

August 24, 2021

A Regular Meeting of the Township Council of the Township of Toms River was held in the L. Manuel Hirshblond Meeting Room, Municipal Complex, 33 Washington Street, Toms River, New Jersey at 6:00 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 Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on Tuesday, January 5, 2021. The meeting dates have also been posted on the Township web page.

Roll Call:

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

**APPROVAL OF MINUTES**

A motion was made by Council Member Turnbach, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to approve the **Regular Meeting of August 10, 2021**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof

**HONORING RESOLUTIONS AND PRESENTATIONS**

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

Council President Geoghegan presented proclamation to a representative for Hunger Action Month.

# Township of Toms River

## Proclamation

### Hunger Action Month 2021

**WHEREAS**, Toms River Township is committed to taking steps to raise awareness about the need to combat hunger; and

**WHEREAS**, Toms River Township is committed to working with *Fulfill*, formerly The FoodBank of Monmouth and Ocean Counties, to educate people about the role and importance of food banks in addressing hunger and to devote more resources and attention to hunger issues; and

**WHEREAS**, more than 215,000 individuals, including 70,000 children, in Monmouth and Ocean Counties now rely on food provided by Fulfill; and

**WHEREAS**, since the start of the Pandemic, *Fulfill* has provided 9.1 million meals to Ocean County residents in need; and

**WHEREAS**, due to the pandemic, one (1) in every six (6) people in Monmouth and Ocean Counties received “emergency” food from *Fulfill*; and

**WHEREAS**, food banks across the country, including *Fulfill*, will host numerous events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.

**NOW, THEREFORE**, Be it Proclaimed, that Mayor Maurice B. Hill and the Council of the Township of Toms River, County of Ocean, State of New Jersey, do hereby recognize September, as **HUNGER ACTION MONTH** in the Township and call this observance to the attention of its citizens.

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*Mayor Maurice B. Hill, Jr.*

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*Kevin M. Geoghegan*  
*Council President*

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*Laurie A. Huryk*

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*Joshua D. Kopp*

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*Matthew W. Lotano*

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*Maria L. Maruca*

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*Daniel T. Rodrick*

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*Terrance L. Turnbach*

Police Chief Little introduced Deputy Chief Michael Belcher & Senior Detective Roger Hull and presented them with a clock for their retirement. He also thanked them for their service in the Police Department.

Police Chief Little introduced the following new hire officers, and Mayor Hill swore them in:

Officer Damon Korpon #458  
Officer Kevin Corrigan #457  
Officer Robert King #456

The following officers were introduced by Police Chief Little for their promotion, and Mayor Hill swore them in:

Detective Graham Borg  
Detective Joseph Mastronardy  
Sergeant Brian Dugan  
Lt. Ronald Sermarini  
Captain Christopher Anderson

Council President Geoghegan announced a five minute break. Reconvened at 6:30 p.m.

Alison Carlisle, Township Clerk read the following Ordinance of which the title only was read in full:

A motion was made by Council Member Turnbach, seconded by Council Member Rodrick, and that an Ordinance entitled:

**ORDINANCE OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY  
OF OCEAN, NEW JERSEY, APPROVING APPLICATION FOR A LONG  
TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A  
FINANCIAL AGREEMENT WITH MERIDIA TOMS RIVER 40 URBAN  
RENEWAL, LLC**

be tabled before further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything else to say in connection therewith.

Council Member Turnbach reiterated on behalf of residents asking, to table this for 2-4 weeks for Ordinance 7 and Resolution 8 to allow for more time to review.

Council Member Maruca asked to first open public comment to start.

James Citta spoke on the history of the town.

Virginia Pearl had an art studio on Water Street and misses the old days of foot traffic on Water Street.

Paul Williams requesting documents; details not available to general public.

Diane Oxley spoke on funding for students and the cost of students living in those buildings.

Andrew Jenner, Planner for this project, spoke on student fees and what they are comprised of.

Arnold Taranto spoke regarding student fees, property taxes, opinions on redevelopment project.

Bob Wassar opposed the project.

Donna Serchio, asked what would tax rate be and who would have control of theater.

Frank Davis questioned when taxes will begin to be collected and what about extra traffic.

Irene Watson, asked where townhouses and apartments would be and asked why do we need all of these apartments?

Bob Tremolo, Messenger Street, asked if students will be paid for by tax payers.

Don Oxley, Merrimac Drive, questioned if workers will be in state or out of state.

Dana Tromboli, Messenger Street, spoke on police department response time; are we going to hire more?

Lisa Seforetto spoke regarding the importance of this project for the downtown.

Art Anderson questions about costs.

Jen Howe, Admiral Avenue, spoke regarding education for students; small businesses; buildings not pretty, and lack of time to read agreement.

Alizar Zorojew spoke regarding the full potential of downtown; represent change.

Tom Forgione spoke regarding business owner in downtown; taxes and growth downtown.

Dean Gresek spoke on tabling pilot program; school tax negotiations and private schools.

Marion Belleck, BID Director, quoted 98% of current business are in support. Trying to get out correct information.

Katherine Galesky questioned affordable units.

Irene Watson, Messenger Street, questioned about use of private land.

Arnold Taranto has zoning concerns. Has any coordination been done with our utility companies to be able to support this project?

Arthur Andersen questioned what if they went turnaround and sell the property?

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

A motion was made by Council Member Turnbach, seconded by Council Member Rodrick, but with Council Members Huryk, Kopp, Lotano, Maruca and with Council President Geoghegan voting no, **the motion to be table was denied.**

Council Member Huryk offered the following ordinance and moved its adoption, Council Member Maruca seconded the motion:

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

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

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

Council Member Huryk	Yes
Council Member Kopp	Yes

Council Member Lotano	Yes
Council Member Rodrick	No
Council Member Turnbach	No
Council Vice-President Maruca	Yes
Council President Geoghegan	Yes

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, and Council President Geoghegan voting yes, and with Council Members Rodrick and Turnbach voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY, DESIGNATING A REDEVELOPER FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 569, LOTS 3, 4, 5, 5.01, 10 AND 11.01 ON THE TAX MAP OF THE TOWNSHIP AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT AND PURCHASE AND SALE AGREEMENT**

*(SEE ATTACHED COPY OF ABOVE RESOLUTION OF 150 PAGES)*

A motion was made by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, and Council President Geoghegan voting yes, and Council Member Rodrick abstaining, and with Turnbach voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40a:12a-29(a)(3) AND N.J.S.A. 40A:12A-67g**

WHEREAS, the Township of Toms River (the "Township") desires to make application to the Local Finance Board for (i) approval, pursuant to N.J.S.A. 40a:12a29(A)(3), of the sale by the Township, acting in its capacity as a redevelopment entity, of bonds on a negotiated basis, pursuant to a bond resolution authorizing the issuance of such bonds; and (ii) approval pursuant to N.J.S.A. 40A:12A-67g of a financial instrument to be secured by payments in lieu of taxes;

WHEREAS, the Township believes that:

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

NOW THEREFORE, BE IT RESOLVED BY TOWNSHIP COUNCIL as follows:

Section 1. The application to the Local Finance Board is hereby approved, and the Township's Mayor, Business Administrator, Redevelopment Counsel and Bond Counsel, along with other representatives of the Township, are hereby authorized to prepare such application and to represent the Township in matters pertaining thereto.

Section 2. The Clerk of the Township is hereby directed to prepare and file a copy of the proposed resolution with the Local Finance Board as part of such application.

Section 3. The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as provided by the applicable New Jersey Statutes.

The foregoing is a true copy of a resolution adopted by the governing body of the Township Council on August 24, 2021.

Alison Carlisle  
Township Clerk

**STATE OF NEW JERSEY  
DEPARTMENT OF COMMUNITY AFFAIRS  
DIVISION OF LOCAL GOVERNMENT SERVICES  
LOCAL FINANCE BOARD  
APPLICATION CERTIFICATION**

APPLICANTS NAME: TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN,, NEW JERSEY

I, LOUIS AMORUSO, BUSINESS ADMINISTRATOR OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY DO HEREBY DECLARE:

That the documents submitted herewith and the statements contained herein are to the best of my knowledge and belief; and

That this application was considered and its submission to the Local Finance Board approved by the governing body of the Township on August 24, 2021.

Louis Amoruso, Business Administrator

ATTEST

Alison Carlisle, Township Clerk  
Date: August 24, 2021

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 121 (HOTELS AND MOTELS) OF THE TOWNSHIP CODE TO ESTABLISH A HOTEL AND MOTEL OCCUPANCY TAX PURSUANT TO N.J.S.A. 40:48F-1**

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

1. Chapter 121 (Hotels and Motels) is hereby amended and supplemented to establish a new Article I, entitled "General Regulations," which shall include sections 121-1 through 121-4.

2. Chapter 121 (Hotels and Motels) is hereby further amended and supplemented to establish a new Article II, entitled "Hotel and Motel Occupancy Tax," providing as follows:

**Article II  
Hotel and Motel Occupancy Tax**

**§121-5. Purpose.**

The purpose of this Article is to implement the provisions of N.J.S.A. 40:48F-1 et. seq., which authorizes municipalities to impose a uniform tax not to exceed 3% on charges of rent for every hotel or motel occupancy after July 1, 2004, of a room or rooms in a hotel or motel subject to taxation pursuant to subsection (d) of section 3 of

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P.L. 1966, c. 40 (N.J.S.A. 54:32B-3), which is in addition to any other tax or fee imposed pursuant to statute or local ordinance or resolution by any governmental entity upon such occupancies.

