREAS, acquiring more open space is critical to reduce the pressures of excessive development on the Township's infrastructure and quality of life; expand opportunities for active and passive recreation, conservation, and environmental protection; and keep Toms River a strong and vibrant community; and

WHEREAS, increasing the special open space tax by an additional \$0.01 per \$100 of total Township equalized real property valuation can provide the Township with the financial wherewithal to fund a robust open space initiative; and

WHEREAS, because of the vital importance of this issue, Township voters should have the opportunity at this year's general election to decide whether these additional resources should be committed to the acquisition of open space; and

WHEREAS, N.J.S.A. 40:12-15.7d authorizes a new public referendum to alter the amount or rate of the special open space tax previously approved:

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

1. The special open space tax imposed pursuant to §95-2 (Funding of Open Space Trust Fund) of the Township Code is hereby increased by an additional \$0.01 per \$100 of total Township equalized property real property valuation, to a total of \$0.025 per \$100 of total Township equalized property real property valuation, effective January 1, 2022.

2. Accordingly, §95-2 (Funding of Open Space Trust Fund) is hereby amended and supplemented to provide as follows:

Effective January 1, 2022, a special tax rate shall be added to the total Township tax rate in the amount of \$0.025 per \$100 of the annual assessment valuations and tax rate, the revenue of which shall be deposited into the Open Space Trust Fund. The Township may, in its discretion, deposit additional municipal monies into the Open Space Trust Fund, which deposits shall then be subject to all of the provisions of the Open Space Trust Fund. The Open Space Trust Fund is also authorized to accept donations and testamentary bequests.

3. All other parts of Chapter 95 (Open Space Trust Fund) remain in full force and effect.

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

5. 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.

6. Pursuant to N.J.S.A. 40:12-15.7d; N.J.S.A. 40:69A-185; and N.J.S.A. 40:69A-192c, this ordinance shall not take effect unless approved by the voters at the November 2, 2021, general election.

7. Pursuant to N.J.S.A. 40:69A-185, the following question is hereby submitted to the Ocean County Clerk for inclusion on the November 2, 2021, general election ballot:

Shall the ordinance submitted by the Township Council of the Township of Toms River providing for an increase, effective January 1, 2022, in the special open space tax of an additional \$0.01

per \$100 of total Township equalized property real property valuation be adopted?

8. The following interpretive statement is hereby submitted to the Ocean County Clerk to accompany the foregoing referendum question on the November 2, 2021, general election ballot:

If approved, the ordinance submitted by the Toms River Township Council will increase the existing special open space tax by an additional 1 cent per \$100 of total Township equalized real property valuation, bringing the total special open space tax to 2.5 cents per \$100 of total Township equalized real property valuation, effective January 1, 2022. All revenue generated by the tax must be deposited into the Township's open space trust fund and may only be used for authorized purposes, which include the acquisition of land for recreation, conservation, and preservation. As an example, if the ordinance is approved, an owner of real property assessed at \$100,000 would annually pay \$25 into the Open Space Trust Fund.

9. Upon final passage of this ordinance, the Township Clerk is hereby directed to take all necessary measures to timely submit the foregoing ballot question and interpretive statement to the Ocean County Clerk for inclusion on the November 2, 2021, general election ballot.

10. In addition to the normal publication requirements, the Township Clerk is hereby directed to re-publish this ordinance in at least two print newspapers circulated in the Township not more than 20 and not less than 5 days before the November 2, 2021, general election, as required by N.J.S.A. 40:69A-194.

A motion was made by Council Member Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Rodrick, Turnbach, and with Council President Geoghegan voting yes, 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 July 13, 2021 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 July 27, 2021 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.

ALISON CARLISLE
TOWNSHIP 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, July 16, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

Council Member Rodrick asked Chief Financial Officer Davidson if there was a \$3 million mistake in audit.

Chief Financial Officer Davidson said there is no mistake in our audit or adjustment.

Councilman Turnbach apologize for Councilman Rodrick's comment.

Councilwoman Maruca thanked Mr. Davidson for the hard work by himself and his staff.

Council President Geoghegan thanked Mr. Davidson for his service.

Council Rodrick said Mr. Davidson does not personally conduct the audit.

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

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

JULY 13, 2021

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

WHEREAS, the Annual Report of Audit for the year **2020** has been filed by a Registered Municipal Accountant with the *Municipal Clerk* pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

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

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

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

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

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the

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

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

- a) Township Clerk
- b) Chief Financial Officer
- c) DLGS – Bureau of Financial Regulation & Assistance
PO Box 803,
Trenton 08625

CERTIFICATION OF GOVERNING BODY OF THE ANNUAL AUDIT

GROUP AFFIDAVIT FORM NO PHOTO COPIES OF SIGNATURES

STATE OF NEW JERSEY
COUNTY OF *Ocean*

We, members of the governing body of the *Township of Toms River*, in the County of *Ocean*, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Council of the Township of Toms River in the county of Ocean;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2020;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled “Comments and Recommendations.”

