

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

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

APPROVAL OF MINUTES

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Lamb, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, and with Council Member Kopp absent, to approve the Minutes of the **Regular Meeting of July 13, 2022**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS - NONE

CONSENT AGENDA

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

A motion was made by Council Member Huryk, seconded by Council Member Lotano, and carried with Council Members Ciccozzi, Lamb, Lotano, Quinlisk, Rodrick and

Council President Geoghegan voting yes, and with Council Member Kopp absent, to approve all the following items listed on the Consent Agenda except item **A, B, G, L, & N**, which were done separately.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT FOR THE SUPPLY OF BARBER SURF RAKE REPAIR PARTS TO H. BARBER & SONS, INC., AS THE SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS, FOR THE DEPARTMENT OF PUBLIC WORKS

JULY 27, 2022

WHEREAS, bids were invited for the Supply of Barber Surf Rake Repair Parts; and

WHEREAS, one bid was received on July 14, 2022, as follows:

	H. Barber & Sons, Inc 15 Raytkwich Dr Naugatuck, CT 06770
1 Discount off current Barber Repair) Parts Price List:	<u>Zero %</u>
Manufacturer Bid:	<u>H. Barber & Sons, Inc "Barber"</u>
2 Percentage discount for payment) within 30 days:	<u>Zero %</u>
3 Availability of parts after receipt of) order:	<u>One day</u>

WHEREAS, the bid has been reviewed by the Purchasing Division, and they have recommended that the award of an open-ended contract be made to H. Barber & Sons, Inc., for the Supply of Barber Surf Rake Repair Parts, as stated above;

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 an open-ended contract to H. Barber & Sons, Inc., as sole bidder meeting all the bid specifications, for the Purchase of Barber Surf Rake Repair Parts for the Department of Public Works, as stated above.

2. The term of this contract shall be effective July 22, 2022 through July 21, 2024. Pursuant to N.J.S.A. 40A:11-25, this contract may be extended for no more than one (1) two-year, or two (2) one-year extensions, after the expiration of the original contract period, contingent upon the approval of the governing body by resolution with the agreement of the contractor. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

3. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget year. 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) Public Works
- e) H. Barber & Sons, Inc.
15 Raytkwick Drive
Naugatuck, CT 06770

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR CONTRACT EXTENSION FOR ROOFING/ROOF CONSULTATION SERVICES WITH USA GENERAL CONTRACTORS CORP., EFFECTIVE AUGUST 13, 2022 THROUGH AUGUST 12, 2023

JULY 27, 2022

WHEREAS, resolution of the Township Council dated August 13, 2019, authorized award of a contract for Roofing/Roof Consultation Services to USA General Contractors Corp., 980 Dehart Place, Elizabeth, NJ, 07202, as the overall lowest responsive, responsible bidder meeting all the bid specifications, for a contract price not to exceed \$500,000.00 over a two year period, effective August 13, 2019 through August 12, 2021; and

WHEREAS, the terms of this contract award included the provision authorized pursuant to N.J.S.A. 40A:11-15 which allows for this contract to be extended for up to two (2) additional one-year terms, or one (1) additional two-year term upon expiration of the original contract; and

WHEREAS, resolution of the Township Council dated June 22, 2021 authorized the first one (1) year extension of the existing contract for Roofing/Roof Consultation Services with USA General Contractors Corp., at the second-year hourly rates, effective August 13, 2021 through August 12, 2022, in accordance with the original contract, as follows:

<u>Second Year:</u>	<u>Hourly Rates</u>
Journeyman	\$100.00
Supervisor	\$104.00
Apprentice	\$80.00

Percentage of Materials, Markup above Dealers Cost: 10%

WHEREAS, the Division of Purchasing has determined it is in the best interest of the Township to extend this contract for the second and final one (1) year term at the second-year hourly rates:

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

1. It hereby authorizes the second and final one (1) year term extension of the existing contract for Roofing/Roof Consultation Services with USA General Contractors Corp., at the second-year hourly rates, as follows:

<u>Second Year:</u>	<u>Hourly Rates</u>
Journeyman	\$100.00
Supervisor	\$104.00
Apprentice	\$80.00

Percentage of Materials, Markup above Dealers Cost: 10%

2. The extended contract term shall become effective from August 13, 2022 through August 12, 2023, in accordance with the original contract. The extension of this contract is subject to all the terms and conditions of the original contract award.

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) USA General Contractors Corp.
980 Dehart Place
Elizabeth, NJ 07202

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO (2) TORO Z MASTER ZERO-TURN RIDERS-5000 SERIES, ONE (1) TORO SPRAYMASTER, ONE (1) TORO AERATOR 30" STAND ON WITH E-DEPTH AND ONE (1) SPREADER ATTACHMENT 24" AND 30", FROM TURF EQUIPMENT & SUPPLY COMPANY, UTILIZING ESCNJ COOPERATIVE CONTRACT #18/19-25, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$54,863.91

JULY 27, 2022

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

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

WHEREAS, the Purchasing Division is requesting authorization to purchase Two (2) Toro Z Master Zero-Turn Riders – 5000 Series, One (1) Toro Spraymaster, One (1) Toro Aerator 30" Stand on with E-Depth, and One (1) Spreader Attachment 24" and 30" for the Department of Public Works, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$54,863.91, from the following vendor:

**Turf Equipment and Supply Co.
16 Hagerty Blvd.
West Chester, PA 19382**

Product	Product ID #	MSRP Pricing	ESC Co-Op
(2) Z master Zero Turn Riders 5000 series	72921	\$18,441.00 \$36,882.00(2)	\$13,461.93 \$26,923.86 (2)
Spraymaster	34237	\$20,503.00	\$16,402.40

Aerator 30" Stand-on Aerator E-Depth 39521	\$13,401.00	\$9,782.73
Spreader Attachment 24" and 30" 33525	\$2,404.00	\$1,754.92
Total	\$73,190.00	\$54,863.91

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

1. It hereby authorizes the purchase of Two (2) Toro Z Master Zero-Turn Riders – 5000 Series, One (1) Toro Spraymaster, One (1) Toro Aerator 30" Stand on with E-Depth, and One (1) Spreader Attachment 24" and 30", for the Department of Public Works, from Turf Equipment and Supply Company, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$54,863.91.