**§121-6. Tax established.**

There is hereby established a Hotel and Motel Occupancy Tax in the Township of Toms River fixed at a uniform percentage rate of 3% on charges of rent for every occupancy of a room or rooms in a hotel or motel subject to taxation pursuant to subsection (d) of section 3 of P.L. 1966, c. 40 (N.J.S.A. 54:32B-3).

**§121-7. Tax additional to other taxes and fees.**

The Hotel and Motel Occupancy Tax established pursuant to this Article shall be in addition to any other tax or fee imposed by statute or local ordinance or resolution by any governmental entity upon the occupancy of a room or rooms in a hotel or motel.

**§121-8. Exemptions.**

The Hotel and Motel Occupancy Tax established pursuant to this Article shall not be imposed on the rent for an occupancy if the purchaser, user, or consumer is an entity exempt from the tax imposed on an occupancy under the “Sales and Use Tax Act” pursuant to subsection (a) of section 9 of P.L. 1966, c. 430 (N.J.S.A. 54:32B-9).

**§121-9. Statutory requirements.**

In accordance with N.J.S.A. 40:48F-2:

- A. All taxes imposed pursuant to this Article shall be paid by the purchaser.
- B. A vendor shall not assume or absorb any tax imposed by this Article.
- C. A vendor shall not in any manner advertise or hold out to any person or to the public in general, in any manner, directly or indirectly, that the tax will be assumed or absorbed by the vendor; that the tax will not be separately charged and stated to the customer; or that the tax will be refunded to the customer.
- D. Each assumption or absorption by a vendor of the tax shall be deemed a separate offense and each representation or advertisement by a vendor for each day the representation or advertisement continues shall be deemed a separate offense.

**§121-10. Collection.**

In accordance with N.J.S.A. 40:48F-3:

- A. The tax imposed pursuant to this Article shall be collected on behalf of the Township by the person collecting the rent from the customer.
- B. Persons required to collect the tax shall be personally liable for the tax imposed, collected, or required to be collected.
- C. Persons required to collect the tax shall have the same right in respect to collecting the tax from a customer as if the tax were a part of the rent payable at

the same time; provided, however, that the chief financial officer of the Township shall be joined as a party in any action or proceeding brought to collect the tax.

**§121-11. Nonpayment; lien against property.**

- A. As provided by N.J.S.A. 40:48F-6a, upon written notification of nonpayment from the State Treasurer, the Township shall act as the collecting agent for the outstanding balance of hotel and motel occupancy taxes due and owing to the Township.
- B. In accordance with N.J.S.A. 40:48F-6b, in the event that the tax imposed pursuant to this Article is not paid as and when due by a hotel or motel, the unpaid balance, and any interest thereon, shall be a lien on the parcel of real property comprising the hotel or motel in the same manner as all other unpaid municipal taxes, fees, or other charges.
  - 1. The lien shall be superior and paramount to the interest in such parcel of any owner, lessee, tenant, mortgagee, or other person, except that a lien of municipal taxes shall be on parity with and deemed equal to the municipal lien on the parcel for unpaid property taxes due and owing in the same year.
  - 2. The Township shall file in the Office of the Tax Collector a statement showing the amount and due date of the unpaid balance and identifying the lot and block number of the parcel of real property that comprises the delinquent hotel or motel.
  - 3. The lien shall be enforced as a municipal lien in the same manner as all other municipal liens are enforced.
- C. Unpaid hotel and motel occupancy taxes shall accrue interest at a rate of 5% per annum.

**§121-12. Violations and penalties.**

Unless otherwise provided by law, any person or entity that violates this Article shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes, for each offense.

**§121-13. Required notices; reporting.**

- A. A COPY OF THIS ARTICLE AND ANY SUBSEQUENT AMENDMENT THERETO SHALL BE TRANSMITTED TO THE STATE TREASURER UPON ADOPTION TOGETHER WITH A LIST OF THE NAMES AND ADDRESSES OF ALL THE HOTELS AND MOTELS LOCATED WITHIN THE TOWNSHIP.
- B. A CURRENT LIST OF THE NAMES AND ADDRESSES OF ALL HOTELS AND MOTELS LOCATED WITHIN THE TOWNSHIP SHALL BE SUBMITTED TO THE STATE TREASURER ANNUALLY, NOT LATER THAN JANUARY 1. THE STATE TREASURER SHALL ALSO BE NOTIFIED OF THE NAME AND ADDRESS OF ANY HOTEL OR MOTEL THAT COMMENCES OPERATION AFTER JANUARY 1 IN ANY YEAR.
- C. A COPY OF THIS ARTICLE SHALL ALSO BE DISTRIBUTED TO EVERY HOTEL AND MOTEL LOCATED WITHIN THE TOWNSHIP.



**§121-14. Effective date.**

In accordance with N.J.S.A. 40:48F-1, the tax provisions established by this Article or any subsequent amendment hereto shall take effect on the first day of the first full month occurring 90 days after the date this Article or any subsequent amendment is transmitted to the State Treasurer.

3. All other provisions of Chapter 121 remain in full force and effect.
4. All ordinances or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
5. If any part of this ordinance is invalidated, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance shall remain in full force and effect.
6. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law, after which a copy of this ordinance shall be transmitted to the State Treasurer as required by N.J.S.A. 40:48F-1. In accordance with N.J.S.A. 40:48F-1, the tax provisions of this ordinance shall take effect on the first day of the first full month occurring 90 days after the date this ordinance is transmitted to the State Treasurer.

A motion was made by Council Member Huryk, seconded by Council Member Maruca and carried, with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 24, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

APPROVED AS TO FORM:  
ANTHONY MERLINO  
ASSISTANT TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 27, 2021.

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

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, DESIGNATING FDS TOMS RIVER, LLC, REDEVELOPER OF BLOCK 605, LOTS 421-433 AND 489-501; BLOCK 606.01, LOTS 369-387; BLOCK 606.02, LOTS 336-367 AND 390-420; BLOCK 607, LOT 247; AND ADJACENT MUNICIPAL RIGHTS OF WAY WITHIN THE HOOPER-CAUDINA REDEVELOPMENT PLAN AREA AND AUTHORIZING REDEVELOPMENT AGREEMENT FOR THE SAME**

**AUGUST 24, 2021**

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

**WHEREAS**, on July 10, 2018, pursuant to N.J.S.A. 40:12A-6, the governing body of the Township of Toms River (the "**Township**") authorized and directed its Planning Board to undertake a preliminary investigation to determine if the delineated area consisting of 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 ("**Study Area**") constitute an area in need of redevelopment for condemnation purposes pursuant to the criteria set forth under N.J.S.A. 40:12A-5 of the Redevelopment Law; and

**WHEREAS**, on October 17, 2018, the Planning Board held a properly noticed public hearing and found that the Study Area qualified as an area in need of redevelopment and recommended that the Township's governing body designate the Study Area as being in need of redevelopment for condemnation purposes; and

**WHEREAS**, on October 23, 2018, the Township's governing body, having determined based on the Planning Board's recommendation that the Study Area satisfies the criteria required under N.J.S.A. 40:12A-5 of the Redevelopment Law, designated the Study Area as an area in need of redevelopment for condemnation purposes ("**Hooper-Caudina Redevelopment Plan Area**"); and

**WHEREAS**, on February 26, 2019, pursuant to Ordinance No. 4626-19, the Township's governing body adopted the Hooper-Caudina Redevelopment Plan dated December 4, 2018, as may hereafter be amended, governing the Hooper-Caudina Redevelopment Plan Area; and

**WHEREAS**, on May 12, 2020, the Township conditionally designated FD Stonewater (now FDS Toms River, LLC) ("**FDS**") redeveloper of various properties within the Hooper-Caudina Redevelopment Plan Area; and

**WHEREAS**, in July 2021, FDS was selected by the US Department of Veterans Affairs (the "**VA**") to construct a Community Based Outpatient Clinic consisting of approximately 72,835 square feet contained on two floors including dedicated parking and associated amenities (the "**Project**"); and

**WHEREAS**, the properties required for the Project, Block 605, Lots 421-433 and 489-501; Block 606.01, Lots 369-387; Block 606.02, Lots 336-367 and 390-420; Block 607, Lot 247; and adjacent municipal rights of way (the "**Project Site**" or "**Property**") are within the Hooper-Caudina Redevelopment Plan Area; and

**WHEREAS**, the Township recognizes the credentials, experience and financial capability of the Redeveloper to design and construct the Project; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-9, the Township wishes to designate FDS redeveloper of the Project Site and enter into a Redevelopment Agreement with regard to proceeding with the redevelopment of the Property for the VA's Community Based Outpatient Clinic.