(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____
(L.S.)	(L.S.)
_____	_____

Sworn to and subscribed before me this _____ day of _____
Notary Public of New Jersey

The Municipal Clerk (or Clerk of the Board of Chosen Freeholders as the case may be) shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

Chief Financial Officer Davidson explained to Council and public the ongoing issue with Ciba-Geigy that has been occurring since 2004. Finance board approves schedule for \$17.4 million in reserve, but the township must pay appeal by October 1, 2021.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, MAKING
APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO
N.J.S.A. 40A:2-51**

JULY 13, 2021

WHEREAS, the Township Council of the Township of Toms River, in the County of Ocean, New Jersey (the "Township") desires to make application to the Local Finance Board for its review and consent to the adoption by the Township of a refunding bond ordinance (the "Ordinance") providing for the issuance of bonds or notes (the "Refunding Obligations") in order to pay amounts owing to others for taxes levied in and by the Township; and

WHEREAS, the Township believes that:

- (a) it is in the public interest to accomplish such purpose;
- (b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the Township;
- (c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and
- (d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the Township and will not create an undue financial burden to be placed upon the Township; and

WHEREAS, the Township believes that the maturity schedule contained in the Application to the Local Finance Board is in the best interests of the Township;

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 Application to the Local Finance Board is hereby approved, and the Township's Bond Counsel, Chief Financial Officer, Business Administrator and Financial Advisor, along with other representatives of the Township, are hereby authorized to prepare such application, to file such application with the Local Finance Board and to represent the Township in matters pertaining thereto.

Section 2. The Clerk is hereby directed to prepare and file a copy of this Resolution and the Ordinance (if necessary) with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statute, including causing its consent to be endorsed upon a certified copy of the Ordinance.

Section 4. This Resolution shall take effect immediately upon its adoption.

Section 5. 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) Business Administrator
 - c) Chief Financial Officer
 - d) Township Attorney
 - e) Local Finance Board
 - f) Gluck Walrath, LLP
- Attn: Christopher M. Walrath, Esq.

The above resolution was adopted on the following roll call vote:

Motion: _____ Second: _____

Ayes: _____

Nays: _____

Abstain: _____

Absent: _____

CERTIFICATION

I, Alison Carlisle, Township Clerk, Township Clerk of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), do hereby certify that the above is a true copy of a resolution adopted by the Township Council of the Township at its meeting held on _____, 2021.

Alison Carlisle, Township Clerk

Dated: _____, 2021

Councilman Rodrick spoke regarding BASF; this is a shameful situation negated by the impacts of what company did to residents.

Council President Geoghegan shameful that BASF's gone down this road. The Township has to make good financial decisions.

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

REFUNDING BOND ORDINANCE PROVIDING FOR PAYMENT OF AMOUNTS OWING TO BASF CORPORATION FOR TAXES LEVIED IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, APPROPRIATING \$13,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$13,000,000 BONDS OR NOTES OF THE TOWNSHIP OF TOMS RIVER FOR FINANCING THE COST THEREOF.

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

Section 1. The Township of Toms River, in the County of Ocean, New Jersey (the "Township") is hereby authorized to pay an aggregate amount not exceeding \$13,000,000 for amounts owed by the Township to BASF Corporation, the owner of various properties shown on the tax maps of the Township as Block 411, Lots 6, 6.01 and 107, for taxes levied in the Township, and which amounts are due and owing from the Township on or before December 31, 2021.

Section 2. An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 3. In order to finance the cost of the project described in Section 1 hereof, negotiable refunding bonds are hereby authorized to be issued in the principal amount of \$13,000,000 pursuant to the Local Bond Law.

Section 4. In anticipation of the issuance of the refunding bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. All refunding bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer 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.

All notes issued hereunder may be renewed from time to time, but all such notes including renewals shall mature and be paid no later than the tenth anniversary of the date of the original notes; provided, however, that no notes shall be renewed beyond the first or any succeeding anniversary date of the original notes unless an amount of such notes, at least equal to the first legally payable installment of the bonds in anticipation of which the notes are issued, determined in accordance with the maturity schedule for the bonds approved by the Local Finance Board, is paid and retired on or before such anniversary date; and provided, further, that the period during which the bond anticipation notes and any renewals thereof and any permanent bonds are outstanding, shall not exceed the period set for the maturity of the bonds by the Local Finance Board.

