

July 26, 2023

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

A motion was made by Council Member Lamb, seconded by Council Vice-President Geoghegan, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Council Vice-President Geoghegan, and Council President Lotano voting yes, and with Council Member Rodrick absent, to approve an excused absence for Council Member Rodrick.

APPROVAL OF MINUTES

A motion was made by Council Member Lamb, seconded by Council Vice-President Geoghegan, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Council Vice-President Geoghegan and with Council President Lotano voting yes, and with Council Member Rodrick being absent, to approve the Minutes of the **Regular Meeting of July 12, 2023**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

Honoring Resolutions and Presentations

A motion was made by Council Vice-President Geoghegan, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Geoghegan, Kopp, Lamb, Quinlisk, and with Council President Lotano voting yes, and with Council Member Rodrick being absent, to make the following honoring proclamations a part of the Minutes.

A. Police Department Awards, Retirements, New Hires and Promotions

Deputy Chief Dellane presented awards to:

Civilian Matthew Zanetti

Officer Barberi

Officer Van Lew

Officer Farnkopf

Officer Pacella

Officer Kakovice

Officer Herman

Chief Little presented clocks to retirees:

Daniel Mackin #4535

Crossing Guard Kathleen Brew #1706

Police Officer Mark Nater #336

Detective Patrick Jacques #297

Sergeant Christopher McDowell #312

Lieutenant Stephen Austin #273

Chief Little introduced new hires:

Police Officer Sara Koch #473

Police Officer Ryan Litterer #472

Police Officer Zachary Hopkins #471

New hires were sworn in by Mayor Hill

Chief Little introduced officers being promoted:

Detective James J. Robertazzi #304

Sergeant Brian O'Leary #381

Sergeant Richard Buhowski #356

Lieutenant Vincent Pedalino III #327

All promoted officers were sworn in by Mayor Hill

7.

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-70, SCHEDULE XII (STOP INTERSECTIONS) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE, TO ESTABLISH STOP INTERSECTIONS AT THE INTERSECTIONS OF JUMPING BROOK AND ROLLING RIDGE, AND ROLLING RIDGE AND RIVERS EDGE LANE, TO IMPROVE TRAFFIC SAFETY FOR THE AREA

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

1. Section 477-70, Schedule XII (Stop Intersections) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey, is amended and supplemented to add the following:

INTERSECTION:

STOP SIGN INSTALLED ON:

Jumping Brook and Rolling Ridge

Jumping Brook

Rolling Ridge and Rivers Edge Lane

Rolling Ridge

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

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

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

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 Lotano announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Vice-President Geoghegan seconded the motion:

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

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

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

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

8.

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

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

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

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

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

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

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

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

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 Lotano announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith.

Council President Lotano asked that Township Attorney Mr. McGuckin explain the ordinance. Attorney McGuckin gave an explanation on the ordinance.

Steve Kirby, Normandy Beach resident, concerned about future storms causing damage to the dunes. He is against the ordinance.

Tom Hoffstead, 3685 Broad Ave, values the integrity of the dunes and will be filing an appeal. He asked the council to delay and not pass any ordinance at this time.

Elizabeth Doora, 545 Broad Ave, home ended up in the bay from a storm. She is concerned that the water would run past dunes in storms. Would like to protect the land.

Paul Jeffries, 1661 Bay Blvd, how can they approve dune walkovers without the approval of the Army Corp.

Attorney McGuckin informed him that the Army doesn't do the approvals, that DEP has requirements and make the approvals.

Joe Giordano, 215 South Ct., why add to a problem by adding more walkovers.

Robert Ceresi, 275 Harbor Ct., asked how a contractor can put in the walkovers without being fined.

Council President Lotano informed them that the contractor would have to apply for a permit to allow them to put in the walkover.

Cheryl Coyle, 223 Fifth Ave, has a petition with 400 signatures of residence opposing the ordinance.

Dave Richards, Normandy Beach resident, asked to clarify about easements for homeowners.

Larry Reid, 475 Normandy Dr., asked if the council can table the ordinance for a couple of weeks.