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

1. The above recitals are incorporated by reference as if fully set forth herein.
2. The terms and conditions contained within the Redevelopment Agreement by and between the Township of Toms River and FDS Toms River, LLC governing the redevelopment of Block 605, Lots 421-433 and 489-501; Block 606.01, Lots 369-387; Block 606.02, Lots 336-367 and 390-420; Block 607, Lot 247; and adjacent municipal rights of way within the Hooper-Caudina Redevelopment Plan Area is hereby accepted and approved.
3. The Mayor is hereby authorized and directed to execute the Redevelopment Agreement, attached hereto as Schedule A.
4. Upon the adoption of this Resolution and the Redeveloper's execution of the Redevelopment Agreement, FDS Toms River, LLC shall become the designated redeveloper of Block 605, Lots 421-433 and 489-501; Block 606.01, Lots 369-387; Block 606.02, Lots 336-367 and 390-420; Block 607, Lot 247; and adjacent municipal rights of way within the Hooper-Caudina Redevelopment Plan Area for all purposes under the law.
5. This Resolution shall take effect immediately.
6. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
  - a) Mayor Maurice B. Hill, Jr.
  - b) Township Council
  - c) Business Administrator
  - d) Township Attorney
  - e) Township Planner
  - f) Engineering Division
  - g) Brian M. Nelson, Esq.

c/o Archer & Greiner, PC

Riverview Plaza

10 Highway 35

Red Bank, NJ 07701

**SCHEDULE A – SEE ATTACHMENTS**

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING ENTRY OF A REAL ESTATE PURCHASE AND SALE AGREEMENT WITH FDS TOMS RIVER, LLC AS THE DESIGNATED REDEVELOPER OF BLOCK 606.02, LOTS 394, 395, 406, 409, 410 AND 411 WITHIN THE HOOPER-CAUDINA**

**REDEVELOPMENT PLAN AREA, FOR DEVELOPMENT OF THE US DEPARTMENT OF  
VETERANS AFFAIRS COMMUNITY BASED OUTPATIENT CLINIC**

**WHEREAS**, the Township of Toms River (the “**Township**”) is the owner of certain small parcels of land located within the Hooper-Caudina Redevelopment Plan Area designated as Block 606.02, Lots 394, 395, 406, 409, 410 and 411 on the Township’s official tax map (the “**Property**”); and

**WHEREAS**, the Township has designated FDS Toms River, LLC as the redeveloper of the Property and entered a Redevelopment Agreement dated August \_\_\_\_, 2021 (the “**Redevelopment Agreement**”) to advance the development of a US Department of Veterans Affairs Community Based Outpatient Clinic consisting of 72,835 square feet contained on two floors including dedicated parking and associated amenities (the “**Project**”); and

**WHEREAS**, the Redevelopment Agreement provides for the transfer of the Property to complete the assemblage of properties required for the Project; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8(g) the Township is authorized to “convey property or improvements to any other party . . . without public bidding and at such prices and upon such terms as it deems reasonable, provided that the . . . conveyance is made in conjunction with a redevelopment plan . . . .”; and

**WHEREAS**, in accordance with the Redevelopment Agreement and Hooper-Caudina Redevelopment Plan, the Township has determined that the proposed Real Estate Purchase and Sale Agreement is essential to the development of the Project.

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

**SECTION 1.** The above recitals are incorporated by reference as if fully set forth herein.

**SECTION 2.** The Township Council hereby accepts and approves the Real Estate Purchase and Sale Agreement for the conveyance of Block 606.02, Lots 394, 395, 406, 409, 410 and 411 to FDS Toms River, LLC as the designated redeveloper of the Property for the sum of \$10.00 to advance the development of the US Department of Veterans Affairs Community Based Outpatient Clinic.

**SECTION 3.** The Township Council hereby authorizes and directs the Mayor to execute the Real Estate Purchase and Sale Agreement upon adoption of this Ordinance.

**SECTION 4.** The Township Council hereby authorizes and directs the Administrator, Chief Financial Officer, and other Township employees and agents to take any necessary and appropriate actions to effectuate the implementation of this Ordinance and the Real Estate Purchase and Sale Agreement.

**SECTION 5.** All ordinances or resolutions of the Township which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 6.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 7.** This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty days after publication as required by law.

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

NOTICE

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 August 24, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

APPROVED AS TO FORM:  
ANTHONY MERLINO  
ASSISTANT TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 27, 2021.

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

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

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER AMENDING  
A RESOLUTION CONSENTING TO THE ISSUANCE OF CERTAIN  
SHORT-TERM NOTES BY THE TOMS RIVER MUNICIPAL  
UTILITIES AUTHORITY, AS PREVIOUSLY AMENDED**

**WHEREAS**, the Toms River Municipal Utilities Authority (the "Authority") is a municipal utilities authority organized and existing under the provisions of the Municipal and County Utilities Authorities Law, N.J.S.A. 40:14B-1 et seq. (the "Act"); and

**WHEREAS**, the Township of Toms River (the "Township") and the Authority have previously entered into a Service Contract dated as of June 1, 1975 (the "Service Contract"), by which the Township agrees, inter alia, to pay certain "Annual Charges" to the Authority in the event the revenues of the Authority are not sufficient to pay the expenses of the Authority (including debt service on the Authority's bonds and notes); and

**WHEREAS**, Section 411 of the Service Contract provides, in pertinent part, that the Township is relieved from making any payments to the Authority on account of the principal of or interest on Authority obligations that mature within three years from their date (the "Short Term Bonds"), unless the Authority takes certain actions to timely authorize, sell and issue refunding obligations prior to the maturity of such Short Term Bonds; and

**WHEREAS**, Section 411 of the Service Contract also provides that the Township may, by its written consent, release the Authority from the requirements of said Section 411; and

**WHEREAS**, on February 12, 2019 the Township adopted a resolution (the "Consent Resolution") waiving the provisions of Section 411 of the Service Contract, insofar as applicable to the Authority's financing of the "2019 Projects" (as defined in the Consent Resolution by reference to attached Exhibit A-1 and Exhibit A-2) through the issuance of up to \$3,900,000 in short-term debt obligations under the New Jersey Infrastructure Bank (the "I-Bank") financing program; and

**WHEREAS**, on June 19, 2019, the Authority issued to the NJIB its “Note Relating to the Construction Loan Financing Program of the New Jersey Infrastructure Bank (f/k/a New Jersey Environmental Infrastructure Trust)” in the principal amount of \$754,000 (the “June 2019 Construction Loan”), representing an interim construction loan to finance the costs of the various equipment purchases referenced in said Exhibit A-2 (the “Equipment Projects”); and

**WHEREAS**, by resolution adopted on March 24, 2020, the Authority authorized an amendment to the content and descriptions of the Equipment Projects and the capital projects referenced in said Exhibit A-1 (as amended, the “Pipes and Manholes Projects”); and

**WHEREAS**, by resolution adopted on April 28, 2020 the Township has heretofore amended the Consent Resolution to approve said project amendments; and

**WHEREAS**, on May 13, 2020, the Authority issued its \$185,000 Subordinated Sewer Revenue Bonds, 2020 Series A to the I-Bank and its \$387,587 Subordinated Sewer Revenue Bonds, 2020 Series B to the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection, in order to permanently finance the June 2019 Construction Loan and thereby refinance the Equipment Projects; and

**WHEREAS**, on June 22, 2020, the Authority issued to the I-Bank its “Note Relating to the Water Bank Construction Financing Program of the New Jersey Infrastructure Bank” in the principal amount of \$3,100,000, representing an interim construction loan (the “June 2020 Construction Loan”) to finance the costs of the Pipes and Manholes Projects; and

**WHEREAS**, the Authority has since determined that the cost of the Pipes and Manholes Projects, as amended, is greater than the \$3,100,000 available therefor from the proceeds of the June 2020 Construction Loan; and

**WHEREAS**, by resolution adopted, or to be adopted, on August 24, 2021, the Authority authorized, or will authorize, an increase in the amount of notes that may be issued for the Pipes and Manholes Projects from \$3,100,000 to \$3,500,000, with a corresponding increase in the total amount of notes that may be issued for the 2019 Projects combined from \$3,900,000 to \$4,300,000; and

**WHEREAS**, said Authority resolution also authorized the issuance an additional note to the I-Bank representing either (i) a supplemental interim construction loan to finance the increased costs of the Pipes and Manholes Project in excess of the portion financed by the June 2020 Construction Loan or (ii) a larger, replacement note for the entire costs of the Pipes and Manholes Project, thereby both funding the increased costs and refunding the June 2020 Construction Loan, provided that the aggregate outstanding amount of Notes outstanding at any time shall not exceed the amounts set forth in the preceding paragraph; and

**WHEREAS**, the Township now desires to amend the provisions of the Consent Resolution, as heretofore amended, so as to increase the authorized amount of Authority notes as aforesaid;

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF TOMS RIVER, AS FOLLOWS:**

**Section 1.** The Consent Resolution is hereby amended to increase the total amount of notes that may be issued for the Pipes and Manholes Project from \$3,100,000 to \$3,500,000, with a corresponding increase in the total amounts of notes that may be issued for the 2019 Projects combined from \$3,900,000 to \$4,300,000.

**Section 2.** This resolution shall take effect immediately.

A motion was made by Council Member Huryk, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Turnbach, and Council President Geoghegan voting yes, and with Council Member Rodrick voting no, to approve the following Resolution.