The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must 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. A certified copy of this refunding bond ordinance as adopted on first reading has been filed with the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the Chief

July 13, 2021 20

Financial Officer of the Township as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein. 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 refunding bond ordinance by \$13,000,000, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by virtue of a deduction pursuant to N.J.S.A. 40A:2-52.

Section 6. To the extent the refunding bonds or notes authorized hereunder are issued as tax-exempt obligations, the Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the refunding bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder. The Township reasonably expects to expend general funds or other available moneys for the purpose described in Section 1 hereof prior to the issuance of refunding bonds or notes hereunder. To the extent such funds are spent, the Township further reasonably expects to reimburse such expenditures from the proceeds of the refunding bonds or notes authorized by this refunding bond ordinance, in an aggregate not to exceed the amount of refunding bonds or notes authorized in Section 3 hereof.

Section 7. The Township hereby covenants to comply with Rule 15c2-12 promulgated under the Securities Exchange Act of 1934 to the extent applicable to the issuance of refunding bonds or notes issued pursuant to this refunding bond ordinance.

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

Section 9. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

NOTICE OF PENDING REFUNDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing refunding bond ordinance was duly 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 July 13, 2021. Further notice is hereby given that said refunding bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey, on July 27, 2021 at o'clock .m., and during the week prior to and up to and including the date of such meeting, copies of said refunding bond ordinance will be made available at the Township Clerk's Office to the members of the general public who shall request the same.

Alison Carlisle, Township Clerk

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

NOTICE

July 13, 2021 21

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 July 13, 2021 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 July 27, 2021 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.

ALISON CARLISLE
TOWNSHIP 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, July 16, 2021.

Ordinance was adopted on first reading with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

CONSENT AGENDA

Township Deputy Clerk Reynolds 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 Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **G**, which was done separately.

RESOLUTION

JULY 13, 2021

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:*

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<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
LAKELAND BANK	410.04	14	2021/3	\$1,198.73
CORELOGIC	1501.33	2	2021/3	\$1,689.27
BETHPAGE FEDERAL CREDIT UNION	443.50	4	2021/3	\$5,458.97
LERETA LLC ATTN REFUND SHEILA JOBE	443.45	2	2021/3	\$2,724.11
TOTALS:				\$11,071.08

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

JULY 13, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO AN ERRONEOUS PAYMENT, AND;

WHEREAS, ELLEN MARRA SENT A PAYARGO PAYMENT ON 4-30-21, IN THE AMOUNT OF \$850.12 TO PAY TAXES FOR HER HOME THAT SHE SOLD ON 1-29-21.

WHEREAS, THE PAYARGO PAYMENT WAS SENT TO THE TAX COLLECTORS OFFICE AND WAS ERRONEOUSLY CASHED TOWARD HER PREVIOUS PROPERTY IN TOMS RIVER.

WHEREAS ELLEN MARRA HAS ASKED THE TAX COLLECTOR TO REFUND THE \$850.12.

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:

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
MARRA, ELLEN	818	30	2021/2	\$850.12

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

JULY 13, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO HOME OWNER SOLD THE PROPERTY, AND HAD AN AUTOMATIC WITDRAWL, AND FAILED TO NOTIFY THE TAX COLLECTOR TO DISCONTINIUE THE DIRECT WITHDRAWL, NOW MONIES MUST BE REFUNDED TO THE PRIOR 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
SAGE, KAREN	412.07	24	2021/1	\$404.14

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 232.12 LOT 13 EFFECTIVE JUNE 1ST, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JULY 13, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 232.12 Lot 13, located at 157 Silver Bay Road, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective June 1st, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date of this resolution;

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. All 2021 real property taxes for block 232.12 lot 13 due on or after June 1st, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 232.12 lot 13 if any, shall be refunded on a pro-rated basis from June 1st, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 1502.08 LOT 5 EFFECTIVE APRIL 30TH, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JULY 13, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 1502.08 Lot 5, located at 841 Girard Road, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective April 30th, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date of this resolution;

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. All 2021 real property taxes for block 1502.08 lot 5 due on or after April 30th, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 1502.08 lot 5 if any, shall be refunded on a pro-rated basis from April 30th, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator

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- c) Township Attorney
- d) Chief Financial Officer
- e) Township Assessor
- f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 591 LOT 35.06 EFFECTIVE APRIL 21ST, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

JULY 13, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 591 Lot 35.06, located at 174 Black Oak Court, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective April 21st, 2021 and

WHEREAS, property taxes for 2021, as of the effective date of the certification of disability by the Tax Assessor, are to be cancelled; and

WHEREAS, any taxes paid after the date of this resolution by the property owner (or on his behalf), are to be cancelled and/or refunded from the date of this resolution;