2. Funds in the amount of \$54,863.91 are available in Account No. X-04- - 257-204.

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) Department of Public Works
- e) Turf Equipment & Supply Company
16 Hagerty Blvd.
West Chester, PA 19382

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO UTILIZE STATE CONTRACT M4006/22-TELE-04580 FOR THE PURCHASE OF WIRELESS DEVICES AND SERVICES FROM T-MOBILE, FOR THE POLICE DEPARTMENT, FOR 24 MONTHS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$109,922.40

JULY 27, 2022

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

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

2. State Contract No. M4006 for the Purchase of Wireless Devices and Services for the Police Department using contract #22-TELE-04580, from T-Mobile, PO Box 742596, Cincinnati, OH, 45274, for 24 months, in a total contract amount not to exceed \$109,922.40, as follows:

State Contract M4006, #22-TELE-04580

QTY	Plan Name	Monthly Recurring Cost After Discounts	Monthly Total
144	First Responder Unlimited High Speed Mobile Internet for Tablets, 11GB hotspot (SKU: GOVFRMI, GOVRTB11)	\$23.94	\$3,447.36
38	Connecting Heroes Select (SKU: GCONFR21 + GCH21HS)	\$21.00	\$798.00
6	Simple Choice Government Unlimited High Speed Mobile Internet Data (SKU: GVUNLMI)	\$29.40	\$176.40
1	First Responder Unlimited High Speed Mobile Internet for Tablets, 11GB hotspot (SKU: GOVFRMI, GOVRTB11)	\$23.94	\$23.94
4	First Responder Unlimited High Speed Mobile Internet (SKU: GOVHSFR, GOVFRHS)	\$33.60	\$134.40
Monthly Recurring Cost			\$4,580.10
24 Month Charge			\$109,922.40

3. This is a 24 month contract. Funds in the amount of \$25,000.00 are available in Account No. 2-01- -P45-555 for the remainder of this calendar year. The remaining recurring monthly charges in the amount of \$4,580.10 will be contingent upon the availability of funds in the upcoming municipal budget.

Contract with: T-Mobile USA, Inc.
PO Box 742596
Cincinnati, OH 45274

State Contract No. M4006

Account Number: 2-01- -P45-555

Total amount not to exceed \$25,000.00 for the remainder of this calendar year. The remaining recurring monthly charges in the amount of \$4,580.10 will be contingent upon the availability of funds in the upcoming municipal budget.

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Police Department
- e) T-Mobile USA, Inc.
PO Box 742596
Cincinnati, OH 45274

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO ENTER INTO AN AGREEMENT FOR PERMITIUM VITALDIRECTOR SOFTWARE VITAL STATISTICS SERVICE FROM PERMITIUM, LLC

JULY 27, 2022

WHEREAS, the Purchasing Division has requested authorization to enter into an Agreement for Permitium VitalDirector Software Vital Statistics Service from Permitium, LLC; and

WHEREAS, Permitium, LLC, 10617 Southern Loop Blvd., Pineville, NC, 28134, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which documents are on file in the Municipal Clerk's Office; and

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

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

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 to enter into an Agreement for Permitium VitalDirector Software Vital Statistics Service from Permitium, LLC. Permitium will charge \$4.00 fee over and above the Township cost for all transactions as an embedded fee. Credit card company fees are passed through to the applicant by Permitium based on our contract rate. The current rate is \$.30 per transaction plus 2.9% of the total transaction. The value of this contract shall not exceed \$40,000.00. 2. The term of this contract will be effective from August 1, 2022 through July 31, 2023. This agreement shall be automatically renewed for successive one (1) year terms unless either party provides the other party with sixty (60) days prior written notice to the end of the Initial Term or the Renewal Term. User License Agreement for an Online Vital Records Request Application is attached hereto as Schedule "A".

3. Permitium will collect online payments and agrees to deliver to the Township a monthly statement by the 25th of each month, which will itemize every transaction submitted the previous month along with a check or ACH for the total amount collected less credit card fees listed on Exhibit 1 – Statement of Work.

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

- a) Division of Purchasing
- b) Certified Financial Officer
- c) Township Attorney
- d) Township Clerk
- e) Township Council
- f) Permitium, LLC
10617 Southern Loop Blvd.
Pineville, NC 28134

RESOLUTION IMPOSING CHARGES INCURRED UNDER SECTION 111 OF THE 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE AS A LIEN ON REAL PROPERTY, AND DIRECTING THE TAX COLLECTOR TO COLLECT THESE COSTS, AND IMPOSE INTEREST ON UNPAID COSTS, IN THE SAME MANNER AS PROVIDED FOR IN THE COLLECTION OF REAL ESTATE TAXES IN THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY

July 27, 2022 7

JULY 27, 2022

WHEREAS, the Township of Toms River adopted the 2006 International Property Maintenance Code (the “Code”) as part of Chapter 335 (Housing and Rental Property Standards) of the Township Code; and

WHEREAS, Section 111 of the Code provides that costs incurred by the Township in remediating conditions on properties in violation of the Code are to be assessed and levied upon lands, and bear interest at the same rate as real property taxes, and be collected and enforced in the same manner as provided for the collection of real property taxes; and

WHEREAS, the Housing and Property Maintenance Supervisor, has filed a Certification of Costs incurred by the Township, which costs are outlined on Schedule “A “, attached to and made part 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) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.

