

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

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

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Quinlisk, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, and Council President Geoghegan voting yes, and with Council Member Rodrick Abstaining, to approve the Minutes of the **Regular Meeting of August 10, 2022**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof.

HONORING RESOLUTIONS AND PRESENTATIONS

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

Mayor and Council Members introduced and presented Mirabbas Razavi a clock for his retirement from Code Enforcement.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION

477-70, SCHEDULE XII (STOP INTERSECTIONS) OF CHAPTER 477 (VEHICLES AND TRAFFIC) OF THE TOWNSHIP CODE TO ESTABLISH ADDITIONAL STOP SIGNS AT TWO INTERSECTIONS ON SILVER BEACH ROAD IN THE TOWNSHIP OF TOMS RIVER, NJ

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

1. Section 477-70, Schedule XII (Stop Intersections) of Chapter 477 (Vehicles and Traffic) of the Code of the Township of Toms River, New Jersey is amended and supplemented to include Stop Signs at two intersections on Silver Beach Road, which is a main through-street, as follows:

<u>INTERSECTION:</u>	<u>STOP SIGN INSTALLED ON:</u>
Silver Beach Rd. and Marshmallow RD	Marshmallow RD
<u>INTERSECTION:</u>	<u>STOP SIGN INSTALLED ON:</u>
Silver Beach Rd. and Bayberry RD	Bayberry RD
<u>INTERSECTION:</u>	<u>STOP SIGN INSTALLED ON:</u>
Silver Beach Rd. and Fishermans RD	Fishermans RD
<u>INTERSECTION:</u>	<u>STOP SIGN INSTALLED ON:</u>
Silver Beach Rd and Boatsmans RD	Boatsmans RD

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

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

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

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on *August 24, 2022 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2022 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY CLERK

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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 26, 2022.

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

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

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

WHITTIER AVENUE - FROM 35 MILES PER HOUR TO 25 MILES PER HOUR, FOR THE ENTIRE LENGTH

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

1. Section 477-79, Schedule XXI (Speed Limits) of Chapter 477 (Vehicles and Traffic) is hereby amended and supplemented to reduce the speed limit on Whittier Avenue to help prevent future crashes and to promote pedestrian safety, as follows:

NAME OF STREET: Whittier Avenue

SPEED (MPH): 25

LOCATION: Entire Length

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

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

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

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, that the foregoing Ordinance be adopted on first reading with publication notice as follows:

NOTICE

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August 24, 2022 3

2022 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on September 14, 2022 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

MICHAEL CRUOGLIO
TOWNSHIP DEPUTY CLERK

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

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

CONSENT AGENDA

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

A motion was made by Council Member Lotano, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President **Geoghegan** voting yes, to approve all the following items listed on the Consent Agenda except item **D, H, O, S, and T**, which were done separately.

RESOLUTION

AUGUST 24, 2022

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY(IES) HAVE AN OVERBILL ON THEM,

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

27 WASHINGTON STREET ASSO LLC	662	5	2022/4 \$1,760.46 2022/3 \$1,760.47	\$ 3,520.93
LOCUST REALTY INC. C/O FINLEY'S	644	38	2022/4 \$1,196.17 2022/3 \$1,196.18	\$2,392.35
RICHARD & SVETLANA SPATARO	262	66	2022/4 \$26.64 2022/3 \$26.65	\$53.29
RICHARD & SVETLANA SPATARO	262	67	2022/4 \$5.41 2022/3 \$5.41	\$10.82
GERALDINE & THOMAS TEDESCO	234.20	19.07	2022/4 \$2,020.25 2022/3 \$2,020.25	\$4,040.50
ROBERT SCHILLACI	231	20	2022/4 \$340.52 2022/3 \$340.52	\$681.04

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, 2022

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY(IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY(IES) HAVE A COUNTY BOARD TAX APPEAL, AND,