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. All 2021 real property taxes for block 591 lot 35.06 due on or after April 21st, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 591 lot 35.06 if any, shall be refunded on a pro-rated basis from April 21st , 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST ONE (1) YEAR CONTRACT EXTENSION WITH TRIUS, INC. AND TONY SANCHEZ LTD, FOR THE SUPPLY OF SNOW PLOW REPAIR PARTS AND SERVICE, COMMENCING AUGUST 8, 2021 THROUGH AUGUST 7, 2022

JULY 13, 2021

WHEREAS, resolution of the Township Council dated July 23, 2019 authorized the award of a contract for the Supply of Snow Plow Repair Parts and Service to Trius, Inc.,

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5049 Industrial Road, Farmingdale, NJ 07727 for Item Numbers 3a – 3d, 5c – 5d, 6a – 6d, and 7a – 7b, and to H.A. DeHart & Son Inc, 311 Crown Point Road, Thorofare, NJ 08086, for Item Numbers 2a – 2c. Items 2d and 4a-4d received no award; and

WHEREAS, resolution of the Township Council dated October 8, 2019, authorized the award of a contract for the Supply of Snow Plow Repair Parts and Service to Tony Sanchez LTD, 1685 Route 46, Ledgewood, NJ 07852 for Item Numbers 1a, 1b, and 1c and to Trius Inc. for Item Numbers 5a and 5b, commencing August 8, 2019 through August 7, 2021, under the same terms and conditions as the original contract; and

WHEREAS, the terms of the original contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 (45), which allows for these contracts to be extended for no more than one (1) two-year, or two (2) one-year, extensions upon expiration of the original contract term; and

WHEREAS, The Department of Public Works has determined it is in the best interest of the Township to extend these contracts for the first additional one (1) year term, commencing August 8, 2021 through August 7, 2022, under the same terms and conditions as the original contract; and

WHEREAS, H.A. DeHart & Son Inc. declined to hold their pricing so Item Numbers 2a-2c will expire on August 7, 2021 at the end of the original contract term.

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 contracts with Trius, Inc. for Item Numbers 3a – 3d, 5a – 5d, 6a – 6d, and 7a – 7b, and Tony Sanchez LTD for Item Numbers 1a - 1c., for the Supply of Snow Plow Repair Parts and Service, commencing August 8, 2021 through August 7, 2022. The extension of these contracts is subject to all the terms and conditions of the original contract.

2. H.A. DeHart & Son Inc. declined to hold their pricing so Item Numbers 2a-2c will expire on August 7, 2021 at the end of the original contract term.

3. 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 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) Department of Public Works
- e) Trius, Inc.
5049 Industrial Road
Farmingdale, NJ 07727
- f) Tony Sanchez, LTD
1685 Route 46
Ledgewood, NJ 07852

CERTIFICATION

THIS IS TO CERTIFY that the funds for the first one (1) year extension of the contracts for the Supply of Snow Plow Repair Parts and Service with Trius Inc. and Tony Sanchez, LTD, will be open-ended, contingent upon the availability of funds in the appropriate municipal budget.

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

ALEXANER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: July 13, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF CONTRACT TO
GRANTURK EQUIPMENT CO., INC., AS SOLE BIDDER MEETING ALL THE BID
SPECIFICATIONS, FOR THE PURCHASE OF ONE (1) NEW AND UNUSED SLIP-IN-DUAL-
AUGER ASPHALT PATCH UNIT- MODEL DA-3SM, FOR THE DEPARTMENT OF PUBLIC
WORKS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$79,904.00**

JULY 13, 2021

WHEREAS, bids were invited for the Purchase of One (1) New and Unused Slip-In-Dual-Auger Asphalt Patch Unit- Model DA-3SM, for the Department of Public Works; and

WHEREAS, one bid was received on June 24, 2021, as follows:

Granturk Equipment Co, Inc.
One Schuylkill Pkwy, Bldg. B
Bridgeport, PA 19405

BASE BID:

ONE (1) New and Unused Slip-In Dual-Auger Asphalt Patch

Unit – Model DA-3SM	<u>\$83,166.00</u>
Make:	<u>PB Loader</u>
Model Bid:	<u>DA-3 SM</u>
Year Bid:	<u>2021</u>

Optional Equipment:

Hand Torch	<u>\$6,845.00</u>
Emulsion Spray Unit: Model BH-30-6	<u>\$1,104.00</u>
Solvent Pump:	<u>\$391.00</u>
Thermometer:/Auxiliary electric heat	<u>\$180.00</u>
Hose Reels	<u>\$1,194.00</u>
LPG Tank	<u>\$1,024.00</u>