Attorney McGuckin states if they pass the ordinance, they will settle the case and the township will not be liable for any damages.

Randy Langenfeld, 3666 Ocean Terrace, would like the ordinance to pass. He is for the walkovers to make it easier for homeowners who own the easements.

Phil Mylod, suggest no mats for walkovers and just let it be sand.

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Vice-President Geoghegan seconded the motion:

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

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

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

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

9.

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 477-79, SCHEDULE XXI (SPEED LIMITS) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE, REDUCING THE SPEED LIMIT ON:

BROOKSIDE DRIVE - FROM 40 MILES PER HOUR TO 35 MILES PER HOUR, FOR THE ENTIRE LENGTH

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

1. Section 477-79, Schedule XXI (Speed Limits) of Chapter 477 (Vehicles and Traffic) is hereby amended and supplemented to reduce the speed limit on Brookside Drive to promote enhanced vehicular and pedestrian safety, as follows:

NAME OF STREET: Brookside Drive

SPEED (MPH): 35

LOCATION:

Entire Length

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

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

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

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 26, 2023 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 Aug 9, 2023 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
MUNICIPAL CLERK

APPROVED AS TO FORM:

ANTHONY MERLINO
ASSISTANT TOWNSHIP ATTORNEY
MUNICIPAL BUILDING
33 WASHINGTON STREET
TOMS RIVER, N.J. 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Sunday, July 30, 2023.

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

CONSENT AGENDA

Township Clerk Cruoglio announced the consideration of the Consent Agenda and noted if anyone had a desire to discuss an individual item it would be removed from the Consent Agenda.

A motion was made by Council Vice- President Geoghegan, seconded by Council Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Council Vice-President Geoghegan, and Council President Lotano voting yes, and with Council Member Rodrick being absent, to approve all the following items listed on the Consent Agenda except roll call on items G & K and discussion on items I & N.

A.

**RESOLUTION AUTHORIZING THE RENEWAL OF
LIQUOR LICENSE 1507-33-014-007
ISSUED TO TEXAS ROADHOUSE HOLDINGS LLC
PURSUANT TO N.J.S.A 33:1-12.39**

JULY 26, 2023

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, James B. Graziano, Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-33-014-007 for the 2023-2024 license term, pursuant to the provisions of N.J.S.A. 33:1-12.39; and

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 Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

**1507-33-014-007
TEXAS ROADHOUSE HOLDINGS LLC
6040 DUCHMANS LANE SUITE 200
LOUISVILLE, KY 40205**

2. The license referred to in the preceding paragraphs shall be executed for and on behalf of this Municipality by the Clerk of the Township with an effective date of July 1, 2023.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.

4. 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) Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
P. O. Box 087
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) Texas Roadhouse Holdings LLC
6040 Dutchmans Lane suite 200
Louisville, KY 40205

B.

**RESOLUTION AUTHORIZING THE PERSON-TO-
PERSON TRANSFER OF PLENARY RETAIL
CONSUMPTION LIQUOR LICENSE
1507-36-040-001 FROM 85 VENTURE GROUP, INC. TO
NJ HOTEL GROUP (NJ) LLC (Hotel)**

JULY 26, 2023

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-36-040-001**, heretofore issued to NJ Hotel Group (NJ) LLC; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, 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

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 1507-36-40-001 from **85 Venture Group, Inc. to NJ Hotel Group (NJ) 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) NJ Hotel Group (NJ) LLC
815 Route 37 West
Toms River, NJ 08755

C. REMOVED

D.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE TRADE IN OF SIXTY-FOUR (64) 2018 CLUB CARS AND THE PURCHASE OF SIXTY-FOUR (64) 2024 CLUB CARS WITH ACCESSORIES, FOR THE BEY LEA GOLF COURSE, FROM VIC GERARD GOLF CARS, UTILIZING BERGEN COUNTY COOPERATIVE CONTRACT #22-09, IN THE TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$263,424.00