2) The Tax Collector is authorized and directed to collect the costs listed on the Certification of Costs. The amount shown on the Certification of Costs shall be charged, become, and form part of the real estate taxes next to be assessed and levied upon such property, and shall bear interest at the same rate as real property taxes, and shall be collected and enforced in the same manner as provided for in the collection of real property taxes.

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) Business Administrator
- c) Certified Financial Officer
- d) Township Attorney
- e) Tax Collector
- e) Division of Parks, Buildings and Grounds
- f) Code Enforcement
- g) Department of Public Works
- h) Vilches, Israel Guzman
3000 Cedar Drive
Manchester, NJ 08759
- i) Iorio, Dominick A. & Marilyn H.
1928 Teakwood Road
Toms River, NJ 08753
- j) Ville Fran LLC
101 Lake Drive
Newark, DE 19702
- k) Sunset Hill Oakridge Plaza LLC
207 W 38th St., Ste 2010
New York, NY 10018
- l) Celinek
2900 Esperanza Crossing
Austin, TX 78758
- m) Celinek
3900 Capital City Blvd.
Lansing, MI 48906

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	1082.16	58	2322 Adams Ave.	\$ 478.19
2.	724.58	57	1928 Teakwood Rd.	\$ 1,162.55
3.	804	21	201 Anthony Ave.	\$ 2,718.29
4.	531	22	237 Route 37 West	\$ 242.21
5.	233.17	160	40 Larch Dr.	\$ 850.83

***If there are any questions concerning the work/labor liens, please

contact Michael Mazzola at 732-255-1000, Ext. 8115. Thank you***

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ONE (1) ADDITIONAL ICE SKATING INSTRUCTOR FOR THE WINDING RIVER SKATING CENTER FOR CALENDAR YEAR 2022

JULY 27, 2022

WHEREAS, the Township of Toms River sponsors ice skating instruction at the Winding River Skating Center; and

WHEREAS, in order to sponsor the aforesaid, it is necessary to retain the services of One (1) additional ice skating instructor for Calendar Year 2022; and

WHEREAS, the total amount of the contract awarded under this resolution shall not exceed \$17.00/Class, and funds are available in Account No. 2-31- -147-534, contingent upon the availability of funds and adoption of the 2022 budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk; 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 retains the services of the following ice skating instructor on a per class basis for the Winding River Ice Skating Rink for calendar year 2022:

- a) **Olivia Massey**
108 Hamlet Court
Toms River, NJ 08753
\$17.00/Class

2. A fully executed purchase order shall serve as the necessary contract documentation between the parties hereto.

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

- a) Certified Financial Officer
- b) Township Attorney
- c) Purchasing Division
- d) Recreation Dept.
- e) Winding River Skating Center
- f) Olivia Massey
108 Hamlet Court
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE EXECUTION OF A RIGHT-OF-ENTRY PERMIT, TEMPORARY CONSTRUCTION EASEMENT, GRANTING PERMISSION TO THE STATE OF NEW JERSEY TO ENTER UPON BLOCK 171, LOT 20 (1956 LAKEWOOD ROAD), IN CONNECTION WITH THE ROUTE 9 INDIAN HEAD ROAD TO CENTRAL AVENUE RESURFACING AND STREET IMPROVEMENT PROJECT, IN THE TOWNSHIP OF TOMS RIVER

JULY 27, 2022

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

1. The Mayor is authorized to execute and the Township Deputy Clerk to attest to a Right-of-Entry Permit, Temporary Construction Easement, attached hereto as Schedule "A", granting permission to the State of New Jersey to enter upon Block 171, Lot 20 (1956 Lakewood Road), in connection with the Route 9 Indian Head Road to Central Avenue Resurfacing and Street Improvement Project, in the Township of Toms River.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Township Council
- c) Business Administrator
- d) Township Attorney
- e) Certified Financial Officer
- f) Engineering Division
- g) State of New Jersey
Department of Transportation
Attn: Anthony Masiello, Realty Specialist
Right of Way & Access Management
1035 Parkway Avenue
PO Box 600
Trenton, NJ 08625-0600

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AUCTION OF EIGHT (8) LIFEGUARD CHAIRS WHICH ARE NO LONGER NEEDED FOR PUBLIC USE, WITH USGOVBID AUCTION LIQUIDATION SERVICES PERFORMING AN ONLINE AUCTION

JULY 27, 2022

WHEREAS, the Township is the owner of eight (8) lifeguard chairs which are no longer needed for public use; and

WHEREAS, by resolution of the Township Council dated October 26, 2021, the Township approved a contract with USGovBid Auction Liquidation Services, a full-service New Jersey State approved vendor, to perform the online auction services at a fee of 6.5% of the proceeds and a 2.5% Buyer's Internet Service Fee which remains in effect; and

WHEREAS, the contract term with USGovBid Auction Liquidation Services is from November 2021 through November 2022, in accordance with the terms of the original agreement between the Township of Toms River and USGovBid Auction Liquidation Services;

WHEREAS, the Division of Purchasing is requesting authorization to sell eight (8) lifeguard chairs which are no longer needed for public use, pursuant to N.J.S.A. 40A:11-36 and 40A:14-157, to the highest bidder;

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 USGovBid Auction Liquidation Services to conduct an on-line auction for eight (8) lifeguard chairs which are no longer needed for public use, to the highest bidder at a fee of 6.5% of the proceeds, and a 2.5% Buyer's Internet Service Fee, pursuant to N.J.S.A. 40A:11-36 and 40A:14-157.