GRAND TOTAL BID: \$93,904.00

Delivery date: 180-210 Days ARO

Trade In Credit:

2010 Peterbilt, VIN: 3BPZL00X5BF119890 (Truck #194, Fixed Asset #5652)

\$10,000.00

2001 Volvo, VIN: 4V5KC9GG22N333040 (Truck #87, Fixed Asset #4452)

\$4,000.00

GRAND TOTAL BID COLLECTION SYSTEM LESS TRADE IN: \$79,904.00

WHEREAS, the bid has been reviewed by the Division of Purchasing and Department of Public Works, and it is their recommendation that a contract be awarded to Granturk Equipment Co., Inc., One Schuylkill Pkwy, Bldg. B, Bridgeport, PA 19405, as the sole bidder meeting all of the bid specifications, for the purchase of One (1) New and Unused Slip-In-Dual-Auger Asphalt Patch Unit- Model DA-3SM, for the Department of Public Works;

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 Granturk Equipment Co. Inc., as the sole bidder meeting all of the bid specifications, for the Purchase of One (1) New and Unused Slip-In-Dual-Auger Asphalt Patch Unit- Model DA-3SM, for the Department of Public Works, for a total contract amount not to exceed \$79,904.00, as follows:

Granturk Equipment Co, Inc.
One Schuylkill Pkwy, Bldg. B
Bridgeport, PA 19405

BASE BID:

ONE (1) New and Unused Slip-In Dual-Auger Asphalt Patch Unit – Model DA-3SM

Make:	<u>PB Loader</u>
Model Bid:	<u>DA-3 SM</u>
Year Bid:	<u>2021</u>

Optional Equipment:

Hand Torch	<u>\$6,845.00</u>
Emulsion Spray Unit: Model BH-30-6	<u>\$1,104.00</u>
Solvent Pump:	<u>\$391.00</u>
Thermometer:/Auxiliary electric heat	<u>\$180.00</u>
Hose Reels	<u>\$1,194.00</u>
LPG Tank	<u>\$1,024.00</u>
GRAND TOTAL BID:	<u>\$93,904.00</u>

Delivery date: 180-210 Days ARO

Trade In Credit:

2010 Peterbilt, VIN: 3BPZL00X5BF119890 (Truck #194, Fixed Asset #5652)

\$10,000.00

2001 Volvo, VIN: 4V5KC9GG22N333040 (Truck #87, Fixed Asset #4452)

\$4,000.00

GRAND TOTAL BID COLLECTION SYSTEM LESS TRADE IN: \$79,904.00

2. Funds in the amount of \$79,904.00 are available in Account No. X-04-46-732-004. 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 the terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Public Works

- e) Granturk Equipment Co. Inc.
One Schuylkill Pkwy., Bldg. B
Bridgeport, PA 19405

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Granturk Equipment Co., Inc., for a total contract amount not to exceed \$79,904.00, are available in Account No. X-04-46-732-004.

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: July 13, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP
ENGINEER, TO EXECUTE THREE(3) NJDEP LAND USE PERMITS FOR BULKHEAD
REPLACEMENTS AT MALLARD LANE, BAY VIEW DRIVE AND GREEN ISLAND ROAD**

JULY 13, 2021

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 Robert J. Chankalian, Township Engineer, to execute three (3) NJDEP Land Use Permits for Bulkhead Replacements at Mallard Lane, Bayview Drive and Green Island Road.

2. It further authorizes the appropriate officials to file whatever documents, and take whatever action is necessary in order to process the three (3) NJDEP Land Use Permits for Bulkhead Replacements at Mallard Lane, Bayview Drive and Green Island Road.

3. Funds in the amount of \$3,000.00 for the total required application fees for the three (3) NJDEP Land Use Permits, are available in Account No. X-04- -217-008, as follows:

Bulkhead Replacement Mallard Lane Public R.O.W.	\$1,000.00
Bulkhead Replacement Block: 235.06 Lot: 15.01 Bay View Drive	\$1,000.00
Bulkhead Replacement Block: 235.25 Lot: 1.01 Green Island Road	\$1,000.00
<hr/>	
	\$3,000.00

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

- a) Township Attorney
- b) Chief Financial Officer
- c) Engineering Division
- d) NJDEP
Land Use Regulations
401 E State Street
P.O. Box 027
Trenton, NJ 08625-0027

TOWNSHIP OF TOMS RIVER

RESOLUTION OF THE TOWNSHIP OF COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A GRANT APPLICATION AND GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE ROADWAY ELEVATION OF MIZZEN ROAD, PINTA COURT AND SHIP COURT

JULY 13, 2021

NOW, THEREFORE, BE IT RESOLVED that the Council of the Township of Toms River formally approves the grant application for the above stated project;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2022 -Elevation of Mizzen Road, Pinta Court and Ship Court 00352, to the New Jersey Department of Transportation on behalf of the Township of Toms River;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Toms River, and that their signature constitutes acceptance of the terms and conditions of the grant agreement, and approves the execution of the grant agreement;

BE IT FURTHER RESOLVED that 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) Chief Financial Officer
- e) Township Engineer
- f) Department of Transportation
- g) State of New Jersey
Department of Transportation
PO Box 600
Trenton, NJ 08625-0600

Certified as a true copy of the Resolution adopted by the Council on this _____ day of _____, 2021.