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

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

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

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

NAME	BLOCK	LOT	Qual,Year	Amount
<i>BENEDUCI TRUST</i>	<i>1946.10</i>	<i>4</i>	<i>2022/4</i> <i>\$407.39</i>	<i>\$814.77</i>
			<i>2022/3</i> <i>\$407.38</i>	
<i>TOTALS:</i>				<i>\$814.77</i>

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

Approved as to content:

RESOLUTION

August 24, 2022

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY (IES) FOR THE YEAR (S) INDICATED, DUE TO PROPERTY (IES) HAVE A NEW JERSEY STATE TAX APPEAL,

AND;

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

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

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

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

NAME	BLOCK	LOT	Qual/Year	Amount
<i>85 VENTURE GROUP LLC @ VALERIE HOFER ESQ</i>	<i>507.02</i>	<i>33.02</i>	<i>2020/4</i>	<i>\$37,492.50</i>
			<i>\$18,705.00</i>	
			<i>2021/4</i>	
			<i>\$18,787.50</i>	
			TOTAL:	\$37,492.50

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 412.06, LOT 86, EFFECTIVE May 20, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

August 24, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 412.06, Lot 86, located at 74 Fox Glove Run, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective May 20, 2022 and

WHEREAS, property taxes for 2022, 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 2022 real property taxes Block 412.06, Lot 86, due on or after, May 20, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 412.06, Lot 86, if any, shall be refunded on a pro-rated basis from May 20, 2022
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

a) Mayor

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 540.10, LOT 2, EFFECTIVE FEBRUARY 1, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

August 24, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 540.10, Lot 2, located at 1107 Lakewood Road, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective February 1, 2022 and

WHEREAS, property taxes for 2022, 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 2022 real property taxes Block 540.10, Lot 2, due on or after, February 1, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 540.10, Lot 2, if any, shall be refunded on a pro-rated basis from February 1, 2022
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 724.90, LOT 67.04, EFFECTIVE JANUARY 18, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

August 24, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 724.90, Lot 67.04 located at 1600 Ramsey Court, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 18, 2022 and

WHEREAS, property taxes for 2022, 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 2022 real property taxes Block 724.90, Lot 67.04, due on or after, January 18, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 724.90, Lot 67.04, if any, shall be refunded on a pro-rated basis from January 18, 2022
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 233.07, LOT 16, EFFECTIVE MAY 17, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

August 24, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 233.07, Lot 16, located at 58 Oak Hill Drive, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective May 17, 2022 and

WHEREAS, property taxes for 2022, 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 2022 real property taxes Block 233.07, Lot 16, due on or after, May 17, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 233.07, Lot 16, if any, shall be refunded on a pro-rated basis from May 17, 2022

3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 442.46 LOT 1, EFFECTIVE JUNE 30, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

August 24, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 442.46, Lot 1, located at 188 Shenandoah Blvd, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective June 30, 2022 and

WHEREAS, property taxes for 2022, 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 2022 real property taxes for Block 442.46, Lot 1, due on or after, June 30, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 442.46, Lot 1, if any, shall be refunded on a pro-rated basis from June 30, 2022
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 297.07, LOT 145.08, EFFECTIVE JANUARY 1, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

August 24, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 297.07 Lot 145.08, located at 330 Aldo Drive, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective January 1, 2022 and

WHEREAS, property taxes for 2022, 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 2022 real property taxes Block 297.07 Lot 145.08, due on or after, January 1, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 297.07 Lot 145.08, if any, shall be refunded on a pro-rated basis from January 1, 2022
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

**RESCINDING 1507-33-021-007 SCE INVESTORS, LLC. RENEWAL
FROM RESOLUTION DATED JUNE 22, 2022**

AUGUST 24, 2022

WHEREAS, The Present Liquor License holder listed below has made application for the renewal of their respective license and have paid the necessary fees for renewals; and

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

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

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

1507-33-021-007 (Pocket)
SCE Investors, LLC
1861 Hooper Ave
Toms River, NJ 08753

1. It hereby rescinds the renewal of Plenary Retail Consumption Liquor License Number 1507-33-021-007 for SCE Investors, LLC 1861 Hooper Ave – Suite 8 Toms River, NJ.