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) Business Administrator
- c) Certified Financial Officer
- d) Township Attorney
- e) Recreation Department
- f) Division of Parks, Buildings & Grounds
- g) USGovBid Auction Liquidation Services
P.O. Box 1216
Eatontown, N.J. 07724
- h) USGovBid Auction Liquidation Services
1 Industrial Way West, Bldg. A
Eatontown, N.J. 07724

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER
WITH INTENT TO ISSUE A "NEW" LICENSE
WITH THEATRE EXCEPTIONS**

July 27, 2022

WHEREAS, Exit 82 A Toms River Theatre Co. Inc. has applied to both the A.B.C. and the Township for a special plenary retail consumption license; and

WHEREAS, the application form submitted to the Township is complete in all respects, and pending approval by the Director of the A.B.C.; and

WHEREAS, the applicant has exclusive possession and control of the premises to be licensed and the premise meets the requirements of 33:1-19.7; and

WHEREAS, the applicant and premises are qualified for licensure and are in compliance with all applicable provisions of the law; and

WHEREAS, this resolution is a prerequisite to A.B.C. approval:

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:

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1. Toms River Township intends to issue a New Special Plenary Retail Consumption License (Theatre Exception "37) pending approval from the A.B.C. to Exit 82 A Toms River Theatre Co.

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) Exit 82 A Toms River Theatre Company
73 Main Street

Toms River, NJ 08753
e) State of New Jersey
Division of Alcoholic Beverage Control
140 East Front Street
P.O. Box 087
5th Floor
Trenton, NJ 08625-0087

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

**RESOLUTION AUTHORIZING THE RENEWAL OF
POCKET LIQUOR LICENSE 1507-44-047-002
ISSUED TO 3 TIMES LLC
PURSUANT TO N. J. S. A 33: 1-12. 18**

JULY 27, 2022

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 1507-44-047-0082 for the 2022-2023 AND 2023-2024 license term, pursuant to the provisions of N. J. S. A. 33: 1-12. 18; 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:

**1507-44-047-002
3 TIMES LLC
952 Lakewood Rd
Toms River, NJ 08753
(POCKET)**

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, 2022.

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

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Division of Alcoholic Beverage Control
P. O. Box 087
Trenton, NJ 08625-0087
e) State Tax Dept.
f) 3 Times LLC.
952 Lakewood Rd
Toms River, NJ 08753

Council Member Rodrick questioned the following Resolution.

Art Anderson questioned the following Resolution.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NON-RECOURSE REDEVELOPMENT AREA BONDS OF THE TOWNSHIP OF TOMS RIVER IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$500,000

JULY 27, 2022

WHEREAS, the *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “**Redevelopment Law**”) promotes the social and economic improvement of the State of New Jersey (the “**State**”) and its several municipalities, in part, by providing a process for the redevelopment, rehabilitation and improvement of commercial and industrial facilities; and

WHEREAS, the Township of Toms River, in the County of Ocean, New Jersey (the “**Township**”), after conducting an investigation in accordance with the Redevelopment Law has determined that a certain area of the Township, specifically Block 592, Lots 72-95; Block 594, Lots 139-158; Block 595, Lots 159, 162, 163, 188, and 198-202; Block 596, Lots 203-246; Block 597, Lots 16-71; Block 605, Lots 421-433 and 489-501; Block 606.01, Lots 369-387; Block 606.02, Lots 336-420; and Block 607, Lot 247; and the unimproved rights of way of Reggio Avenue, Nocera Avenue, Sarno Avenue, Cipriano Avenue, Castlebuono Avenue and Salerno Avenue (the “**Property**”), is an “area in need of redevelopment” as defined in, and pursuant to, the *Redevelopment Law*; and

WHEREAS, the Township approved a redevelopment plan (the “**Redevelopment Plan**”) allowing for the redevelopment and rehabilitation of all or any portion of the Property (the “**Redevelopment Area**”); and

WHEREAS, pursuant to Section 4 of the *Redevelopment Law* (N.J.S.A. 40A:12A-4), the Township has determined to act as the “Redevelopment Entity” (as such term is defined in the *Redevelopment Law* at N.J.S.A. 40A:12A-3) for the Redevelopment Area in order to exercise the powers contained in the *Redevelopment Law* to facilitate the development and redevelopment of the Redevelopment Area; and

WHEREAS, consistent with the Redevelopment Plan, the Redeveloper (as defined herein) intends to redevelop a portion of the Property Site into a US Department of Veterans Affairs Community Based Outpatient Clinic consisting of approximately 72,835 square feet contained on two floors including dedicated parking and associated amenities (collectively, the “**Project**” or “**Redevelopment Project**”); and

WHEREAS, FDS Toms River Urban Renewal LLC (“**Redeveloper**”), an urban renewal entity qualified to do business under the provisions of the *Long Term Tax Exemption Law* (N.J.S.A. 40A:20-1 et seq.) (“**Long Term Tax Exemption Law**”) submitted a proposal to be designated by the Township as the redeveloper for the Redevelopment Area; and

WHEREAS, the Redeveloper submitted information consisting of documentation evidencing financial responsibility and capability with respect to the proposed development; estimated total development costs; estimated time schedule for start and completion of the phases of the development; and conceptual plans; and

WHEREAS, the Township evaluated the Redeveloper's proposal according to criteria which included financial capabilities, experience, expertise, and project concept descriptions and determined to commence negotiations with Redeveloper to enter into a redevelopment agreement; and

WHEREAS, the Redeveloper has agreed to undertake the Project and to devote substantial cash assets and borrowed funds to the completion of the Project; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the Township Council has determined to enter into a redevelopment agreement with the Redeveloper (the "**Redevelopment Agreement**"), which Redevelopment Agreement specifies the rights and responsibilities of the Township and Redeveloper with respect to certain aspects of the Project; and