JULY 26, 2023

WHEREAS, the Township of Toms River is a member of the Bergen County Cooperative Pricing System, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the Division of Purchasing is requesting authorization to utilize Bergen County Cooperative Pricing System #22-09, from the following vendor:

**Vic Gerard Golf Cars
281 Squankum Road
Farmingdale, NJ 07727**

QT Y	ITEM DESCRIPTION	UNIT PRICE	TOTAL
64	New Club car 'Tempo' Golf Car with: 14.0 hp, 404cc, 4 cycle Overhead Valve Engine Electronic Fuel Injection (EFI), Aluminum Chassis & Frame, Dual USB Port, Soft Comfort Steering Wheel, Platinum Body, Black Canopy, Black Club Protector, Gray Seat, Dual Beverage/Cell Phone/Two-Way Radio Holders, Self-Adjusting Rack & Pinion Steering, Sweater Basket & Wheel Covers, 18x8.50- Tires; Front & Rear with Wheel Covers	\$10,303. 00	\$659,392. 00
64	Gold Package: Wind shield, Dual Sand Bottles-Driver & Passenger	\$320.00	\$20,480.0 0
64	Information Holder, Deluxe	\$29.00	\$1,856.00
64	Differential Guard	\$42.00	\$2,688.00
64	Fuel Gauge, dash mounted	\$134.00	\$8,576.00
64	Rear Tow Plate	\$63.00	\$4,032.00
64	Permanent, Standard/Heavy Duty Towing	\$138.00	\$8,832.00

		-	-
		\$4,413.0	\$282,432.
64	Bergen County Bid 22-09 fleet discount (40%)	0	00
		-	-
		\$2,500.0	\$160,000.
64	2018 Club Car Precedent trades	0	00
64	Freight from Augusta, Georgia	\$0.00	\$0.00
64	Prep and Local Delivery	\$0.00	\$0.00
			<u>\$263,424.</u>
	TOTAL		00

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

1. It hereby authorizes the trade in of sixty-four (64) 2018 club cars and the purchase of sixty-four (64) 2024 club cars with accessories, for the Bey Lea Golf Course, from Vic Gerard Golf Cars, utilizing Bergen County Cooperative contract #22-09, in the total maximum amount not to exceed \$263,424.00.

2. Funds in the amount of \$263,424.00 are available in Account No. 3-26- -B91-445.

3. 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 and the Master Contract as awarded by the Bergen County Cooperative Contract #22-09.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Bey Lea Golf Course
- e) Vic Gerard Golf Cars
281 Squankum Road
Farmingdale, NJ 07727

E.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF CONTRACT TO NIELSON FORD OF MORRISTOWN, INC., AS THE SOLE BIDDER MEETING ALL OF THE BID SPECIFICATIONS, FOR ONE (1) 2023 OR NEWER FORD EXPLORER XLT, 4WD OR EQUIVALENT WITH THE OPTION TO PURCHASE ONE (1) ADDITIONAL WITHIN ONE (1) YEAR, FOR THE BUILDING DEPARTMENT, FOR A TOTAL CONTRACT PRICE NOT TO EXCEED \$49,340.00

JULY 26, 2023

WHEREAS, the Division of Purchasing is requesting authorization to award a contract for One (1) 2024 Ford Explorer XLT, 4WD with Select Options, with the Option to Purchase One (1) Additional within One (1) year; and

WHEREAS, only one (1) bid was received on July 13, 2023, as follows:

<u>Item #</u>	<u>Item Description</u>	<u>Quantity</u>	<u>Unit Price</u>
	Nielson Ford of Morristown, Inc. 170 Ridgedale Avenue Morristown NJ 07960		
	<u>2024 Ford Explorer XLT 4WD Vehicle</u>		
#1-1	Base Vehicle with Minimum Requirements, as specified	1	\$ 48,545.00
	<u>Optional Equipment</u>		
#2-1	Remote Start System	1	\$ -
#2-2	Heated Steering Wheel	1	\$ -
#2-3	8-Way Power Passenger Seat	1	\$ -
#2-4	Star White Met Tri-Coat	1	\$ 795.00
#2-5	Floor Liners RW 1&2/No Carpet Mat	1	\$ -
#2-6	50 State Emissions	1	\$ -
#2-7	Auto Start-Stop Removal	1	\$ -
#2-8	4G LTE WI-FI Hotspot	1	\$ -
#2-9	Rear Auxiliary Controls	1	\$ -
#2-10	Front License Plate Bracket	1	\$ -
	TOTAL COST WITH OPTIONS		\$ 49,340.00