**RESOLUTION OF THE TOWNSHIP OF TOMS RIVER  
 PROVIDING FOR AN ISSUE OF TAX APPEAL REFUNDING  
 BONDS AND AUTHORIZING THE SALE OF TAX APPEAL  
 REFUNDING BONDS, SERIES 2021, AUTHORIZING  
 ADVERTISEMENT OF A NOTICE OF SALE; AUTHORIZING THE  
 CHIEF FINANCIAL OFFICER TO SELL AND AWARD THE  
 BONDS; DETERMINING THE FORM AND OTHER DETAILS OF  
 THE BONDS; AND AUTHORIZING OTHER MATTERS  
 RELATING THERETO.**

WHEREAS, the Township of Toms River, in the County of Ocean, New Jersey (the "Township") has adopted the Bond Ordinance listed on the attached Appendix A (the "Bond Ordinance") authorizing the issuance of obligations of the Township for the purpose of financing amounts owed by the Township to BASF Corporation, the owner of various properties shown on the tax maps of the Township as Block 411, Lots 6, 6.01 and 107, for taxes levied in the Township, and which amounts are due and owing from the Township on or before December 31, 2021; and

WHEREAS, the Township Council has determined to permanently finance the payment of the tax appeals authorized by the Bond Ordinance by the issuance of \$12,180,000 principal amount of Tax Appeal Refunding Bonds of the Township, unless adjusted pursuant to Section 9 hereof, and paying a portion of the costs of issuing the Bonds.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey (**not less than two-thirds of all members thereof affirmatively concurring**), as follows:

**Section 1.** Tax Appeal Refunding Bonds, Series 2021, Authorization of Sale. The principal amount of Tax Appeal Refunding Bonds authorized to be issued pursuant to the Bond Ordinance shall be issued as "Tax Appeal Refunding Bonds, Series 2021", in the aggregate principal amount of \$12,180,000 unless adjusted pursuant to Section 9 hereof (the "Bonds"), and are authorized to be sold in accordance with the terms of this Resolution.

Pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented (the "Local Bond Law"), regarding the issuance of "refunding bonds", the New Jersey Local Finance Board, on August 11, 2021, approved the Bond Ordinance and the issuance of the Bonds on the terms set forth herein.

**Section 2.** Public Sale of Bonds. The Bonds shall be issued and sold at a public sale upon electronic bids, in accordance with Section 8 hereof and the provisions of the Local Bond Law.

**Section 3.** Description of the Bonds. The Bonds shall be dated the date of delivery, shall be in book-entry only form, shall bear interest at the rate or rates specified by the successful bidder therefor in accordance with the Notice of Sale hereinafter provided for, said interest to be payable on March 1 and September 1, commencing on March 1, 2022 and shall mature on September 1 in the following years and amounts, unless adjusted pursuant to Section 9 hereof:

TAX APPEAL REFUNDING BONDS, SERIES 20211

<u>Year</u>	<u>Principal Amount</u>
2022	\$1,095,000
2023	1,105,000
2024	1,140,000
2025	1,170,000
2026	1,205,000
2027	1,245,000
2028	1,270,000
2029	1,295,000
2030	1,320,000
2031	1,335,000

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1 Subject to adjustment pursuant to Section 9 hereof.

The Bonds shall contain such other terms and conditions as are specified in the Notice of Sale, approved in Section 5 hereof (the "Notice of Sale"), and in the form of the Bonds, approved in Section 12 hereof.

**Section 4. Redemption.** The Bonds are not subject to redemption prior to their stated maturities.

**Section 5. Approval of Notice of Sale.** The Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as **Appendix B** and made a part hereof.

**Section 6. Approval of Summary Notice of Sale.** The Summary Notice of Sale containing other terms and provisions of the Bonds and setting forth the conditions of the sale thereof, all of which are hereby approved, shall be substantially in the form attached to this Resolution as **Appendix C** made a part hereof.

**Section 7. Publication of Notice of Sale and Summary Notice of Sale.** The Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Asbury Park Press, a newspaper circulating in the Township, and the Summary Notice of Sale substantially in the form attached to this Resolution shall be published at least once in The Bond Buyer, and/or such other nationally recognized local government bond marketing publication or electronic information service carrying municipal bond notices and devoted primarily to the subject of state and municipal bonds. The advertisement of said Notice of Sale and Summary Notice of Sale in each such medium shall be published not less than seven (7) days prior to the sale date for the Bonds. The Township Clerk, the Chief Financial Officer and such other appropriate officials are hereby authorized and directed to publish the Notice of Sale and Summary Notice of Sale as aforesaid.

**Section 8. Designation of Chief Financial Officer to Award Bonds.** Electronic proposals for the purchase of the Bonds shall be received by the Chief Financial Officer on such date as shall be determined by the Chief Financial Officer and set forth in the Notice of Sale and the Summary Notice of Sale, or such later date as may be established by the Chief Financial Officer in accordance with Section 9 hereof. Electronic proposals will be received via the "PARITY Electronic Bid System" (PARITY), a nationally recognized electronic securities bidding service approved by the Director of the Division of Local Government Services (the "Director") in the Department of Community Affairs, in an open auction in accordance with the terms and conditions set forth in the Notice of Sale authorized herein. Such proposals shall be received and announced in accordance with the Notice of Sale authorized herein. The Township Council hereby designates the Chief Financial Officer to sell and award the Bonds in accordance with this Resolution and the Notice of Sale. The Chief Financial Officer is hereby directed to report, in writing, to the Township at its first meeting after the sale of the Bonds as to the principal amount, interest rate and maturities of the Bonds sold, the price obtained and the name of the purchaser.

**Section 9. Adjustment to Maturity Schedule.** The Township may and expects to, after the receipt and opening of bids, adjust the maturity schedule of the Bonds, provided however, that (i) no maturity schedule adjustment shall exceed 10% upward or downward of the principal for any maturity as specified herein, and (ii) the aggregate adjustment to the maturity schedule shall not exceed 10% upward or downward of the aggregate principal amount of bonds as specified herein and as adjusted will not exceed the amount authorized by the Ordinances. The dollar amount bid by the successful bidder shall be adjusted to reflect any adjustments in the aggregate principal amount of bonds to be issued. The adjusted bid price will reflect changes in the dollar amount of the underwriter's discount and the original issue premium or discount, but will not change the per bond underwriter's discount as calculated from the bid and the Initial Public Offering Prices required to be delivered to the Township as stated herein. The Township shall notify the successful bidder of the final maturity schedule and the resulting adjusted purchase price no later than 5:00 p.m., New Jersey time, on the day of the sale and award of the Bonds. The interest rate or rates specified by the successful bidder for each maturity will not be altered.

**Section 10. Postponement of Sale.** The Chief Financial Officer is hereby delegated the authority (if the Chief Financial Officer deems it to be in the best interests of the Township) (i) to postpone from time to time the sale of the Bonds from the date specified in the Notice of Sale (or, in the case of a rescheduled sale, from such rescheduled date), in each case upon not less than 24 hours' notice (to the extent practicable), and (ii) to reschedule such sale upon not less than 48 hours' notice. Notice of any such postponement and rescheduling shall be given in the manner specified in the Notice of Sale. In the event of any such postponement and rescheduling, the Chief Financial Officer may (and shall, if



required by the Local Bond Law) cause a revised Notice of Sale and a revised Summary Notice of Sale to be prepared and published.

**Section 11.** Authorization for Official Statement. The distribution by the Township, and its Municipal Advisor, of the Preliminary Official Statement relating to the Bonds and the Notes (a draft of which is attached hereto as **Exhibit A** and shall be filed with the records of the Township) is hereby approved in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof. The Chief Financial Officer is hereby authorized to deem the Preliminary Official Statement "final" within the meaning of Rule 15c2-12 of the Rules of the Securities and Exchange Commission and to execute and deliver a certificate to that effect. The Chief Financial Officer is hereby authorized to approve the contents and terms of the final Official Statement in respect of the Bonds and the Notes in substantially the form of the Preliminary Official Statement. The Chief Financial Officer is hereby authorized to sign such Official Statement on behalf of the Township, in substantially such form, with such insertions, deletions and changes therein and any supplements thereto as bond counsel may advise and the Township officer executing the same may approve, such approval to be evidenced by such Township officer's execution thereof.

**Section 12.** Approval of Form of Bonds. The form of the Bonds, substantially as set forth in **Appendix D** attached hereto and made a part hereof, is hereby approved. The Bonds shall be executed in the name of the Township by the manual or facsimile signature of the Mayor and the Chief Financial Officer and the seal of the Township, or a facsimile impression thereof, shall be affixed to the Bonds and attested by the manual signature of the Township Clerk.

**Section 13.** Appointment of Securities Depository. The Depository Trust Company, New York, New York ("DTC"), shall act as securities depository for the Bonds. The ownership of one fully registered bond for each maturity of each series of Bonds, each in the aggregate principal amount of such maturity, will be registered in the name of Cede & Co., as nominee for DTC.

Pursuant to the book-entry only system, any person for whom a DTC Participant acquires an interest in the Bonds (the "Beneficial Owner") will not receive certificated Bonds and will not be the registered owner thereof. Ownership interests in the Bonds may be purchased by or through DTC Participants. Each DTC Participant will receive a credit balance in the records of DTC in the amount of such DTC Participant's interest in the Bonds, which will be confirmed in accordance with DTC's standard procedures. Receipt by the Beneficial Owners (through any DTC Participant) of timely payment of principal, premium, if any, and interest on the Bonds, is subject to DTC making such payment to DTC Participants and such DTC Participants making payment to Beneficial Owners. Neither the Township nor the Paying Agent will have any direct responsibility or obligation to such DTC Participants or the persons for whom they act as nominees for any failure of DTC to act or make any payment with respect to the Bonds.

The appropriate officers of the Township are hereby authorized to execute a Letter of Representation to DTC and such other documents as may be necessary or desirable in connection with DTC's services as securities depository.

DTC may determine to discontinue providing its services with respect to the Bonds of any series at any time by giving notice to the Township and discharging its responsibilities with respect thereto under applicable law. Under such circumstances, the Township shall designate a successor securities depository or deliver certificates to the beneficial owners of the Bonds.