WHEREAS, in order to enhance the economic viability of and opportunity for the success of the Project, the Township determined to enter into an agreement providing for a payment in lieu of real property taxes, the terms of which are as set forth in a financial agreement to be executed by and between the Township and the Redeveloper (the "**Financial Agreement**"); and

WHEREAS, the Township adopted an ordinance approving the Financial Agreement and authorizing the Mayor to execute the Financial Agreement; and

WHEREAS, the Financial Agreement contemplates a payment in lieu of taxes in the form of an annual service charge (the "**Annual Service Charge**") that will be paid in two categories: an unpledged annual service charge (the "**Unpledged Annual Service Charge**") to be retained by the Township for municipal services; and the pledged annual service charge (the "**Pledged Annual Service Charge**"), to be dedicated to debt service on bonds issued by the Township for a portion of the costs of the Project pursuant to the *Redevelopment Area Bond Financing Law*, N.J.S.A. 40A:12-64, et seq. (the "**Bond Financing Law**" or "**RAB Law**"); and

WHEREAS, the *Bond Financing Law* authorizes the Township to issue bonds (the "**Redevelopment Area Bonds**" or "**Bonds**") in connection with the financing or refinancing of redevelopment, such as the Project, within a redevelopment area; and

WHEREAS, the *Bond Financing Law* further permits the Township to enter into contracts with the Redeveloper in connection with the issuance of such Redevelopment Area Bonds, which contracts may provide for the assignment of all or a portion of any payments in lieu of taxes, such as the Pledged Annual Service Charge; and

WHEREAS, the total estimated cost for the Project is four hundred fifty-five thousand eight hundred six dollars (\$455,806) and an amount not to exceed five hundred thousand dollars (\$500,000.00) of such total estimated cost is expected to be financed with Redevelopment Area Bonds, the balance of such total estimated cost is expected to be financed by the Redeveloper with a combination of debt and equity; and

WHEREAS, the Pledged Annual Service Charge is available to pay debt service of the Redevelopment Area Bonds and based upon the current market conditions such Pledged Annual Service Charges will support the issuance of approximately \$500,000.00 aggregate principal amount of Redevelopment Area Bonds for the Project;

WHEREAS, the Township Council adopted an ordinance approving the Application, including the Annual Service Charge, and is approving this resolution authorizing the execution of the Trust Indenture; and

WHEREAS, this resolution further authorizes the issuance by the Township of not to exceed \$500,000 aggregate principal amount its Redevelopment Area Bonds pursuant to the

Bond Financing Law to assist with financing a portion of the Project costs associated with the Ocean County Roadway Improvement that are accessible to the public (the “**Project Public Improvements**”); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-67(g), the Local Finance Board solicited comments from the Office of State Planning and the New Jersey Economic Development Authority and on February 9, 2022 approved the issuance of the Redevelopment Area Bonds; and

WHEREAS, the proceeds from such Redevelopment Area Bonds will be used to (a) pay the costs of issuing such Redevelopment Area Bonds and to (b) fund the costs of the Project Public Improvements (“**Costs**”); and

WHEREAS, the Financial Agreement between the Township and the Redeveloper specifies terms and conditions sufficient to meet installments of interest and principal on the Redevelopment Area Bonds; and

WHEREAS, it has been determined that the Redevelopment Area Bonds should be issued, sold and delivered to provide proceeds to finance a portion of the Costs of the Project; and

WHEREAS, all things necessary to make the Redevelopment Area Bonds when authenticated and issued as in this Indenture, the valid, binding and legal obligations of the Township according to the import thereof, and to constitute this Indenture a valid pledge of the payments, comprised of the Pledged Annual Service Charge, for payment of the principal of, premium, if any, and interest on the Redevelopment Area Bonds have been done and performed, and the creation, execution and delivery of this Indenture, and the issuance of the Redevelopment Area Bonds, subject to the terms hereof, have in all respects been duly authorized; and

WHEREAS, the Trustee has the power to enter into the Indenture (as herein after defined) and to execute the trusts hereby created and has accepted the trusts so created and in evidence thereof has joined in the execution hereof; and

WHEREAS, the Redeveloper will be the initial purchaser of the Redevelopment Area Bonds.

WHEREAS, the Township proposes to issue the Redevelopment Area Bonds to provide funding to the Redeveloper for the financing of the Project Public Improvements in accordance with the Financial Agreement and the Ordinance, providing, in part, for payments by the owners of the properties benefited by the Project Public Improvements to meet installments of interest and principal on the Redevelopment Area Bonds,

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:

Section 1. Determination to Issue. To accomplish the purposes and objectives of the Act and the RAB Law, the Township hereby determines to finance the Project Public Improvements. In order to finance the Project Public Improvements, the Redevelopment Area Bonds are hereby authorized to be issued in the aggregate principal amount not to exceed \$500,000. The Bonds shall be issued in one or more series, shall be dated, shall bear interest at such rates of interest and shall be payable as to principal, interest and premium, if any, all as is specified therein. The Bonds shall be issued in the form, shall mature, shall be subject to redemption prior to maturity and shall have such other details and provisions as are prescribed by the Trust Indenture.

Section 2. Bonds to Constitute Special, Limited Obligations. The Bonds shall be special, limited obligations of the Township, payable solely out of the Pledged Annual Service Charge and any other moneys derived pursuant to the Financial Agreement, and all such moneys are hereby pledged to the payment of the Bonds. The payment of the principal of, premium, if any, and interest on the Bonds shall be secured by a pledge and assignment of the Pledged Annual Service Charge and certain rights of the Township as provided in the Financial Agreement. Neither the members of the Governing Body nor any person executing the Bonds

issued pursuant to this resolution, the Act and the RAB Law shall be liable personally on the Bonds by reason of the issuance thereof. The Bonds shall not be in any way a debt or liability of the Township other than to the limited extent set forth in the Trust Indenture. Neither the faith and credit nor taxing power of the Township is pledged to the payment of, the principal or redemption price, if any, of or interest on the Bonds.