WHEREAS, the bid was reviewed by the Purchasing and Building Departments, and recommendation has been made to award a contract to Nielson Ford of Morristown, Inc., as the sole bidder meeting all of the bid specifications for a total contract price not to exceed \$49,340.00;

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

1. It hereby awards a contract for One (1) 2024 Ford Explorer XLT, 4WD with Select Options, with the Option to Purchase One (1) Additional within One (1) year
2. Funds for this contract in the total amount not to exceed \$49,340.00, are available in Account No. 3-01- -C55-552.
3. The award of this contract is subject to all the terms and conditions of the bid specifications.

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) Building Dept.
- e) Nielson Ford of Morristown, Inc.
170 Ridgedale Avenue
Morristown, NJ 07960

F.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT FOR ONE (1) 2024 CHEVROLET SILVERADO 2500 CREW CAB FOR THE POLICE DEPARTMENT, WHICH IS EQUIVALENT TO ONE (1) 2023 OR NEWER FORD SUPER DUTY F-250 XL 4WD PICKUP VEHICLE, WITH THE OPTION TO PURCHASE ONE (1) ADDITIONAL VEHICLE WITHIN ONE (1) YEAR FOR THE POLICE DEPARTMENT, WITH PELLEGRINO CHEVROLET, WHO MEETS ALL THE BID SPECIFICATIONS AND IS THE LOWEST BIDDER, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$52,799.00

JULY 26, 2023

WHEREAS, the Division of Purchasing is requesting authorization to award a contract for One (1) 2023 or Newer Ford Super Duty F-250 XL 4WD Pickup Vehicle or Equivalent, with the option to purchase One (1) additional vehicle within One (1) year; and

WHEREAS, three (3) bids were received at the bid opening on July 11, 2023 from the following vendors:

Nielson Ford of Morristown
170 Ridgedale Ave.
Morristown, NJ 07960

Pellegrino Chevrolet
1000 Gateway Blvd.
Westville, NJ 08093

Winner Ford
250 Berlin Road
Cherry Hill, NJ 08034

WHEREAS, the above bids were reviewed by the Purchasing Division and the Police Department, and it is determined that the lowest bid received from Pellegrino Chevrolet should be awarded. Pellegrino Chevrolet provided the specifications for a 2024 Chevrolet Silverado 2500 Crew Cab, which has been deemed an equivalent;

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) 2024 Chevrolet Silverado 2500 Crew Cab which has been deemed to be an equivalent to One (1) 2023 or Newer Ford Super Duty F-250 XL 4WD Pickup Vehicle, from Pellegrino Chevrolet, 1000 Gateway Blvd., Westville, NJ, 08093, who has met all the bid specifications and is the lowest bidder, in the total contract amount not to exceed \$52,799.00. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds for this contract in the amount not to exceed \$52,799.00 are available in Account No. X-04- -253-205. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Police Department
- e) All aforementioned bidders

H.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 609, LOT 18 (951 Old Freehold Road)

July 26, 2023

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan, known as Block 609, Lot 18.