**Section 14.** Appointment of Paying Agent and Bond Registrar. The Chief Financial Officer is hereby delegated the authority to appoint any bank, trust company or national banking association having the power to accept and administer trusts to serve as Paying Agent and Bond Registrar for the Bonds. The Paying Agent and Bond Registrar shall signify its acceptance of the duties imposed upon it by this Resolution by a written certificate delivered to the Township prior to the delivery of the Bonds.

**Section 15.** Tax Covenant. The Township hereby covenants with the holders from time to time of the Bonds and Notes that it will make no investment or other use of the proceeds of such Bonds or Notes or take any further action (or refrain from taking such action) which would cause such Bonds or Notes to be "arbitrage bonds" within the meaning of the Internal Revenue Code of 1986, as amended, or under any similar statutory provision or any rule or regulation promulgated thereunder (the "Code"), or would cause interest on such Bonds or Notes not to be excludable from gross income for federal income

tax purposes, and that it will comply with the requirements of the Code and said regulations throughout the term of such Bonds or Notes.

**Section 16. Pledge of Township.** The full faith and credit of the Township is hereby pledged for the payment of the principal, redemption premium, if any, and interest on the Bonds and Notes. The Bonds and Notes shall be direct obligations of the Township, and the Township shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Township for the payment of the principal of and interest on the Bonds and Notes without limitation as to rate or amount.

**Section 17. Continuing Disclosure.** The form of the Continuing Disclosure Certificate for the Bonds (the "Continuing Disclosure Certificate"), in substantially the form attached hereto as **Appendix E**, is hereby approved, and the execution of the Continuing Disclosure Certificate by the Chief Financial Officer of the Township is hereby authorized. The Township hereby covenants and agrees that it will comply with and carry out all of the provisions of the Continuing Disclosure Certificate executed by the Township and dated the date of issuance and delivery of the Bonds, as originally executed and as they may be amended from time to time in accordance with the terms thereof. Notwithstanding any other provision of this Resolution, failure of the Township to comply with the Continuing Disclosure Certificate shall not be considered a default on the Bonds; however, any Bondholder may take such action as may be necessary and appropriate, including seeking specific performance by court order, to cause the Township to comply with its obligations under this Section.

**Section 18. Further Action.** The proper officers of the Township are hereby authorized and directed to take all such action as may be necessary to affect the issuance and delivery of the Bonds.

**Section 19. Effective Date.** This Resolution shall take effect immediately.

Adopted: August 24, 2021

#### CERTIFICATE

I, ALISON CARLISLE, Township Clerk of the Township of Toms River, in the County of Ocean, New Jersey, HEREBY CERTIFY that the foregoing copy of the resolution of the Township Council, duly adopted on August 24, 2021, has been compared by me with the original resolution as officially recorded in my office in the Minute Book of the governing body and is a true, complete and correct copy thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the Township this 24 day of August, 2021.

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ALISON CARLISLE, Township Clerk

[SEAL]

(\*The next 2 ordinances (#15 and #16 from agenda) were redone from a previous meeting due to the advertisement that ran being insufficient as per Bond Council, so the next 2 ordinances reappropriating funds are being voted upon and advertised a second time to satisfy the advertisement requirements.)

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

**ORDINANCE REAPPROPRIATING \$985,532.25 OF THE PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR A CAPITAL IMPROVEMENT IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$985,532.25 of the proceeds of obligations originally made available pursuant to Section 3.(a) of Bond Ordinance No. 4572-18 of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), finally adopted by the Township Council of the Township on February 13, 2021 ("Bond Ordinance No. 4572-18"), is no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$985,532.25 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, from Bond Ordinance No. 4572-18 is hereby reappropriated to provide funding for the acquisition of land for open space purposes located in the Township, designated on the municipal tax map as Block 411, Lot 87 (the Boy Scout Property), and including all rights or interests therein, and including all work and services necessary therefor or incidental thereto.

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

### **NOTICE OF PENDING ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 24, 2021. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on September 14, 2021 at 6 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office in the Municipal Building to the members of the general public who shall request the same.

\_\_\_\_\_  
Alison Carlisle, Township Clerk

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

### NOTICE

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 August 24, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

APPROVED AS TO FORM:  
ANTHONY MERLINO  
ASSISTANT TOWNSHIP ATTORNEY

MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 27, 2021.

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

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

**ORDINANCE REAPPROPRIATING \$1,396,007.38 OF THE PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR A CAPITAL IMPROVEMENT IN AND BY THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY.**

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY (NOT LESS THAN TWO-THIRDS OF ALL MEMBERS THEREOF AFFIRMATIVELY CONCURRING) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$1,396,007.38 of the proceeds of obligations originally made available pursuant to Section 3.(a)(1) of Bond Ordinance No. 4500-15 of the Township of Toms River, in the County of Ocean, New Jersey (the "Township"), finally adopted by the Township Council of the Township on December 22, 2015 ("Bond Ordinance No. 4500-15"), is no longer necessary for the purposes for which the obligations previously were authorized.

Section 2. The \$1,396,007.38 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39, from Bond Ordinance No. 4500-15 is hereby reappropriated to provide funding for the road elevation and drainage project located at Broad Street and 5<sup>th</sup> Avenue in the Township, and including all work and services necessary therefor or incidental thereto.

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

**NOTICE OF PENDING ORDINANCE**

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing ordinance was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on August 24, 2021. Further notice is hereby given that said ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Offices, 33 Washington Street, Toms River, New Jersey on September 14, 2021 at 6 o'clock p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Township Clerk's Office in the Municipal Building to the members of the general public who shall request the same.

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Alison Carlisle, Township Clerk

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

NOTICE

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 August 24, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

APPROVED AS TO FORM:  
ANTHONY MERLINO  
ASSISTANT TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 27, 2021.

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

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

**ORDINANCE OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 383 (PARKS, MUNICIPAL) OF THE TOWNSHIP CODE TO ESTABLISH RULES AND REGULATIONS GOVERNING THE TOMS RIVER SKATEPARK**

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

1. Chapter 383 (Parks, Municipal) of the Township Code is hereby amended and supplemented to establish a new Article VI entitled "Toms River Skatepark," providing as follows:

**Article VI  
Toms River Skatepark**

**§383-17. Assumption of risk; waiver.**

A. The Toms River Skatepark is an unsupervised facility. Skatepark patrons use the facility at their own risk. The Township of Toms River does not assume any responsibility for damage or injuries resulting from the use of the facility.

- B. All users of the park must execute, on a form approved by the Ocean County Joint Insurance Fund and promulgated by the Township, an acknowledgment of risk and waiver and release of all claims. For users who are minors, this form must be executed by a parent or legal guardian. Failure to execute this form precludes use of the skatepark.

**§383-18. Rules and Regulations.**

- A. The skatepark is strictly for skateboarding, with skateboards of a maximum length of 34 inches and scooters. All other uses, including but not limited to, inline roller skates, bicycles, and other wheeled vehicles, are strictly prohibited.
- B. Skateboarding is a “high-risk” activity. All users under 18 years of age are required to wear a helmet at all times. All users are strongly recommended to wear helmets, knee pads, elbow pads, and wrist guards at all times.
- C. Users are required to understand their own abilities and act accordingly.
- D. The skatepark is designed for beginner and advanced skill levels. Users must be courteous to others using the facility and park patrons.
- E. Parental supervision is strongly recommended.
- F. Spectators and pets are permitted within designated areas but prohibited from the skating area.
- G. Riders must inspect the skate area and remove any trash, debris, or obstructions before riding.
- H. Any damage should be reported to the Township in the manner designated. In the event of an emergency, 911 should be called.
- I. Use of the park is prohibited when the facility is wet, during inclement weather, or during maintenance periods.
- J. Graffiti is prohibited.
- K. Profane and boisterous behavior is prohibited.
- L. Consumption of food and drink in the park area is prohibited.
- M. Users must properly dispose of all trash.
- N. Smoking of any kind, the use of illegal drugs, and alcohol consumption are prohibited.
- O. Users are prohibited from using any additional obstacles or other equipment or enhancements, including, but not limited to, ramps and jumps.
- P. Competitive demonstrations or events and amplified music are prohibited unless pre-approved by the Department of Recreation.
- Q. Users are responsible for their own personal property which is prohibited from being stored on site.

**§383-19. Hours of operation.**

The skatepark is open from 7:30 am to 10:00 pm seven days per week.

**§383-20. Identification.**

- A. All skatepark users must possess an individually-numbered identification tag issued by the Department of Recreation. This tag must be worn at all times while using the park and is non-transferrable.
- B. Applicants must execute the waiver form required pursuant to §383-17B as a pre-requisite to receiving the identification tag.
- C. Without the required identification tag, use of the skatepark is prohibited.
- D. Copies of the skatepark rules and regulations shall be provided by the Department of Recreation along with the issuance of the identification tag.

**§383-21. Signage.**

Signs depicting the rules and regulations established hereunder shall be prominently displayed at the entrance of and at certain points inside the skatepark.

**§383-22. Violations; penalties.**

- A. Violations of any of the rules and regulations established pursuant to this Article may result in closure of the facility.
  - B. Persons who violate the rules and regulations established pursuant to this Article may be ejected or temporarily permanently banned.
  - C. Persons who violate the rules and regulations established pursuant to this Article are subject to prosecution and to the maximum fines and penalties imposed pursuant to N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes, for each offense.
2. All other provisions of Chapter 383 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, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance shall remain in full force and effect.
  5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

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

NOTICE

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 August 24, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE  
TOWNSHIP CLERK

APPROVED AS TO FORM:  
ANTHONY MERLINO  
ASSISTANT TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, August 27, 2021.