ALISON CARLISLE
TOWNSHIP CLERK

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement, and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL _____
(Clerk)

(Presiding Officer)

RESOLUTION AUTHORIZING THE REPLACEMENT OF THE CHIEF FINANCIAL OFFICER, ALEXANDER DAVIDSON WITH THE DEPUTY CHIEF FINANCIAL OFFICER, DENISE WAHLERS TO SIGN CHECKS FOR ALL SUMS OF MONEY TO BE PAID BY THE TOWNSHIP OF TOMS RIVER

JULY 13, 2021

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 replaces Chief Financial Officer, Alexander Davidson with the Deputy Chief Financial Officer, Denise Wahlers to sign checks for all sums of money to be paid by the Township of Toms River in the year 2021 effective July 17, 2021.

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. Mayor
- c. Business Administrator
- d. Township Clerk
- e. Chief Financial Officer
- f. Township Auditor

RESOLUTION

July 13, 2021

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

MESSAGE BUSINESS

15-21 Queen Spa, Inc
 1231 Route 166 Unit 2
 Toms River, NJ 8753

16-21 YY Massage Spa
 524 Fischer Blvd
 Toms River, NJ 08753

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

WHEREAS, the appropriate licensing fee has been paid

To the Township of Toms River;

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS, BLOCK 120, LOTS 6, 8 & 9. BLOCK 131, LOTS 285-288. BLOCK 132, LOTS 272-285 (229 Route 70)

July 13, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as block 120, lots 6, 8 & 9. Block 131, lots 285-288. Block 132, lots 272-285

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #800121438 in the amount of \$144,693.13 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$16,077.02 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$11,385.55 which represents the escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved
- 2) Said bond approval is conditioned upon compliance by 229 Route 70, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. 229 Route 70, LLC
701 Cross Street – Suite 134
Lakewood, NJ 08701

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND
ACCEPTING MAINTENANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS
BLOCK 1092, LOTS 8 AND 9 (169 Route 37 East)**

July 13, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 1092, Lots 8 & 9.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$1,080.00 which represents the 10% Maintenance Guarantee, currently on account # X-19- -601-844, is accepted and will remain on account to represent the Maintenance Cash Bond;

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

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

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

- 1) Previously posted Surety Bond # 41421717 in the amount of \$14,720.00 currently on account is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Mr. Joseph M. D'Albero
Jersey State Development Group, LLC.
1 Charlotte Drive
Clark, NJ 07066

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT FOR
IMPROVEMENTS TO THE TOMS RIVER MUNICIPAL BUILDING, TO CMG GROUP INC.,
WHICH MEET ALL THE BID SPECIFICATIONS, IN THE TOTAL CONTRACT AMOUNT NOT
TO EXCEED \$1,446,000.00**

JULY 13, 2021

WHEREAS, bids were invited for improvements to the Toms River Municipal Building; and

WHEREAS, two bids were received on July 7, 2021, as follows:

CMG Group Inc.
8 Deercrest Dr
Holmdel, NJ 07733

A1 Construction Services
Inc.
2468 Jerusalem Rd, Suite
1
N. Bellmore, NY 11710

July 13, 2021 34

<u>DESCRIPTION:</u>	<u>AMOUNT:</u>	<u>AMOUNT:</u>
<u>LUMP SUM BASE BID:</u>	\$ 688,000.00	\$ 1,065,000.00
	<u>+/-</u> <u>STATE</u> <u>WHIC</u> <u>H</u>	<u>+/-</u> <u>STATE</u> <u>WHIC</u> <u>H</u>
<u>ALTERNATES:</u>	<u>AMOUNT:</u>	<u>AMOUNT:</u>
ALTERNATE NO. 1 – Replace Soffits, Fascias, Copper Gutters, Leaders	\$ PLUS 611,000.00	\$ PLUS 110,000.00
ALTERNATE NO. 2 – Replace Front Entrance At South Elevation	\$ PLUS 147,000.00	\$ PLUS 89,000.00
ALTERNATE NO. 3 – Replace Rear Entrance At North Elevation	\$ PLUS 247,000.00	\$ PLUS 62,000.00
ALTERNATE NO. 4 – Replace Back Entrance And Skylight At East Elevation	\$ PLUS 140,000.00	\$ PLUS 100,000.00
ALTERNATE NO. 5 – Replace Skylight Over Stairs	\$ PLUS 176,000.00	\$ PLUS 79,000.00
ALTERNATE NO. 6 – Replace Lower Level Double Doors At South Elevation & Single and Double Doors At East Elevation	\$ PLUS 160,000.00	\$ PLUS 110,000.00
ALTERNATE NO. 7 – Demolish Existing Drive Up Canopy At West Elevation	\$ PLUS 28,000.00	\$ PLUS 60,000.00
<u>LUMP SUM INCLUDING ALTERNATES:</u>	\$ 2,197,000.00	\$ 1,675,000.00

WHEREAS, A1 Construction was rejected because it failed to acknowledge Addendum I on Acknowledgement of Receipt of Notices, Revisions or Addenda form making them non responsive; and

WHEREAS, the bids have been reviewed by the Purchasing Division and Engineering Division, which have recommended that a contract for improvements to the Toms River Municipal Building be awarded to CMG Group Inc., which meets all the bid specifications, which shall include the Base Bid of \$688,000.00, plus Alternate 1 \$611,000.00, and Alternate 2 \$147,000.00, for a total contract amount not to exceed \$1,446,000.00;

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 improvements to the Toms River Municipal Building to CMG Group Inc., who meets all the bid specifications, in the Base Bid of \$688,000.00, plus Alternate 1 \$611,000.00, and Alternate 2 \$147,000.00, for a total contract amount not to exceed \$1,446,000.00, as referenced above.

2. Funds are available in the following accounts:

Account No. X-04- -238-002	\$ 326,000.00
Account No. X-04- -249-010	\$1,000,000.00
Account No. X-04- -249-011	\$ 120,000.00
Total:	\$1,446,000.00

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) CMG Group Inc.
8 Deercree Dr.
Holmdel, NJ 07733

CERTIFICATION

THIS IS TO CERTIFY that the funds for the total required application fees for the three (3) NJDEP Land Use Permits for Bulkhead Replacements at Mallard Lane, Bay View Drive and Green Island Road, in the amount of \$3,000.00, are available in Account No. X-04- -217-008, as follows:

Bulkhead Replacement Mallard Lane Public R.O.W.	\$1,000.00
Bulkhead Replacement Block: 235.06 Lot: 15.01 Bay View Drive	\$1,000.00
Bulkhead Replacement Block: 235.25 Lot: 1.01 Green Island Road	\$1,000.00
	\$3,000.00

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

ALEXANDER DAVIDSON
CHIEF FINANCIAL OFFICER

Dated: July 13, 2021

Councilman Turnbach spoke regarding body worn cameras. He also said that the Police Department should be able to review footage from cameras before writing report.

Councilman Rodrick questions how officers felt about having to wearing cameras.

Councilwoman Maruca wants to have Resolution for next meeting.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING THE SFY21 BODY-WORN CAMERA GRANT, (AWARD NO. 21-BWC-433), IN THE AMOUNT OF \$313,852.00, AND AUTHORIZING A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY, OFFICE OF THE ATTORNEY GENERAL, IN CONNECTION THEREWITH

JULY 13, 2021

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

1. The Township of Toms River is authorized to accept the SFY21 Body-Worn Camera Grant, Award No. 21-BWC-433, in the amount of \$313,852.00. The award period is retroactive to January 1, 2021 through December 31, 2025.

2. The appropriate Township officials are hereby authorized to execute a grant agreement and all related documents for the SFY21 Body-Worn Camera Grant Program, with the New Jersey Department of Law and Public Safety, Office of the Attorney General, in the amount of \$313,852.00.

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) Township Attorney
- d) Chief Financial Officer
- e) Grant Coordinator
- f) Police Department
- g) Department of Law and Public Safety
Office of the Attorney General
Attn: John Cooney, Grant Analyst

REPORTS

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

	2021	2020
Bey Lea Golf Course – June	\$259,056.80	\$232,594.77
Bey Lea Golf Course – YTD through June	\$774,997.41	\$456,554.44
Winding River Ice Rink – June	\$41,412.00	\$30,362.00
Winding River Ice Rink – YTD through June	\$414,812.74	\$329,834.50
Building Permits - June	\$302,467.00	\$140,446.00
Building Permits – YTD through June	\$1,717,086.00	\$1,215,016.00
Beach Badges – Week 10 (pre-season) – 3 (In-Season)	\$509,348.00	\$429,566.00
Pool Badges – Week 10- 13 (pre-season)	\$10,787.00	\$5,159.00

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **July 8, 2021**, was approved on motion by Council Member Lotano, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and 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 21-03494, payable to Silverton First Aid Squad, Inc., in the amount of \$30,026.13.