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

- 1) Cash Bond in the amount of \$10,300.00 currently on deposit in account # 3-14- -902-101 is hereby released with applicable interest;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Cerebral Palsy Association of Middlesex County
10 Oak Drive
Roosevelt Park, Edison NJ 08837

J.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASING DIVISION TO DISPOSE OF VEHICLE NO. 25, A TORO WORKMAN OPERATED BY THE DIVISION OF PARKS, BUILDINGS AND GROUNDS, BY DONATION TO THE TOMS RIVER BOARDS OF FIRE COMMISSIONERS, DISTRICTS NO. 1 AND NO. 2, TO BE USED AT THE TOMS RIVER FIRE TRAINING CENTER FOR TRAINING EXERCISES, PURSUANT TO N.J.S.A. 40A:11-36(2)

JULY 26, 2023

WHEREAS, the Division of Purchasing is requesting authorization to dispose of Vehicle No. 25, a Toro Workman, Model No. 07390, Serial No. 314000291, by donation from the Parks, Buildings and Grounds Department to the Toms River Boards of Fire Commissioners Districts No. 1 and No. 2, to be used at the Toms River Fire Training Center located on Church Road, Toms River, New Jersey; and

WHEREAS, N.J.S.A. 40A:11-36(2), allows for the transfer of personal property to another contracting unit without advertising for public bid or auction; and

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

1. Pursuant to N.J.S.A. 40A:11-36 (2), it hereby authorizes the Division of Purchasing to dispose by donation of Vehicle No. 25, a Toro Workman, Model No. 07390, Serial No. 314000291 which is no longer needed for public use, from the Division of Parks, Buildings and Grounds to the Toms River Boards of Fire Commissioners, Districts No. 1 and No. 2, to be used at the Toms River Fire Training Center for training exercises.

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

- a) Purchasing Division
- b) Township Attorney
- c) Certified Financial Officer
- d) Division of Parks, Buildings and Grounds
- e) Laurie Knemoller, Clerk's Office
- f) Toms River Fire Districts No. 1 and No. 2

L.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO PO 21-02029 WITH COLLIERS ENGINEERING & DESIGN, INC., FOR VARIOUS UNFORESEEN ISSUES RELATED TO THE TOMS RIVER POLICE DEPARTMENT RADIO TOWER PROJECT, IN THE NET INCREASE AMOUNT OF \$42,700.00

JULY 26, 2023

WHEREAS, the Division of Engineering is requesting an amendment to PO 21-02029 with Colliers Engineering & Design, Inc., for various unforeseen issues related to the Toms River Police Department Radio Tower Project, which was awarded by resolution of the Township Council;

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 an amendment to PO 21-02029 for various unforeseen issues related to the Toms River Police Department Radio Tower Project, in the net increase amount of \$42,700.00, with Colliers Engineering & Design, Inc.

2. Funds in the amount of \$42,700.00, are available in Account No. X-04- -258-098

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) Township Engineer
- e) Colliers Engineering & Design, Inc.
331 Newman Springs Road
Suite 203

M.

**RESOLUTION AUTHORIZING THE PERSON-TO-PERSON
TRANSFER OF PLENARY RETAIL DISTRIBUTION
LIQUOR LICENSE 1507-44-055-005 FROM
AJ LIQUORS LLC TO SRIKAAR LLC**

July 26, 2023

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Distribution License Number **1507-44-055-005**, heretofore issued to Srikaar LLC, 1311 Route 37 W. Building 1, Unit 10; 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 Distribution Liquor License Number 1507-44-055-005 from **AJ Liquors LLC to Srikaar 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) State of New Jersey

Division of Taxation
PO Box 281
Trenton, NJ 08695
e) Srikaar LLC
1311 Route 37 W. Building 1, Unit 10
Toms River, NJ 08755

G.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING RESOLUTION DATED DECEMBER 28, 2022, AWARDING A CONTRACT TO TEC ELEVATOR INC., AS THE LOWEST BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR ELEVATOR PREVENTATIVE MAINTENANCE AND REPAIR SERVICES, TO CORRECT THE HOURLY RATE FROM \$252.00/HR. FOR THE 5:00 PM TO 7:00 AM SHIFT, TO \$390.00/HR TO ACCURATELY REFLECT TEC ELEVATOR'S BID AMOUNT OF \$390.00/HR FOR THE 5:00 PM TO 7:00 AM SHIFT