Section 3. Authorization of Bonds. (a) The Bonds shall mature no later than 20 years from the date of issuance and shall be issued in an aggregate principal amount not exceeding \$500,000. The Bonds shall bear interest at a rate or rates of interest which shall not exceed the maximum interest rates approved by the Local Finance Board, Division of Local Government Services in the New Jersey Department of Community Affairs (the “**Local Finance Board**”).

(b) The Mayor, Deputy Mayor or Chief Financial Officer (each an “**Authorized Officer**”) are each hereby authorized to execute and deliver on behalf of the Township a contract of purchase for the purchase of each series of Bonds (the “**Contract of Purchase**”) with an underwriter or underwriters (the “**Underwriter**” or “**Underwriters**”) or a purchaser (the “**Purchaser**”) to be determined by a certificate of award executed by an Authorized Officer (the “**Award Certificate**”) as determined by an Authorized Officer in consultation with counsel, approval thereof to be evidenced by such Authorized Officer's execution thereof, for the purchase of all, but not less than all, of each series of Bonds. The Bonds may be sold pursuant to a competitive sale, negotiated sale, limited placement agency, or direct private purchase, all as determined by an Authorized Officer. A copy of the Contract of Purchase shall be filed upon execution with the records of the Township.

Section 4. Execution and Authentication. The Bonds shall be executed and authenticated in accordance with the Trust Indenture and shall be issued in registered form qualifying for book entry registration.

Section 5. Delivery of Bonds. Following execution of the Bonds, the Authorized Officer are each hereby authorized to deliver the Bonds to the Trustee for authentication and, after authentication, to deliver the Bonds to the Underwriters or Purchaser against receipt of the purchase price or unpaid balance thereof.

Section 6. Approval of Offering Document. The distribution by the Underwriters of a Limited Offering Memorandum or Official Statement in preliminary form (the “**Preliminary Offering Document**”) relating to the Bonds (a draft of which shall be filed with records of the Township), if applicable, in connection with the marketing of the Bonds, and the distribution of a final Limited Offering Memorandum or Official Statement relating to the Bonds to the purchasers of the Bonds (the “**Offering Document**”) is hereby authorized. The Authorized Officers are each hereby authorized to (i) determine to sell the Bonds in a private placement transaction without a Preliminary Offering Document or final Offering Document, or (ii) approve the contents of the Preliminary Offering Document with such changes therein and modifications thereto as counsel may advise and such officer of the Township may approve. The Authorized Officers are each hereby authorized to approve the contents of the Offering Document and to execute the Offering Document on behalf of the Township, which Offering Document shall be in substantially the form of the Preliminary Offering Document with such changes therein (including the insertion of the redemption provisions and the initial interest rates for the Bonds) and supplements thereto as counsel may advise and the officer of the Township executing the same may approve, such approval to be evidenced by such officer's execution thereof. The Authorized Officers are each hereby authorized to “deem final” the Preliminary Offering Document and to execute and deliver a certificate to the Underwriters to such effect.

Section 7. Approval of Trust Indenture and Funding Agreement. The forms of the Trust Indenture and Fund Agreement respectively presented at this meeting (a copy of each of which is on file with the records of the Township), and all instruments to be attached thereto or executed in conjunction therewith, are each hereby approved and the Authorized Officers are each hereby authorized to execute, acknowledge and deliver, and the Township Clerk or Deputy Township Clerk are each hereby authorized to affix and attest the seal of the Township to the Trust Indenture and Funding Agreement in substantially such forms, with such changes therein as counsel may advise and the officers executing the same may approve, such approval to be evidenced by their execution thereof.

Section 8. Incidental and Prior Action. The Authorized Officers are each hereby authorized and directed to execute and deliver such other papers, instruments, certificates, opinions, affidavits and documents, and to take such other action as may be necessary or appropriate in order to carry out the purpose of this Resolution, including effectuating the execution and delivery of the Trust Indenture, the Funding Agreement and the Financial Agreement, and the issuance and sale of the Bonds, all in accordance with the foregoing sections hereof. The Authorized Officers and any other Township official, officer or professional, including but not limited to, the Chief Financial Officer, the Township Clerk, redevelopment counsel, bond counsel, the municipal advisor and the auditor to the Township, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the Township, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

Section 9. Reimbursement. The Township hereby declares the intent of the Township to issue the Bonds in the amount not to exceed of \$500,000 and to use proceeds to pay or reimburse expenditures for the costs of the Project Public Improvements. This Section 9 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

Section 10. Prior Resolutions. All prior resolutions of the Township or portions thereof inconsistent herewith are hereby replaced.

Section 11. Capitalized Terms. Capitalized terms used in this Resolution and not otherwise defined have the meaning given to such terms in the Trust Indenture.

Section 12. Construction. In case any one of more of the provisions of this resolution, the Trust Indenture, the Contract of Purchase, the Official Statement or the Bonds issued hereunder shall for any reason be held illegal or invalid, such illegality or invalidity shall not affect any other provision of this resolution of the Trust Indenture, the Contract of Purchase, the Official Statement and the Bonds shall be construed and enforced as if such illegal or invalid provision had not been contained therein.

Section 13. Effective Date. This Resolution shall take effect immediately upon adoption.

Section 14. 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) Township Attorney
- d) Certified Financial Officer
- e) Township Council
- f) Township Planner
- g) **John M. Cantalupo, Esq.**
Archer & Greiner, P.C.
Riverview Plaza
10 Highway #35
Red Bank, NJ 07701-5902

Art Anderson questioned what was the damage and services for this garage.