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

**CONSENT AGENDA**

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

A motion was made by Council Member Lotano, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **i and K**, which were done separately.

RESOLUTION

**AUGUST 24, 2021**

*WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES FOR THE YEAR (S) INDICATED, DUE TO PROPERTIES BECAME CONSOLIDATED PROPERTIES.*

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

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

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

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



<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>3 8<sup>TH</sup> AVENUE CONDOMINIUM ASSOC</b>	<b>1036</b>	<b>15</b>	<b>2021/4</b>	<b>\$8,679.13</b>
<b>JANKIM PROPERTIES, LLC.</b>	<b>410</b>	<b>2</b>	<b>QFARM 2021/3</b>	<b>\$118.14</b>
<b>JANKIM PROPERTIES, LLC.</b>	<b>410</b>	<b>2</b>	<b>2021/3</b>	<b>\$3,931.95</b>
<b>REGINA RASKULINECZ</b>	<b>706.06</b>	<b>24</b>	<b>2021/3</b>	<b>\$2,949.16</b>
<b>2016 ROUTE 37 WEST LLC</b>	<b>796</b>	<b>13</b>	<b>2021/3</b>	<b>\$9,563.44</b>
<b>2016 ROUTE 37 WEST LLC</b>	<b>796</b>	<b>12</b>	<b>2021/3</b>	<b>\$754.44</b>
<b>2016 ROUTE 37 WEST LLC</b>	<b>796</b>	<b>10</b>	<b>2021/3</b>	<b>\$2,129.93</b>
<b>PROFESSIONAL GOVERNMENT, LLC</b>	<b>794.44</b>	<b>6.02</b>	<b>2021/3</b>	<b>\$6,252.46</b>
<b>CORELOGIC CENTRALIZED REFUNDS</b>	<b>1031</b>	<b>25</b>	<b>2021/4</b>	<b>\$4,708.68</b>
<b>TOTALS:</b>				<b>\$39,087.33</b>

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

Approved as to content:

**RESOLUTION**

**AUGUST 24, 2021**

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

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
WELLS FARGO RL EST TAX SVC LLC	1462.21	11	2021/3	\$1,234.53
WELLS FARGO RL EST TAX SVC LLC	687.02	29	2021/3	\$9,521.17
<b>TOTALS:</b>				<b>\$10,755.70</b>

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

Approved as to content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 192.35 LOT 225 EFFECTIVE JANUARY 1ST, 2021, AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED**

**AUGUST 24, 2021**

WHEREAS, the owner of real property in the Township of Toms River known as Block 192.35 Lot 225, located at 1555 Snowberry Court, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 1st, 2021 and

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

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

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

1. All 2021 real property taxes for block 192.35 lot 225 due on or after January 1st, 2021, shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 192.35 lot 225 if any, shall be refunded on a pro-rated basis from January 1st , 2021.

3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.

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

- a) Mayor
- b) Business Administrator
- c) Township Attorney
- d) Chief Financial Officer
- e) Township Assessor
- f) Township Tax Collector

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT FOR DIVE TEAM EQUIPMENT FOR THE POLICE DEPARTMENT, TO AMERICAN DIVING SUPPLY LLC, AS THE LOWEST RESPONSIBLE BIDDER, MEETING ALL OF THE BID SPECIFICATIONS, IN THE TOTAL CONTRACT PRICE NOT TO EXCEED \$40,056.57**

**AUGUST 24, 2021**

**WHEREAS**, bids were received on August 3, 2021, for Dive Team Equipment for the Police Department, from the following vendors:

<b>Vendor:</b>	<b>Total Bid:</b>
American Diving Supply LLC 2531 Tilton Road Egg Harbor Township, NJ 08234	\$40,056.57
Casco Antiquo USA Inc 7879 NW 15th Street Doral, FL 33126	\$41,424.32

**WHEREAS**, the bids were reviewed by the Purchasing Division and the Police Department, and which recommend that the award of a contract for Dive Team Equipment for the Police Department, be made to American Diving Supply LLC, as the lowest responsible bidder meeting all of the bid specifications, for a total contract price not to exceed \$40,056.57, as follows:

American Diving Supply LLC  
2531 Tilton Road  
Egg Harbor Township, NJ 08234

<u>Item</u>	<u>Description</u>	<u>Qty</u>	<u>Unit Price</u>	<u>Extended Price</u>
1	Kirby Morgan KM 37 Dive Helmet w/ 455 MWP Yellow	2	\$ 7,849.41	\$ 15,698.82
2	Kirby Morgan Head Cushion Assembly for KM - 17C 77 37 57 Snoopy	10	\$ 119.07	\$ 1,190.70
3	Kirby Morgan Neck Ring Assembly, Medium	3	\$ 828.29	\$ 2,484.87
4	Black Rock Helmet Comms Conversion Kit Hi-Use to Female Waterproof Connector	2	\$ 165.00	\$ 330.00
5	Custom Made 3-Part Twisted Commercial Diving Umbilical Length: 200ft, Diver's End Attachment Point: Install Snap Shackle with a D-Ring, Surface End Attachment Point: Install a D-Ring, Diver End Comm. Connector: Install a Marsh Marine Connector, Surface End Comm. Connector: Install Banana Plugs, Diver's End Gas Hose Fittings: Install a 3/8" O2 Phospor Bronze Fitting, Surface End Gas Hose Fittings: Install a 3/8" JIC Phosphor Bronze Fitting, Surface End Pneumo Fittings: Install a 1/4" JIC #4 Brass Fitting	1	\$ 2,096.65	\$ 2,096.65
6	Custom Made 3-Part Twisted Commercial Diving Umbilical Length: 300ft, Diver's End Attachment Point: Install Snap Shackle with a D-Ring, Surface End Attachment Point: Install a D-Ring, Diver End Comm. Connector: Install a Marsh Marine Connector, Surface End Comm. Connector: Install Banana Plugs, Diver's End Gas Hose Fittings: Install a 3/8" O2 Phospor Bronze Fitting, Surface End Gas Hose Fittings: Install a 3/8" JIC Phosphor Bronze Fitting, Surface End Pneumo Fittings: Install a 1/4" JIC #4 Brass Fitting	1	\$ 2,738.55	\$ 2,738.55
7	Deck whip 1/2" BLK Rubber 100 FT #8 JIC Commerical	2	\$ 589.00	\$ 1,178.00
8	Black Commercial Diving Bailout Bottle Aluminum Tank, 50 cubic ft. Volume w/ VIP and Fill Option, Valve: Standard, No whip, No boot	3	\$ 195.00	\$ 585.00
9	Black Rock Diving Equipment 40" Brass Bailout Whip	3	\$ 95.99	\$ 287.97
10	Atlantic Diving Equipment MK-21 Integrated Dive Vest - Large	3	\$ 435.00	\$ 1,305.00

11	Intercom-Air Intercom Aquacom MK2-DCI 2 Divers Radio OTS	1	\$ 1,764.19	\$ 1,764.19
12	Coltri Compact 100 SH Petrol Engine Honda GP200 - Blue	1	\$ 3,490.50	\$ 3,490.50
13	American Airworks UN/ISO Air Cascade System 4500psi 4 Bank	1	\$ 2,730.00	\$ 2,730.00
14	American Airworks Wall Rack - Mounting for Cylinders	1	\$ 234.00	\$ 234.00
15	American Airworks Refill Port For Cascade System	1	\$ 87.50	\$ 87.50
16	High Pressure / Low Pressure Diver Air Control Box 0'-200' FSW Pnemo	1	\$ 3,495.00	\$ 3,495.00
17	Sea Pearls Soft Mesh Black Weights - 5 lbs.	18	\$ 19.99	\$ 359.82
			<b>Total Bid:</b>	<b>\$ 40,056.57</b>

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

1. It hereby awards a contract for Dive Team Equipment for the Police Department, to American Diving Supply LLC, as the lowest responsible bidder meeting all the bid specifications, for a total contract price not to exceed \$40,056.57, as referenced above. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds in the amount of \$40,056.57 are available in Account No. X-19- - 600-052.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) American Diving Supply LLC  
2531 Tilton Road  
Egg Harbor Township, NJ 08234

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF A CONTRACT FOR THE HUDDY PARK GAZEBO MASONRY DEMOLITION & RECONSTRUCTION REBID, TO A&M PLUMBING & HEATING LLC, D/B/A A&M CONTRACTING, AS THE LOWEST BIDDER MEETING ALL THE BID SPECIFICATIONS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$166,000.00**

**AUGUST 24, 2021**

**WHEREAS**, bids were invited for the Huddy Park Gazebo Masonry Demolition & Reconstruction Rebid; and

**WHEREAS**, bids were received on August 11, 2021, as follows:

<u>Vendor:</u>	<u>Total Bid Price:</u>	<u>Vendor:</u>	<u>Total Bid Price:</u>
A&M Plumbing & Heating LLC	\$166,000.00	CMG Group Inc 2254 Corlies Ave, State Route 33 Neptune City, NJ 07753	\$268,000.00
dba A&M Contracting 1967 NJ 27, Suite 15 Edison, NJ 08817		TC Landscape Construction Group Inc 156 Grand Central Parkway Bayville, NJ 08721	\$368,200.00
Willow Playworks 1480 Mountain Rd Mifflinburg, PA 17844	\$198,400.00		

Capela Construction  
20 Tranquility Ct  
Southampton, NJ 08088

\$202,000.00

A1 Construction Service Inc  
2468 N Jerusalem Rd Suite 1  
North Bellmore, NY 11710

\$404,000.00

**WHEREAS**, the bids have been reviewed by the Division of Purchasing and the Engineering Division, which recommend that a contract be awarded to A&M Plumbing & Heating LLC, D/B/A A&M Contracting, as the lowest responsible bidder meeting all of the bid specifications, for the Huddy Park Gazebo Masonry Demolition & Reconstruction Rebid;

**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 A&M Plumbing & Heating LLC, D/B/A A&M Contracting, as the lowest responsible bidder meeting all of the bid specifications, for the Huddy Park Gazebo Masonry Demolition & Reconstruction Rebid, for a total contract amount not to exceed \$166,000.00.