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
140 E. Front Street
P.O. Box 087
5th Floor
Trenton, N.J. 08625-0087
- e) SCE Investors, LLC
1861 Hooper Ave
Toms River, NJ 08753

RESOLUTION
TO ESTABLISH A DEDICATED TRUST BY RIDER FOR SENSORY TRAILER

August 24, 2022

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

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

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

1. The Township Council of the Township of Toms River hereby requests permission of the Director of Division of Local Government Services, to pay expenditures under the provisions of N. J. S. A. 40A:4-39, as amended by P. L. 1999, c.292, for the exclusive purpose of depositing and expending funds paid by individual to for the maintenance, supplies and care of the Sensory Trailer.

2. The purpose of this Dedication by Rider is to accept and expend funds for the Sensory Trailer to help to purchase supplies, support maintenance and care of the Sensory Trailer.

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

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

- A) Township Chief Financial Officer

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- B) Township Auditor
- C) Township Business Administrator
- D) Toms River Mayor's Advisory Committee on Developmental Disability (TRMACDD)
- E) Mayor Maurice Hill

Approved as to Content

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF TWO (2) BUFFALO TURBINE BT-CKB6 DEBRIS BLOWERS FROM FINCH SERVICES, INC., IN THE TOTAL AMOUNT NOT TO EXCEED \$18,525.00

AUGUST 24, 2022

WHEREAS, the Purchasing Division has requested authorization to enter into a contract with Finch Services, Inc. for Two (2) Buffalo turbine BT-CKB6 Debris Blowers, for the Bey Lea Golf Course; and

WHEREAS, the cost for this purchase totals \$18,525.00; and

WHEREAS, Finch Services, Inc., 9 Venture Way, Eldersburg, MD, 21784, has completed and submitted a Business Entity Disclosure Certification and Political Contribution Disclosure Form, which certifies that the firm has not made any contributions in contravention of New Jersey's Pay to Play Law, N.J.S.A. 19:44A-20.4 et seq., which documents are on file in the Municipal Clerk's Office; and

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

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

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

1. It hereby awards the purchase of Two (2) Buffalo Turbine BT-CKB6 Debris Blowers from Finch Services, Inc., in the total contract amount not to exceed \$18,525.00.

2. Funds for this purchase are available in Account No. X-04- -257-203. 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) Division of Purchasing
- b) Certified Financial Officer
- c) Township Attorney
- d) Township Council
- e) Bey Lea Golf Course
- f) Finch Services, Inc.
9 Venture Way
Eldersburg, MD 21784

RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF OCEAN (WARETOWN) FOR RECORDS STORAGE

August 24, 2022

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 a shared services agreement, attached as Schedule A hereto, with the Township of Ocean (Waretown) for storage of public records at the Toms River Records Center.

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

- a. Business Administrator
- b. Township Attorney
- c. Deputy Township Clerk
- d. Michele Giardino, RMC, CMR
Deputy Municipal Clerk/ Deputy Registrar
Township of Ocean
50 Railroad Avenue
Waretown, NJ 08758

Schedule A - see attachments

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AUCTION OF SURPLUS TOWNSHIP PERSONAL PROPERTY AND/OR TANGIBLE PERSONAL PROPERTY FOUND OR RECOVERED BY THE TOMS RIVER POLICE DEPARTMENT, WITH USGOVBID AUCTION LIQUIDATION SERVICES PERFORMING AN ONLINE AUCTION

AUGUST 24, 2022

WHEREAS, the Township is the owner of vehicles and surplus equipment which are no longer needed for public use; and

WHEREAS, the Township also has tangible personal property found or recovered by the Toms River Police Department; and