Council Member Rodrick questioned the following Resolution.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT TO COLLIERS ENGINEERING & DESIGN, TO ASSIST THE ENGINEERING DIVISION IN PROVIDING STRUCTURAL ENGINEERING SERVICES FOR THE REPAIR WORK REQUIRED FOR THE MUNICIPAL PARKING GARAGE, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$37,000.00

JULY 27, 2022

WHEREAS, resolution of the Township Council dated January 26, 2022 authorized the firm of Colliers Engineering & Design to be placed on a pre-approved list for professional inspection and general engineering services to the Township commencing January 27, 2022 up to and including December 31, 2022; and

WHEREAS, the Township requires assistance to the Engineering Division in providing structural engineering services for the repair work required for the municipal parking garage; and

WHEREAS, Colliers Engineering & Design has submitted a proposal dated June 29, 2022 to provide structural engineering services for the repair work required for the municipal parking garage; and

WHEREAS, the Township Engineer has reviewed the proposal submitted by Colliers Engineering & Design, and has recommended the award of contract to Colliers Engineering & Design for this project, in the total contract amount not to exceed \$37,000.00;

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 to Colliers Engineering & Design to assist the Engineering Division in providing structural engineering services for the repair work required for the municipal parking garage, in the total contract amount not to exceed \$37,000.00, at the following rates:

Principal Engineer	\$168.00/hr.
Project Manager (PE)	\$163.00/hr.
Design Engineer (EIT)	\$134.00/hr.
Design Engineer	\$115.00/hr.
Professional Land Surveyor (PLS) (As a principal or partner)	\$147.00/hr.
Professional Land Surveyor (PLS) (As an associate)	\$136.00/hr.
Senior Designer	\$ 98.00/hr.
Computer Technician	\$ 98.00/hr.
Engineering Technician	\$ 98.00/hr.
Survey Technician	\$ 84.00/hr.
Senior CADD Operator	\$ 98.00/hr.
CADD Operator	\$ 84.00/hr.
Field Survey Crew	\$173.00/hr.
Senior Inspector	\$110.00/hr.
Inspector Level 1	\$ 64.00/hr.
Inspector Level 2	\$ 90.00/hr.
Secretary/Clerical	\$ 41.00/hr.
Delivery	\$ 41.00/hr.
Prints	\$ 0.28/sq.ft.
Mylars	\$ 1.60/sq.ft.
Cloths	\$ 2.25/sq.ft.
Subcontract Services	120% of cost
Expenses	At cost; and

2. Funds for this contract in the amount not to exceed \$37,000.00 are available in Account No. X-04-253-298.

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) Mayor Maurice B. Hill, Jr.
- b) Certified Financial Officer
- c) Purchasing Division
- d) Township Attorney
- e) Engineering Division
- f) Colliers Engineering & Design
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701

Council Member Rodrick asked if this property was purchased with green acres funding.

Art Anderson asked what are we voting on?

Council President Geoghegan mentioned that it is just an approval to remove lot from green acres DEP list.

Irene Watson, Messenger Street, said to read emails about public hearing and Toms River waterfront plan.

Ceil Tormolion, 109 Messenger Street) asked did Land Use decide this was a mistake.

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

RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, AUTHORIZING SUBMISSION TO THE GREEN ACRES PROGRAM OF THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR AN AMENDMENT TO THE TOWNSHIP'S RECREATION AND OPEN SPACE INVENTORY TO REMOVE BLOCK 668, LOT 9 IN ACCORDANCE WITH N.J.A.C. 7:36-25.3

JULY 27, 2022

WHEREAS, the parcel identified on the tax maps of the Township of Toms River (the "**Township**") as Block 668, Lot 9 (the "**Property**"), located at the corner of Robbins Parkway and East Water Street, is included on the New Jersey Department of Environmental Protection's ("**DEP**") Green Acres Program ("**Green Acres**") Recreation and Open Space Inventory for the Township; and

WHEREAS, the Property is owned by the Township and utilized as a public parking lot with metered parking kiosks servicing the commercial businesses on Robbins Parkway; and

WHEREAS, the Property was erroneously listed on the Green Acres Recreation and Open Space Inventory (the "**ROSI**") as an "additional lot" to Block 668 Lot 1 as part of Huddy Park; and

WHEREAS, on October 28, 2021, the Township submitted an application (the “**Application**” attached hereto as **Exhibit A**) to Green Acres in accordance with *N.J.A.C. 7:36-25.3* (the “**Regulations**”) to amend its ROSI by removing the Property, and (b) correcting the acreage listed on the ROSI in connection with Block 668 (the “**ROSI Amendment**”); and

WHEREAS, the Township tax record incorrectly listed the Property as an “additional lot” for Block 668, Lot 1, which is part of Huddy Park and when Block 668, Lot 1 was listed on the ROSI as part of Huddy Park, the Property was unintentionally and erroneously included in the ROSI listing; and

WHEREAS, the Township’s tax map, shows Block 668, Lots 1 and 9 as separate lots; and

WHEREAS, the Township submitted to Green Acres that there is a bona fide inaccuracy in the ROSI with the inclusion of the Property, and error was due to the tax record; and

WHEREAS, the Township acquired the Property through eminent domain on February 8, 1968 and the historical documents from the Township indicate that Block 668, Lot 1 has been designated as a park and the Property has been designated as a parking lot since at least 1968; and

WHEREAS, Green Acres funds have not been used for the acquisition or improvement of the Property; the Property was not acquired for, designated for, nor used for, recreation or conservation purposes; the Property has never been improved with recreational fields or equipment; and the Property has been continually used as a public parking area since at least 1975; and

WHEREAS, the Township also seeks to revise the acreage listed on the ROSI in connection with Block 668 from 1.6 acres to 0.859 acres to acknowledge the removal of the Property (0.779 acres) from the ROSI; and

WHEREAS, on May 26, 2022, the Township held a public hearing on the ROSI Amendment in accordance with the Regulations where members of the public were given the opportunity to be heard; and

WHEREAS, the Township received written comments during the public comment period through June 9, 2022 as required by the Regulations; and

WHEREAS, the Township has determined to seek DEP approval of the ROSI Amendment and shall submit the documents prepared in connection with the Amendment to the DEP in accordance with the Regulations.