JULY 26, 2023

WHEREAS, on December 28, 2022, the Toms River Township Council awarded a contract to TEC Elevator Inc., 510 South Shore Road, Suite C, Marmora, NJ, 08223, as the lowest responsible bidder meeting all the bid specifications, for Elevator Preventative Maintenance and Repair Services in the total maximum amount of \$26,100.00, for the term commencing January 1, 2023 through December 31, 2026, as follows:

TEC Elevator Inc.
510 S. Shore Road, Suite C
Marmora, NJ 08223

\$26,100.00 – Three (3) Year Grand Total Preventative Maintenance
Labor (Time) Price: \$200.00/hour - 7AM-5PM
\$252.00/hour - 5PM-7AM
Parts Percentage 20%

WHEREAS, upon approval of the 2023 budget, funds for Preventative Maintenance are available as follows: \$8,700.00 for 2023 with the remaining years being contingent upon the adoption of future budgets:

3-01- -R20-531 - \$600.00 per month

3-31- -I47-531 - \$125.00 per month

Time and materials section will be open-ended with funds being encumbered at time of purchase. Term of contract: January 1, 2023 through December 31, 2026.

WHEREAS, the Division of Purchasing requests authorization to amend the Hourly Rate from 5:00 pm to 7:00 am awarded to TEC Elevator Inc., for the Elevator Preventative

July 26, 2023 18

Maintenance and Repair Services contract from \$252.00/hr. to \$390.00/hr. to accurately reflect TEC Elevator's bid amount of \$390.00/hr. for the 5:00 pm to 7:00 am shift;

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 an amendment to Resolution dated December 28, 2022, to correct the Hourly Rate awarded to TEC Elevator Inc. from \$252.00/hr for the 5:00 pm to 7:00 am shift for Elevator Preventative Maintenance and Repair Services contract, to \$390.00/hr. to accurately reflect TEC Elevator's bid amount of \$390.00/hr. for the 5:00 pm to 7:00 am shift. Term of contract is retroactive to January 1, 2023 through December 31, 2026.

2. All other terms and conditions of the resolution dated December 28, 2022 not amended, modified or otherwise affected by this Resolution, shall remain in full force and effect.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- e) Department of Parks, Buildings & Grounds
- f) Public Works
- e) TEC Elevator Inc.
510 S. Shore Road, Suite C
Marmora, NJ 08223

A motion was made by Council Vice-President Geoghegan, seconded by Council Member Kopp, with the following votes noted:

Roll Call:

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

K.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO PO 19-06385 WITH YEZZI ASSOCIATES, LLC, FOR ADDITIONAL WORK RELATED TO UNFORESEEN UNDERGROUND CONDITIONS FOR THE POLICE DISPATCH ROOM PROJECT, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$2,500.00

JULY 26, 2023

WHEREAS, the Division of Engineering is requesting an amendment to PO 19-06385 with Yezzi Associates LLC, for additional work related to unforeseen underground conditions for the Police Dispatch Room Project, which was awarded by Resolution of the Township Council on December 19, 2019;

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 an amendment to PO 19-06385 for additional work related to unforeseen underground conditions for the Police Dispatch Room Project, in a net increase amount of \$2,500.00 with Yezzi Associates LLC.

2. Funds in the amount of \$2,500.00 are available in Account No. X-04- -258-098.

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) Township Engineer
- e) Yezzi Associates LLC
18 Washington Street
PO Box 1638
Toms River, NJ 08754

A motion was made by Council Member Kopp, seconded by Council Vice-President Geoghegan, with the following votes noted:

Roll Call:

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

I.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ROBERT J. CHANKALIAN, TOWNSHIP ENGINEER, TO EXECUTE A NJDEP LAND USE MANAGEMENT PROGRAM DIVISION OF LAND USE REGULATION PROPERTY OWNER CERTIFICATION FORM, PERMIT FOR THE ORTLEY BOARDWALK EXTENSION AND VARIOUS IMPROVEMENTS AT THE SURF CLUB PROPERTY/SURF CLUB BOARDWALK EXPANSION & PARKING LOT IMPROVEMENTS, AND AUTHORIZING PAYMENT FOR THE REQUIRED PERMIT FEE IN THE AMOUNT OF \$6,000.00

JULY 26, 2023

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

1. Robert J. Chankalian, Township Engineer is hereby authorized to execute a NJDEP Division of Land Use Management Program Division of Land Use Regulation, Property Owner Certification Form for the Ortley Boardwalk Extension and Various Improvements at the Surf Club Property/Surf Club Boardwalk Expansion & Parking Lot Improvements, and authorizing payment for the required permit fee in the amount of \$6,000.00.