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

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

WHEREAS, attached hereto as Schedule "A" is a list of vehicles and surplus equipment which are no longer needed for public use, and authorized for sale pursuant to N.J.S.A. 40A:11-36 and 40A:14-157 to the highest bidder;

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

August 24, 2022 14

1. It hereby authorizes USGovBid Auction Liquidation Services to conduct an on-line auction for vehicles and surplus equipment no longer needed for public use, and certain tangible personal property found or recovered by the Toms River Police Department, listed on Schedule "A" attached hereto, at a fee of 6.5% of the proceeds, and a 2.5% Buyer's Internet Service Fee, pursuant to N.J.S.A. 40A:11-36 and 40A:14-157, to the highest bidder.

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

- a) Purchasing Division
- b) Business Administrator
- c) Certified Financial Officer
- d) Township Attorney
- e) Police Department
- f) Public Works Department
- g) Division of Parks, Buildings & Grounds
- h) USGovBid Auction Liquidation Services
P.O. Box 1216
Eatontown, N.J. 07724
- i) USGovBid Auction Liquidation Services
1 Industrial Way West
Bldg. A
Eatontown, N.J. 07724
- j) Department of Community Affairs
Division of Local Government Services
Attn: Director
P.O. Box 803
Trenton, N.J. 08625-0803

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT IV TO THE CONTRACT WITH CITY FIRE EQUIPMENT CO., INC., FOR INSPECTION, TESTING, MONITORING, MAINTENANCE AND REPAIR SERVICES OF VARIOUS FIRE SYSTEMS TO ADD THE BOY SCOUT BUILDING FOR INSPECTION, FIRE AND MONITORING THROUGH APRIL 9, 2023)

AUGUST 24, 2022

WHEREAS, resolution of the Township Council dated April 10, 2018 authorized an award of contract to Toms River Security Systems, Inc., as the lowest, grand total bidder meeting all the specifications, for the Inspection, Testing, Monitoring, Maintenance and Repair Services of Various Fire Systems Including Portable Fire Extinguishers, Fire Suppression Systems, Water Based Fire Protection Systems and Fire & Burglar Alarms, in the amount not to exceed \$235,000.00 over three (3) years (estimated inspections and monitoring - \$35,000.00), commencing April 10, 2018 through April 9, 2021; and

WHEREAS, a resolution of the Township Council dated October 23, 2018, authorized an Amendment I to the above-mentioned contract adding the new Bey Lea Equipment Storage Building Truck Wash and Fueling Station Location to Section 4 of said contract at a monthly monitoring fee of \$30.00/month; and

WHEREAS, resolution of the Township Council dated December 11, 2018, authorized Amendment II to the above-mentioned contract adding the Bey Lea Golf Course Clubhouse Burglar Alarm Monitoring to Section 3 of said contract, at a monthly monitoring fee of \$30.00/month; and

WHEREAS, resolution of the Township Council dated February 26, 2019, authorized Amendment III to the above-mentioned contract adding the Youth Center to Section 3 – Water Based Fire Protection Systems at an annual testing fee of \$250.00,

August 24, 2022 15

and to Section 4 – Alarm Monitoring and Testing, Fire Alarm Monthly Monitoring fee of \$30.00/month and Fire Alarm Annual Test Fee of \$180.00; and

WHEREAS, Toms River Security Systems had advised the Township that it had been purchased by City Fire Equipment Co., Inc.; and

WHEREAS, resolution of the Township Council dated March 23, 2022 accepted and authorized a name change from Toms River Security Systems to City Fire Equipment Co., Inc., and

WHEREAS, at the request of Parks, Buildings and Grounds, the Township Council has determined that it would be in the best interest of the Township to amend the existing contract with City Fire Equipment Co., Inc., with Amendment IV to have the Boy Scout Building added for Fire Alarm Inspection Fee \$250.00, Dry Sprinkler Annual Inspection \$500.00, Fire Extinguishers Inspection - \$0.00 and monitoring at a cost of \$30.00 per month through the end of the contract on April 9, 2023;