2. Funds in the amount of \$166,000.00 are available in Account No. 1-16- -902-005. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all the terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) A&M Plumbing & Heating LLC  
d/b/a A&M Contracting  
1967 NJ 27, Suite 15  
Edison, NJ 08817

### **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the contract awarded to A&M Plumbing & Heating LLC, D/B/A A&M Contracting, for a total contract amount not to exceed \$166,000.00, are available in Account No. 1-16- -902-005.

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

DENISE WAHLERS  
DEPUTY CHIEF FINANCIAL OFFICER

Dated: August 24, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING TO RESCIND ITEM  
#139, SLISHMAN TRACTION SPLINT, AWARDED TO HENRY SCHEIN INC., BY  
RESOLUTION DATED AUGUST 25, 2020 FOR FIRST AID SUPPLIES, DUE TO AN ERROR  
IN THE BID SUBMISSION**

**AUGUST 24, 2021**

WHEREAS, bids were awarded on August 25, 2020 for the Supply of First Aid Supplies; and

WHEREAS, a contract was awarded to Henry Schein, Inc., 135 Duryea Road E270, Melville, NY, 11747, for First Aid Supplies under resolution dated August 25, 2020, for Item Numbers 1-3, 8, 9, 11-16, 19-22, 27, 30-33, 35, 38, 43, 52, 54, 56, 57, 59-63, 65-67, 69-70, 72-78, 80-95, 97-118, 121-123, 125, 126, 130-133, 136, 138-142, 144-148, 150-152, 156, 158-161, 166, 167, 169, 170, 171, 174, 176, 181, 183, 185-192, 196-199, 201, 203, 206, and 209-214; and

WHEREAS, the Purchasing Division requests authorization to rescind Item #139, Slishman Traction Splint, awarded to Henry Schein, Inc. for First Aid Supplies, due to an error in the bid submission; and

WHEREAS, quotes will be obtained prior to the purchase of this item;

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. Item #139, Slishman Traction Splint, awarded to Henry Schein, Inc., in the contract for First Aid Supplies by resolution dated August 25, 2020, shall be rescinded due to an error in the bid submission. Quotes will be obtained prior to the purchase of this item.

2. All other terms and conditions of the resolution dated August 25, 2020, shall remain unchanged, and 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) Chief Financial Officer
- c) Township Attorney
- d) Henry Schein Inc.  
135 Duryea Road  
Melville, NY 11747

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 – WITH DAYSTAR LANDSCAPE CONSTRUCTION CO. LLC, TO UPGRADE THE TURF AREA OF THE TOMS RIVER SKATE PARK, IN AN ADDITIONAL AMOUNT OF \$1,850.00, FOR A NEW TOTAL CONTRACT PRICE OF \$423,384.00**

**AUGUST 24, 2021**

**WHEREAS**, resolution of the Township Council dated October 13, 2020, authorized award of contract to Daystar Landscape Construction Co., LLC, as the lowest responsive, responsible bidder, meeting all the bid specifications, for the base bid, Alternate 1 and Alternate 2, for the Toms River Skate Park at Castle Park, in a total contract price not to exceed \$421,534.00, as follows:

**VENDOR:**

**PRICING:**

Daystar Landscape Construction Co, LLC  
920 Beverwyck Rd.  
Parsippany, NJ 07054  
Base Bid: \$359,534.00  
Alternate 1: \$ 24,000.00  
Alternate 2: \$ 38,000.00  
**Grand Total: \$421,534.00**

**WHEREAS**, it has been recommended to the Township by Daystar Landscape Construction Co. LLC, to upgrade the turf area to sod for initial longevity in high traffic areas,

where grass seed may not have a chance to take with the heavy foot traffic, for an additional amount of \$1,850.00;

**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. Change Order No. 1 – with Daystar Landscape Construction Co. LLC, as follows:

**DESCRIPTION OF CHANGE:**

Authorize Change Order No. 1, to upgrade the turf area to sod for initial longevity in high traffic areas, where grass seed may not have a chance to take with the heavy foot traffic, for an additional amount of \$1,850.00.

	<b><u>ADDITIONAL</u></b>	<b><u>REDUCTION</u></b>
Total Reduction This C.O.	X	X
Total Extras This C.O.	\$ 1,850.00	X
Total Supplementary This C.O.	X	X

	<b><u>ADDITIONAL</u></b>	<b><u>REDUCTION</u></b>
Total This C.O.	\$ 1,850.00	X
Previous Change Orders	X	X
Total Change Orders to Date	\$ 1,850.00	X
Net Change in Contract	\$ 1,850.00	X
ORIGINAL CONTRACT BID PRICE		\$421,534.00
NEW CONTRACT PRICE		\$423,384.00

be and the same is hereby ratified and confirmed.

2. Funds for Change Order No. 1, in the amount of \$1,850.00, are available in Account No. X-04- -212-001. 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) Chief Financial Officer
- b) Township Attorney
- c) Purchasing Division
- d) Engineering Department
- e) Daystar Landscape Construction Co. LLC  
920 Beverwyck Rd.  
Parsippany, NJ 07054

**CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for Change Order No. 1, with Daystar Landscape Construction Co. LLC, in the amount of \$1,850.00, are available in Account No. X-04- -212-001.

The actual encumbrance of the funds will be based upon the approval of fully executed purchase orders by the Chief Financial Officer. The purchase orders will encumber the funds for the above account at that time.

DENISE WAHLERS  
DEPUTY CHIEF FINANCIAL OFFICER

Dated: August 24, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED  
CONTRACTS FOR JANITORIAL SUPPLIES TO GENERAL CHEMICAL & SUPPLY, INC.,  
CENTRAL POLY-BAG CORP., SCOLES FLOORSHINE, HOME DEPOT PRO USA INC., BIO-  
SHINE INC., UNITED SALES USA CORP., WB MASON CO. INC., AND COOPER FRIEDMAN  
ELECTRIC SUPPLY INC., WHO MEET ALL OF THE BID SPECIFICATIONS**

**AUGUST 24, 2021**

**WHEREAS**, bids were received on August 3, 2021, for the Supply of Janitorial Supplies from the following vendors:

General Chemical & Supply Inc 858 Lenola Road Unit 1A Moorestown, NJ 08057	Central Poly-Bag Corp 2400 Bedle Place Linden, NJ 07036	Scoles Floorshine 1730 Highway 34 Wall, NJ 07719
Home Depot Pro USA Inc 804 East Gate Drive Ste 100 Mt Laurel, NJ 08054	Bio-Shine Inc 190 Summerhill Road Spotswood, NJ 08884	United Sales USA Corp 185 30th Street Brooklyn, NY 11232
WB Mason Co Inc 300 Prospect Plains Road Cranbury, NJ 08512	Cooper Friedman Electric Supply Inc d/b/a Cooper Electric Supply Co. 1 Matrix Drive Monroe, NJ 08831	

**WHEREAS**, the bids have been reviewed by the Purchasing Division, which has recommended that contracts be awarded for the Supply of Janitorial Supplies to General Chemical & Supply, Inc., Central Poly-Bag Corp., Scoles Floorshine, Home Depot Pro USA Inc., Bio-Shine Inc., United Sales USA Corp., WB Mason Co. Inc., and Cooper Friedman Electric Supply Inc., who meet all of the bid specifications, as follows:

**General Chemical & Supply Inc.** - for Item Numbers: 61, 62, 99-102, 152 and 160.

**Central Poly-Bag Corp.**- for Item Numbers: 6 and 15.

**Scoles Floorshine** - for Item Numbers: 19, 71 and 110.

**Home Depot Pro USA Inc.**- for Item Numbers: 8, 11, 17, 18, 37, 43-46, 48, 51, 55, 81, 89, 90, 92, 97, 98, 111, 113, 115-118, 120, 124, 127, 129, 132, 144, 159 and 170.

**Bio-Shine Inc.** - for Item Numbers: 47 and 155.

**United Sales USA Corp.** - for Item Numbers: 7, 12, 16, 21, 26, 27, 34-36, 38, 39, 40, 41, 50, 52, 54, 56a, 56b, 57-60, 64, 67, 68, 75, 85, 122, 123, 133, 134, 136, 137, 139, 145a, 145b, 150, 156

**WB Mason Co. Inc.** - for Item Numbers: 1-3, 5, 9, 10, 13, 14, 22-25, 28-33, 49, 63, 72, 74, 76, 79, 80a, 80b, 86-88, 91, 93-96, 112, 119, , 125, 131, 138, 141, 143, 148, 153, 154, 162, 163 and 167.



**Cooper Friedman Electric Supply Inc.** - for Item Numbers: 73, 114, 135, 140, 142, 147, 164, 165, 166, 168 and 169.

Item Numbers 20, 42, 65, 66, 69, 70, 77, 78, 82-84, 104-109, 126, 146, 149, 151, 157, 158 and 161 received no bids and shall be rebid.