2. Funds for the payment for the required permit fee in the amount of \$6,000.00, are available in Account No. X-04- -261-002. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk

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

- a) Township Attorney
- b) Certified Financial Officer
- c) Township Engineer
- d) State of New Jersey
Department of Environmental Protection
Division of Land Use Regulation
PO Box 420
501 East State Street –Mail Code 501-02A
Trenton, NJ 08625-0420

Paul Jeffries asked if this resolution is approving management and use agreement or is this just to file the permit for the Boardwalk Extension.

President Lotano states that it the fees for filing the permit and asked that Mr. Chankalian come up to explain more.

Mr. Chankalian explains that the permit is just for the concept plan.

Mr. Jeffries says that the concept plans have never been seen or shared and would like to know why it is so secretive.

Attorney Anthony Merlino explains the concept plan continues to change, and DEP has final say. The town can not give out the plans till DEP signs off on the plans.

A motion was made by Council Member Lamb, seconded by Council Member Quinlisk, with the following votes noted:

Roll Call:

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

N.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY CONSENTING TO THE APPOINTMENT OF ANNE HAMMILL-PASQUA, ESQUIRE AS A JUDGE OF THE MUNICIPAL COURT OF THE TOWNSHIP OF TOMS RIVER

WHEREAS, the term of Judge Damian Murray of the Municipal Court of the Township of Toms River expired on January 14, 2023; and

WHEREAS, Chapter 60-4 of Toms River's Administrative Code provides that each Judge of the Municipal Court shall serve for a term of three years from the date of their appointment and until his or her successor is appointed and qualified; and

WHEREAS, Chapter 60-4 of the Township Code further provides that the appointment of a Judge in the Municipal Court shall be as a result of a nomination for same by the Mayor with the advice and consent of the Township Council; and

WHEREAS, the Mayor has nominated Anne Hammill-Pasqua, Esquire to serve as a Municipal Court Judge for the Township of Toms River for a three year term commencing August 1, 2023; and

WHEREAS, the Township Council hereby consents to the appointment of Anne Hammill-Pasqua, Esquire as Municipal Court Judge for the Township of Toms River; and

WHEREAS, the current vacancy to which Anne Hammill-Pasqua, Esquire is being appointed results from the expiration of the term of her predecessor;

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. Anne Hammill-Pasqua, Esquire of Toms River, New Jersey be and she is hereby appointed a Municipal Judge of the Court of the Township of Toms River, with said appointment being for a term of three years commencing August 1, 2023 and expiring on July 31, 2026 and that she be paid a salary as provided for in the Code of the Township of Toms River.

BE IT FURTHER RESOLVED A certified copy of this Resolution be forwarded by the Office of the Township Clerk to each of the following:

1. Township Council
2. Mayor Maurice Hill
3. James Gluck, Esquire
4. Anne Hammill-Pasqua, Esquire
5. Municipal Court Administrator
6. Division of Personnel
7. Payroll Division
8. Municipal Attorney
9. Trial Court Administrator, Ocean County Justice Complex,
120 Hooper Avenue, Toms River, New Jersey 08753

Council Member Lamb asked if there were any other applicants for Municipal Court Judge.

Mayor Hill states that Anne Hammill-Pasqua was the only applicant that was a resident of Toms River Township and listed all her credentials.

A motion was made by Council Member Kopp, seconded by Council Vice-President Geoghegan, with the following votes noted:

Roll Call:

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

APPROVAL OF BILLS

Council President Lotano asked for a report on the bills.