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

1. It hereby authorizes Amendment IV to the resolution dated April 10, 2018, awarding a contract to Toms River Security Systems, Inc., to have the Boy Scout Building added for Fire Alarm Inspection Fee \$250.00, Dry Sprinkler Annual Inspection \$500.00, Fire Extinguishers Inspection - \$0.00 and monitoring at a cost of \$30.00 per month through the end of the contract on April 9, 2023 with City Fire Equipment Co., Inc.

2. This amendment is subject to all the other terms and conditions of the original contract and bid specifications.

3. Funds are available in Account No. 2-01- -R20-531 with 2023 fees contingent upon the approval and adoption of the budget in the appropriate municipal budget year. 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) Business Administrator
- b) Purchasing Division
- c) Certified Financial Officer
- d) Township Attorney
- e) Division of Parks, Buildings & Grounds
- f) Youth Center
- g) City Fire Equipment Co., Inc.
733 Ridgedale Avenue, Suite 203
East Hanover, NJ 07936

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 1 – FINAL (REDUCTION IN CONTRACT IN THE AMOUNT OF \$345,725.70), RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, RELEASE OF RETAINAGE AND FINAL PAYMENT TO CONTRACTOR, GREEN CONSTRUCTION, INC., FOR THE ELEVATION OF SIXTH TERRACE, MARINERS ROAD, HARBORSIDE DRIVE AND SPINDRIFT ROAD PROJECT, FOR A REDUCED NEW OVERALL TOTAL CONTRACT AMOUNT OF \$2,151,197.30

AUGUST 24, 2022

WHEREAS, resolution of the Township Council dated August 25, 2020, authorized award of a contract to Green Construction, Inc., as the lowest bidder meeting all the bid specifications, for the Elevation of Sixth Terrace, Mariners Road, Harborside

Drive and Spindrift Road Project, in the total contract price not to exceed \$2,496,923.00; and

WHEREAS, the Division of Engineering requests a Change Order No. 1 due to a final adjustment of contract quantities, reducing the total contract amount by \$345,725.70; and

WHEREAS, the Department of Engineering has determined that it is in the best interest of the Township to approve Change Order No. 1 and reduce this contract by \$345,725.70, resulting in a decreased overall total contract price of \$2,151,197.30;

WHEREAS, the contractor retained for the Elevation of Sixth Terrace, Mariners Road, Harborside Drive and Spindrift Road Project, has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Contractor’s Application for Payment in the amount of \$444,952.26.
- b) Change Order No. 1 – for a reduction in the contract amount of \$345,725.70 due to a final adjustment of contract quantities.
- c) Original Maintenance Bond No. PRF9348784 with Green Construction, Inc. as Principal, and Fidelity and Deposit Company of Maryland, as Surety.

WHEREAS, Change Order No. 1 - Final adjustment of contract quantities:
DESCRIPTION OF CHANGE – CHANGE ORDER NO. 1 – FINAL REDUCTION:
 Final adjustment of contract quantities

TOTAL REDUCTION: (\$345,725.70)

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Reduction This C.O.	X	(\$345,725.70)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$345,725.70)
Previous Change Orders	X	X
Total Change in Contract		(\$345,725.70)
ORIGINAL CONTRACT BID PRICE:		\$2,496.923.00
NEW CONTRACT PRICE:		\$2,151,197.30

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Elevation of Sixth Terrace, Mariners Road, Harborside Drive and Spindrift Road Project, accept Change Order No. 1 due to a final adjustment of contract quantities, reducing the total contract amount by \$345,725.70, release of Performance Bond, acceptance of Maintenance Bond, and authorizing release of any retainage and final payment to Green Construction, Inc., in the amount of \$444,952.26.