Item Numbers 4, 53, 103, 121, 128, 130 are rejected and shall be rebid.

**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 contracts for the Supply of Janitorial Supplies to General Chemical & Supply, Inc., Central Poly-Bag Corp., Scoles Floorshine, Home Depot Pro USA Inc., Bio-Shine Inc., United Sales USA Corp., WB Mason Co. Inc., and Cooper Friedman Electric Supply Inc., who meet all of the bid specifications, as follows:

**General Chemical & Supply Inc.** - for Item Numbers: 61, 62, 99-102, 152 and 160.

**Central Poly-Bag Corp.**- for Item Numbers: 6 and 15.

**Scoles Floorshine** - for Item Numbers: 19, 71 and 110.

**Home Depot Pro USA Inc.**- for Item Numbers: 8, 11, 17, 18, 37, 43-46, 48, 51, 55, 81, 89, 90, 92, 97, 98, 111, 113, 115-118, 120, 124, 127, 129, 132, 144, 159 and 170.

**Bio-Shine Inc.** - for Item Numbers: 47 and 155.

**United Sales USA Corp.** - for Item Numbers: 7, 12, 16, 21, 26, 27, 34-36, 38, 39, 40, 41, 50, 52, 54, 56a, 56b, 57-60, 64, 67, 68, 75, 85, 122, 123, 133, 134, 136, 137, 139, 145a, 145b, 150, 156

**WB Mason Co. Inc.** - for Item Numbers: 1-3, 5, 9, 10, 13, 14, 22-25, 28-33, 49, 63, 72, 74, 76, 79, 80a, 80b, 86-88, 91, 93-96, 112, 119, , 125, 131, 138, 141, 143, 148, 153, 154, 162, 163 and 167.

**Cooper Friedman Electric Supply Inc.** - for Item Numbers: 73, 114, 135, 140, 142, 147, 164, 165, 166, 168 and 169.

Item Numbers 20, 42, 65, 66, 69, 70, 77, 78, 82-84, 104-109, 126, 146, 149, 151, 157, 158 and 161 received no bids and shall be rebid.

Item Numbers 4, 53, 103, 121, 128, 130 are rejected and shall be rebid.

2. The Term of Contracts shall be effective September 25, 2021 through September 24, 2022. The award of these contracts is subject to all the terms and conditions of the bid specifications. These will be open-ended contracts with funds being encumbered each time an order is placed contingent upon the availability of funds in the appropriate municipal budget year.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) All Aforementioned Bidders

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts for the supply of Janitorial Supplies awarded to General Chemical & Supply, Inc., Central Poly-Bag Corp., Scoles Floorshine, Home Depot Pro USA Inc., Bio-Shine Inc., United Sales USA Corp., WB Mason Co. Inc., and Cooper Friedman Electric Supply Inc., are contingent upon the availability of funds in the appropriate municipal budget.

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

DENISE WAHLERS  
DEPUTY CHIEF FINANCIAL OFFICER

Dated: August 24, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND SEA-BAY AT CHADWICK CONDOMINIUM ASSOCIATION, PURSUANT TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.1 to - 23.8, FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS**

**AUGUST 24, 2021**

**WHEREAS**, Sea-Bay at Chadwick Condominium Association (“Sea-Bay”) is a qualified private community under the Municipal Services Act (“MSA”), N.J.S.A. 40:67-23.1 to -23.8; and

**WHEREAS**, under the MSA, the Township must either directly provide solid waste collection to qualified private communities or reimburse private communities for the expense of that service at a rate equal to the Township’s actual cost of providing solid waste collection to the general public; and

**WHEREAS**, the Township has determined that it is more efficient and cost-effective to directly provide solid waste collection to Sea-Bay; and

**WHEREAS**, Sea-Bay has requested and consented to Township-provided solid waste collection:  
**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Toms River, Ocean County, New Jersey, as follows:

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to the agreement, attached as Schedule A to this resolution, between the Township and Sea-Bay for the collection of solid waste and recyclable materials.
2. A fully-executed copy of this agreement shall remain on file in the office of the Township Clerk.
3. The Township Clerk shall provide a certified copy of this resolution and a copy of the fully-executed agreement to the following parties:
  - a. Business Administrator
  - b. Chief Financial Officer
  - c. Director of Public Works
  - d. Township Attorney
  - e. Sea-Bay at Chadwick Condominium Association  
c/o Robert Melillo, President  
State Highway #35  
Lavallette, NJ 08735

**SCHEDULE “A” – SEE ATTACHMENTS**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A  
MINOR SUBDIVISION KNOWN AS, BLOCK 694, LOT 50  
(522 Princess Court)**

**August 24, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 694, Lot 50.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$17,200.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$610.00 which represents the escrow amount for inspection fees.

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

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

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Samantha Wallash  
16 Chadwyn Drive  
Ocean View, NJ 08230

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A  
MAJOR SITE PLAN KNOWN AS, BLOCK 397.02, LOTS 39.04,39.05 & 41 (1882  
Hooper Avenue)**

**August 24, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 397.02, Lots 39.04, 39.05 & 41.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Surety Bond #EACX4018477 in the amount of \$91,363.50 which represents the ninety percent portion of the performance guarantee amount.
- 2) Check in the amount of \$10,151.50 which represents the ten percent portion of the performance guarantee amount.
- 3) Check in the amount of \$5038.00 which represents the Safety and Stabilization Guarantee.
- 4) Check in the amount of \$15,430.36 which represents the escrow amount for inspection fees.

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

- 1) The bonds set forth in the preamble hereto are hereby approved.
- 2) Said bond approval is conditioned upon compliance by 1882 Hooper Ave, LLC., its successors and assignees, with all terms set forth in the preamble hereof and all requirements of the Land Use Ordinance of the Township of Toms River. Township Clerk shall send a certified copy hereof to each of the following:

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. 1882 Hooper Ave, LLC  
601 Hamburg Turnpike Suite 300  
Wayne, NJ 07470

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR A  
MAJOR SITE PLAN KNOWN AS BLOCK 402, LOT 1.01  
(1349 Lakewood Road)**

**August 24, 2021**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan, known as Block 402, Lot 1.01.

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

- 1) Surety Stabilization Bond #019074391 in the amount of \$5,000.00 is hereby released;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Goodwill Industries of Southern NJ & Philadelphia, Inc.  
2835 Route 73  
Maple Shade, NJ 08052

**REPORTS - NONE**

**APPROVAL OF BILLS**

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **August 20, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Maruca, and carried with Council Members Huryk, Kopp, Lotano,

Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes. **The following respective exceptions to their votes were noted as abstentions to this vote:**

Council President Geoghegan - NONE

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

Purchase Order 21-04288, payable to Dasti McGuckin Attorneys at Law in the amount of \$9,474.30.

Purchase Order 21-04290, payable to NJ MVC Lease Program in the amount of \$4,450.50.

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

Purchase Order 21-04207, payable to Remington & Vernick Engineers in the amount of \$4,192.50.

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

Purchase Order 21-03889 & 21-03891, payable to Berkeley Township in the amount of \$1,940.50.

Purchase Order 21-04246, 21-04247, 21-04249 & 21-04251, payable to Owen Little & Associates Inc., in the amount of \$3,531.00.

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

Purchase Order 21-01486, payable to Preferred Behavioral Health in the amount of \$4,992.12.

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

Purchase Order 21-04288, payable to Direct Development in the amount of \$4,600.00.

Purchase Order 21-04288, payable to Dasti McGuckin Attorneys at Law in the amount of \$9,474.30.

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

Purchase Order 21-04288, payable to Dasti McGuckin Attorneys at Law in the amount of \$9,474.30.

Purchase Order 21-04290, payable to Magistrate Salaries in the amount of \$6,937.41.

Purchase Order 21-04177, payable to William Diethlemeier in the amount of \$711.42.

Purchase Order 21-04333, payable to Habitat for Humanity in the amount of \$31,069.64.

## **ELECTED OFFICIALS COMMENTS**

Mayor Hill spoke regarding the Skate Park and Little League comments.

Councilman Rodrick spoke regarding Little League and High School North band.

Councilman Turnbach spoke regarding Fulfill Hunger Action Month and redevelopment comments.

Councilman Lotano spoke regarding redevelopment and committee; Little League; Skate Park and race on puddle boards.

Councilwoman Maruca spoke regarding Little League; Fulfill; redevelopment; VA clinic and schools starting soon.

Councilwoman Huryk spoke regarding VA comments; TREL, and skate park comments.

Councilman Kopp spoke regarding redevelopment.

Council President Geoghegan spoke regarding redevelopment and Little League.

## **PUBLIC COMMENTS**

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

Julie Admeek, Cedar Grove Road, spoke regarding traffic safety.

Tom Fangione offered his services free of charge to get to the people the right information on the downtown rehab project.

Dana Tromboli read her letter regarding revitalization of downtown.

Liz Puglisi concern for children “who do we want to come into our community?”

Bob Tromboli asked why there isnt a Township resident on any of the redevelopment committee.

Paul Williams spoke regarding redevelopment

Catherine Galesky thanked the Council for skate park and thanked for VA efforts; Recalibrate support group third Wednesday of month. [Recalibrateusa.org](http://Recalibrateusa.org).

Jen Howe spoke regarding redevelopment and school comments regarding S2.

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

A motion to adjourn at 10:15pm was made on motion by Council Member Maruca, seconded by Council Member Huryk, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes.

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KEVIN GEOGHEGAN, COUNCIL PRESIDENT

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ALISON CARLISLE, TOWNSHIP CLERK