The Bill List, dated **July 21, 2023**, was approved on motion by Council Member Kopp, seconded by Council Vice-President Geoghegan, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Council Vice-President Geoghegan and with Council President Lotano voting yes, and with Council Member Rodrick being absent. **The following respective exceptions to their votes were noted as abstentions to this vote:**

Council President Lotano - NONE

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

Purchase Order 23-04145, payable to United Health Care, in the amount of \$84,402.18.

Council Member Ciccozzi – NONE

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

Purchase Order Borough of South Toms River, payable to 23-04039, in the amount of \$637.70.
Purchase Order 23-04040, payable to Berkeley Township., in the amount of \$4336.00.

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

Purchase Order 23-00862, payable to Citta, Holzapfel, Zabarsky in the amount of \$688.50.
Purchase Order 23-00036, payable to Borough of Lavallette., in the amount of \$777.99.
Purchase Order 23-04031, payable to Dasti, Mcguckin, in the amount of \$20,213.00.

Voted no to Purchase Order 23-02331, payable to Direct Development, in the amount of \$2700.00.

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

Purchase Order 23-03540 and 23-01014, payable to TEC Elevators in the amount of \$725.00.

Council Member Rodrick - Absent

ELECTED OFFICIALS' COMMENTS

Council Member Lamb congratulated all the honored PD from earlier in the meeting. Let everyone know about the Ocean Beach Pollinator/ Gardening Event.

Council Member Quinlisk thanked all the Fire departments for their efforts with the Fairways fire. Wished all the best to the residents that lived in the Fairway Condos. He also thanked everyone for being civil during the dune walkover discussions.

Council Vice-President Geoghegan - No comment

Council Member Kopp – No comment

Council Member Ciccozzi stated that there were no new Planning Board applications. He also spoke on the housing market, and the lifeguard tournament.

Mayor Hill also talked about the lifeguard tournament. He congratulated all the honored PD from earlier in the meeting. Mayor Hill spoke about Thomas O'Neill's, Fire Co #1, funeral service, and all that he has done for Toms River Township. Toms River Softball state champs.

Council President Lotano spoke about homes on the market in Toms River Township. Congratulated to all the honoring PD recruits, promotions and retirees. He also spoke about the Fairway's fire and thanked all the Firemen and Police that came out to help.

PUBLIC COMMENTS

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

Maureen Persi, 1908 Balitmore Ave, asked the Mayor to please elaborate on the services provided to Ortley Beach residents.

Mayor Hill explained garbage pickup is twice a week unlike the mainland that only gets once a week and getting EMS services 7am-7pm. No increase on township tax for the last 3 years.

Mel Persi, 1908 Baltimore Ave, states that it should not be Committee vs. Ortley Residents. He also spoke on the cell tower in Ortley Beach.

Cathy Lazzaro, 111 Fair Acres Dr., asked about Item N, and if Anne Hammill-Pasqua is on the Planning Board or related to anyone on the Council.

Council President Lotano stated that she is on the Planning Board and that she is his sister in-law, which is why he abstained.

Cathy also spoke on Field of Dreams, Toys for Tots drive.

Mairin Bellack, Director of Toms River BID, spoke about Main St. America and Summer in the Street. Main Street America helps get the town technical support and grant funding for small business.

Pat Klaslo, Ortley Beach, would like to know is there a way to find out what percentage of taxes the barrier island pays.

Council President Lotano said he will look into it for her and get back to her.

Dana Tormollan, Messenger St., spoke about August 11th Downtown Night Out and hopes people come and support the small businesses, that in turn support the town, and education.

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

No other business appearing, the meeting was **adjourned** at 8:43 P. M., on motion with Council Member Quinlisk, seconded by Council Vice-President Geoghegan, and carried with Council Members Ciccozzi, Kopp, Lamb, Quinlisk, Council Vice-President Geoghegan, and Council President Lotano voting yes, and with Council Member Rodrick being absent.

MATTHEW LOTANO, COUNCIL PRESIDENT

MICHAEL CRUOGLIO, TOWNSHIP CLERK