2. The funds in the amount of \$444,952.26 are available in the following accounts:

Account No. X-04- -244-001	\$ 1,726.53
Account No. X-99- -907-718	\$ 168,601.42
Account No. X-04- -205-001	\$ 232,546.83
Account No. X-04- -230-001	\$ 7,256.16

Account No. X-04- -244-001	\$ 6,403.93
Account No. X-04- -205-001	\$ 10,117.90
Account No. X-04- -205-001	\$ 12,171.52
Account No. X-99- -907-718	\$ <u>6,127.97</u>

Total: \$ 444,952.26

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) Green Construction, Inc.
PO 550
South River, NJ 08882

CERTIFICATION

THIS IS TO CERTIFY that the funds for Change Order No. 1 and final close out with Green Construction, Inc., in the amount of \$444,952.26, are available in the following accounts:

Account No. X-04- -244-001	\$ 1,726.53
Account No. X-99- -907-718	\$ 168,601.42
Account No. X-04- -205-001	\$ 232,546.83
Account No. X-04- -230-001	\$ 7,256.16
Account No. X-04- -244-001	\$ 6,403.93
Account No. X-04- -205-001	\$ 10,117.90
Account No. X-04- -205-001	\$ 12,171.52
Account No. X-99- -907-718	\$ <u>6,127.97</u>

Total: \$ 444,952.26

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

JUDITH TUTELA
CERTIFIED FINANCIAL OFFICER

Dated: August 24, 2022

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING CHANGE ORDER NO. 2 - REDUCTION IN CONTRACT IN THE AMOUNT OF \$12,817.90 AS A CREDIT OF THE INCREASED ORIGINAL CONTRACT BID PRICE NOT SPENT, RELEASE OF PERFORMANCE BOND, ACCEPTANCE OF MAINTENANCE BOND, RELEASE OF RETAINAGE FOR THE IMPROVEMENTS TO THE TOMS RIVER MUNICIPAL

August 24, 2022 18

**BUILDING, AND FINAL PAYMENT TO CONTRACTOR, CMG GROUP, INC., IN THE
AMOUNT OF \$50,385.69**

AUGUST 24, 2022

WHEREAS, resolution of the Township Council dated July 13, 2021 authorized award of a contract to CMG Group Inc., meeting all the bid specifications, for the Improvements to the Toms River Municipal Building, in the total contract price not to exceed \$1,446,000.00; and

WHEREAS, the Division of Engineering requested Change Order No 1 for various Toms River Municipal Building Improvements, such as rot, stair concrete adjustments, rotten gutter and rake changes, as well as additional work for an extra gate for parade purposes, acoustic ceilings in the LMH Room, and leak repairs from previous window issues, in the additional amount of \$97,145.35, for a total project amount not to exceed \$1,543,145.35; and

WHEREAS, the Division of Engineering has requested Change Order No. 2 due to an additional amount of \$3,858.75 for bent aluminum at the top of exterior storefront, and also a net credit yielding a net total reduction of \$12,817.90, which reduces the new contract price to \$1,530,327.45; and

WHEREAS, the contractor retained for the Toms River Townhall Improvements Project has submitted the required documents in connection with the closeout of this project; and

WHEREAS, it is necessary to take certain action with respect to documents that are required to be completed before the project can be closed out and payment processed, as follows:

- a) Contractor's Application for Payment in the amount of \$50,385.69.
- b) Change Order No. 2 – due to an additional amount of \$3,858.75 for bent aluminum at the top of exterior storefront, and a credit of the increased original contract bid price that was not spent for a total net reduction of \$12,817.90.
- c) Original Maintenance Bond No. HICNE-10-234-0046 with C.M.G. Group Inc., as Principal, and Hudson Insurance Company, as Surety.