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

Purchase Order 21-03667, payable to Dasti McGuckin, Attorneys as Law in the amount of \$8,235.00.

Purchase Order 21-03593, payable to NJ MVC Lease Program in the amount of \$4,128.00.

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

Purchase Order 20-00569, 21-02969, 21-03199, 21-03351, 21-03352 & 21-03393, payable to Remington & Vernick Engineers in the amount of \$20,865.12.

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

Purchase Order 21-02971 & 21-03350, payable to Owen Little & Associates, Inc., in the amount of \$12,889.50.

Purchase Order 21-03494, payable to Silverton First Aid Squad, Inc., in the amount of \$30,026.13.

Council Member Lotano – none

Council Member Rodrick voting no.

Purchase Order 21-00117, payable to Direct Development LLC in the amount of \$4,600.00.

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

Purchase Order 21-00653, payable to Citta, Holazapfel, Zabarsky in the amount of \$850.00.

Purchase Order 21-03667, payable to Dasti McGuckin, Attorneys as Law in the amount of \$8,235.00.

Purchase Order 21-03593, payable to Magistrate Salaries in the amount of \$6,937.41.

Purchase Order 21-03320, payable to House of Hope Center in the amount of \$5,600.00.

Purchase Order 21-01492, payable to Karen Sage in the amount of \$404.14.

ELECTED OFFICIALS COMMENTS

Mayor Hill spoke regarding Officer Badalis and her lifesaving award following motorcycle crash along with all the good Samaritans. Thanked Council for passing open space tax ordinance. Thanked Chief Financial Officer Davidson for his service and wished him well in his new job, and Happy Birthday to Councilman Kopp.

Councilman Rodrick Hearts and prayers to Cuba. Wish all the people the best.

Councilman Turnbach Congratulated Deputy Chief Mike Belcher on his retirement from Toms River Police Department; News regarding Board of Education and Council; and resolution to support stabilization aid to go to Toms River Schools.

Councilman Lotano wished Councilman Kopp a happy birthday, and thanked Mr. Davidson for all his service.

Councilwoman Maruca congratulated Officer Badalis and Deputy Chief Belcher on his retirement. August 3rd is night out for Toms River Police Department in Huddy Park. August 9th is golf outing for Just Believe.

Councilwoman Huryk mentioned that Toms River Police Department is one of the best Police Department in State. Exit 82 production of "Hair"; thanked Mr. Davidson for his service, and Happy Birthday to Councilman Kopp.

Councilman Kopp thanked Mr. Davidson for his service; July 17th summer in the streets.

Council President Geoghegan congratulated Alex Davidson.

PUBLIC COMMENTS

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

Ken Gaughren, 1204 fellowship court, spoke on book coming out in fall regarding Amityville movie done in Toms River and maybe Toms River can have a museum for artifacts, etc., for this memorabilia in the future.

Mary Wallace, Second Avenue, Ortley Beach, support open space tax resolution, and would there be any interest in Ortley beach.

Richard Ciullo asked Councilman Rodrick to explain how his "no vote" helped the residence. Councilman Rodrick had no answer.

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

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried to enter into a private Executive Session at:8:27 p.m.

A motion was made by Council Member Huryk, 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
Attorney Client Privilege

Contract Negotiations

3. The following specific topics were announced.

- 1. Executive Session Minutes: June 9, 2021 Regular Meeting
- 2. Personnel Issues
- 3. Real property acquisitions update on Surf Club Acquisition

4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

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

Council Member Huryk	- Yes
Council Member Kopp	- Yes
Council Member Lotano	- Yes
Council Member Rodrick	- Yes
Council Member Turnbach	- Yes
Council Vice-President Geoghegan	- Yes
Council President Maruca	- Yes

The Council **reconvened** the public portion at 8:40 P.M., a motion was made by Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Huryk, Kopp, Lotano, Turnbach, and with Council President Geoghegan voting yes and with Council Members Maruca and Rodrick absent.

A motion was made by Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Turnbach, and with Council President Geoghegan voting yes and with Council Members Maruca and 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, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, State of New Jersey, as follows:

1. The following Executive Session Minutes are approved:

June 22, 2021 Regular Meeting

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

No other business appearing, the meeting was **adjourned** at 8:42 P. M., on motion with Council Member Turnbach, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

ALISON CARLISLE, TOWNSHIP CLERK