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 aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township hereby requests DEP amend the ROSI to remove the Property from the ROSI and revise the acreage listed on the ROSI in connection with Block 668 from 1.6 acres to 0.859 acres to acknowledge the removal of the Property (0.779 acres) from the ROSI.

Section 3. The Mayor of the Township, the Township Business Administrator, the Township Planner, the Township Clerk or other reasonably necessary personnel and professionals, including counsel to the Township, are hereby authorized and directed to prepare, sign and submit any forms or documents in connection with the ROSI Amendment to DEP on behalf of the Township.

Section 4. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 5. This Resolution shall take effect immediately.

Council Member Rodrick commend Natural Lands Trust for this acquisition.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING THE ACQUISITION OF PROPERTY DESIGNATED AS BLOCK 394, Lot 13.05, IN THE TOWNSHIP OF TOMS RIVER, BY THE OCEAN COUNTY NATURAL LANDS PROGRAM FOR OPEN SPACE PRESERVATION

JULY 27, 2022

WHEREAS, the Ocean County Natural Lands Trust Fund Advisory Committee (“Committee”) has approved the acquisition of Block 394, Lot 13.05 for open space preservation; and

WHEREAS, the Committee has requested a resolution of support from the Township for these proposed acquisitions, based on which the Committee will recommend that the Board of Chosen Freeholders authorize the purchase through the Ocean County Natural Lands Program; and

WHEREAS, the Mayor and the Township Council believe that the preservation of these parcels as open space is critical to the local environment and quality of life:

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

1. The Township Council hereby expresses its strong support for the acquisition of Block 394, Lot 13.05, by the Ocean County Natural Lands Program for open space preservation.

2. A certified copy of this resolution shall remain on file in the Office of the Township Clerk and provided to the following parties:

- a. Mayor Maurice B. Hill, Jr.
- b. Business Administrator
- c. Township Planner
- d. Township Engineer
- e. Township Attorney
- f. Ocean County Board of Commissioners
- g. Ocean County Planning Board
Natural Lands Program
c/o Dan Sindoni, Assistant Planner
P.O. Box 2191
Toms River, New Jersey 08753

REPORTS - NONE

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **July 21, 2022**, was approved on motion by Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Lamb, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, and with Council Member Kopp absent. **The following respective exceptions to their votes were noted as abstentions to this vote:**

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

Purchase Order 22-04042, payable to Silverton First Aid Squad, Inc., in the amount of \$1,054.77.

Purchase Order 22-04052, payable to United Healthcare Insurance Company in the amount of \$79,818.97.

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

Purchase Order 22-03901, payable to Sal Zarillo Masonry. LLC.in the amount of \$1,000.00.

Council Member Ciccozzi - NONE

Council Member Kopp - ABSENT

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

Purchase Order 22-03954, payable to Magistrate Salaries in the amount of \$6,937.41.

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

Purchase Order 22-04085, payable to Hands For All in the amount of 47,913.45.

Council Member Rodrick - NONE

ELECTED OFFICIALS COMMENTS

Council Member Lamb remembering former state assembly Ron Dancer; attended Ocean Beach Voters and Taxpayers Association Meeting this week; Thanked Chief Little for extra patrols for the crowded beach over the weekend, and asked for better beach and swimming ordinance at night.

Council Members Rodrick and Quinlisk had no comments.

Council Member Lotano mentioned there were 9 beach calls over the weekend. Commend Mayor, Business Administrator and Tax Assessor for a successful tax revaluation this year. Spoke about Farmers Market and Downtown night out.

Council Member Ciccozzi had no comments.

Mayor Hill mentioned next Tuesday is National Night out at Huddy Park. Three teams are state champion-softball. Asking for Council to support and approve bills for PTR/Senior Freeze up at State and spoke on revaluation on taxes.

PUBLIC COMMENTS

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

Dana Tormallon, 105 Messenger Street, mentioned Toms River Education Fund will receive funds from Downtown Night Out Friday, August 12th.

Paul Jeffries, 1661 Bay Blvd, Ortley, spoke regarding meeting about beach issues, and asked for follow from Police, and Toms River Vintage Boat Festival this Saturday

Dan Kessel, 7 Vail Street, asked for update on medical marijuana, and asked for three new liquor license updates.

Richard Sullivan, 1906 Route 35, Ortley Beach, owner of Bakin Bagels. I was vandalized last weekend.

Joanne Petricelli, owner of Barnacle Bills, 1968 Route 35, Ortley, spoke about large crowds in excess of 500 at their business, acts of vandalism, etc.

Abraham Herschwitz, 342 Mark Drive, spoke about opening commercial business.

Art Anderson 12 Park Street, Route 37 and Lakewood Road, Dunkin Donuts is an eye sore.

Alan Thompson, 26 Lien Street, spoke on new occupancy ordinance that went into effect July 1st.

Irene Watson, Messenger Street, spoke regarding lack of communication for opening new businesses.

Maria Marcus, Director of Senior Center, provided an update regarding the Animal Shelter.

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

No other business appearing, the meeting was **adjourned** at 7:27 P. M., on motion with Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Lamb, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, and with Council Member Kopp absent.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

MICHAEL CRUOGLIO, DEPUTY CLERK