WHEREAS, Change Order No. 2 – Credit of increased original contract bid price not spent:

DESCRIPTION OF CHANGE – CHANGE ORDER NO. 2:

Credit of increased original contract bid price not spent

TOTAL CREDIT REDUCTION: (\$12,817.90)

	<u>ADDITIONAL</u>	<u>REDUCTION</u>
Total Addition this C.O.	X	X
Total Reduction This C.O.	X	(\$12,817.90)
Total Extras This C.O.	X	X
Total Supplementary This C.O.	X	X
Total This C.O.	X	(\$12,817.90)
Previous Change Orders	\$97,145.35	X
Total Change in Contract	\$97,145.35	(\$12,817.90)
ORIGINAL CONTRACT BID PRICE:	\$1,446,000.00	
NEW CONTRACT PRICE:	\$1,530,327.45	

be and the same is hereby ratified and confirmed;

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:

August 24, 2022 19

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation to close out the Toms River Municipal Building Improvements, accept Change Order No. 2 due to an additional amount of \$3,858.75 for bent aluminum at the top of exterior storefront, and a credit of the increased original contract bid price that was not spent in the amount of \$12,817.90, release of Performance Bond, acceptance of Maintenance Bond and authorizing release of all retainage and final payment to CMG Group Inc., in the amount of \$50,385.69.

2. The funds in the amount of \$50,385.69 are available in the following accounts:

Account No. X-04- -238-002	\$ 740.00
Account No. X-04- -238-002	\$ 627.60
Account No. X-04- -238-002	\$ 2,835.80
Account No. X-04- -238-002	\$ 5,228.60
Account No. X-04- -249-010	\$ 7,928.32
Account No. X-04- -249-010	\$ 3,820.26
Account No. X-04- -249-011	\$ 3,888.30
Account No. X-04- -219-001	\$ 5,134.01
Account No. X-04- -238-002	<u>\$20,182.80</u>

Total: \$50,385.69

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Engineering Division
- e) CMG Group, Inc.
2254 Corlies Avenue
Neptune City, NJ 07753

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

AUGUST 24, 2022

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

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

WHEREAS, the Housing and Property Maintenance Supervisor, has filed a Certification of Costs incurred by the Township, which costs are outlined on Schedule "A", attached to and made part of this resolution;

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

1) The Township Council determines the Certification of Costs as set forth as Schedule "A" to be accurate.

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Business Administrator
- c) Certified Financial Officer
- d) Township Attorney
- e) Tax Collector
- e) Division of Parks, Buildings and Grounds
- f) Code Enforcement
- g) Department of Public Works
- h) Marciano, Janice
209 Hilltop Rd.
Toms River, NJ 08753
- i) Ville Fran LLC
101 Lake Dr.
Newark, DE 19702
- j) Prusack Esther c/o OFC Pub Guardian
PO Box 812
Trenton, NJ 08652
- k) EHM Partners
858 Hwy. 46 West
Parsippany, NJ 07054

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	571.1	7	209 Hilltop Rd.	\$ 1,306.05
2.	842	35	734 Parkside Ave.	\$ 1,917.81
3.	412.06	50	23 Coral Bell Hollow	\$ 684.38
4.	831	34	619 Elizabeth Ave.	\$ 463.25

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

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS PINE BELT CADILLAC BLOCK 644, LOT 41(71 Route 37 East)

August 24, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as Block 644, Lot 41.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$4,600.00 which represents the performance guarantee amount.
- 2) Check in the amount of \$5,000.00 which represents the Safety & Stabilization guarantee.
- 3) Check in the amount of \$5,680.00 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 Pine Belt Cadillac of Toms River, Inc., 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. Pine Belt Cadillac of Toms River, Inc
71 Route 37 East
Toms River, NJ 08753

RESOLUTION TO CREATE THE CASH CHANGE FUND FOR THE ANIMAL CONTROL FACILITIES

AUGUST 24, 2022

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

1. The cash change fund in the amount of \$100.00 is to be created for the Animal Control Facilities.
2. The cash change fund shall be returned to the Township Chief Financial Officer upon written request.
3. A certified copy of this resolution shall be provided by the office of the Township Clerk to each of the following:

- A. State of New Jersey
Division of Local Government Services
- B. Chief Financial Officer
- C. Auditor
- D. Administration
- E. Animal Control Facilities

Approved as to Content

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING AMENDMENTS TO THE TOWNSHIP EMPLOYEE POLICIES AND PROCEDURES MANUAL

August 24, 2022

WHEREAS, pursuant to §104-10B and C of the Township Code, the Business Administrator is authorized promulgate amendments to the official Employee Policy Manual, which must be approved by resolution of the Township Council; and

WHEREAS, the Business Administrator has presented for approval the amendments to the manual, attached as Schedule A hereto; and

WHEREAS, the Township Council finds that these amendments are reasonable and consistent with prevailing legal requirements and recommendations from the Township's insurance carriers:

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

1. Pursuant to §104-10B and C of the Township Code, the amendments to the Employee Policy Manual presented by the Business Administrator and attached as Schedule A hereto are hereby approved.

2. These amendments shall be promulgated in accordance with the procedures set forth in §104-10B and C.

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

- a. Business Administrator
- b. Director of Human Resources
- c. Chief Financial Officer
- d. Township Attorney
- e. All Department Heads

SCHEDULE A – see attachments

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

RESOLUTION AUTHORIZING THE RENEWAL

August 24, 2022 23

OF LIQUOR LICENSES FOR 2022-2023

August 24, 2022

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

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

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

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

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

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

1507-33-020-004 (Pocket)
Ruby Tuesday Inc.
216 East Church Avenue
Maryville TN, 37804

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

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

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

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

Art Anderson asked if there was a cost increase.

A motion was made by Council Member Lotano seconded by Council Member Rodrick, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, 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, AUTHORIZING AN AMENDMENT TO RESOLUTION DATED MARCH 23, 2022, WHICH REMOVED DAVID A. CASADONTE, ESQ. AS ALTERNATE MUNICIPAL PROSECUTOR AND APPOINTED BRIAN M. BARTLETT, ESQ. AS ALTERNATE MUNICIPAL PROSECUTOR, BOTH OF CITTA, HOLZAPFEL & ZABARSKY, P.C. FOR THE TOWNSHIP OF TOMS RIVER, AND NOW REMOVING BRIAN M. BARTLETT, ESQ. AS ALTERNATE MUNICIPAL PROSECUTOR, AND APPOINT DAVID BAKARDJIEV, ESQ. OF THE FIRM OF CITTA, HOLZAPFEL AND ZABARSKY, AS ALTERNATE MUNICIPAL PROSECUTOR FOR THE TOWNSHIP OF TOMS RIVER

AUGUST 24, 2022

WHEREAS, the Township of Toms River has a need to acquire professional legal services for Municipal Prosecutor and Alternate Municipal Prosecutors, commencing January 27, 2022 up to and including December 31, 2022; and

WHEREAS, the Township solicited proposals for these services in accordance with the Fair and Open Process pursuant to the provisions of N.J.S.A. 19:44A-20.4 et. seq., and pursuant to the Township of Toms River Administrative Code, Chapter 84-1 et. seq.; and

WHEREAS, resolution of the Township Council dated January 26, 2022 (Part XI), authorized a professional services contract with Steven A. Zabarsky, Esq. as Municipal Prosecutor, and Brian K. Wilkie, Esq., Barry A. Stieber, Esq. and David Casadonte, Esq., as Alternate Municipal Prosecutors, of the Law Firm of Citta, Holzapfel & Zabarsky, P.C., in the total maximum amount not to exceed \$75,000.00 annually (\$6,250.00 on a monthly basis), for regular court sessions, plus \$2,600.00 for 4 special sessions at \$650.00 for each session, plus \$10,200.00 for 12 special driving while intoxicated sessions at \$850.00 each session, \$200.00 per municipal court session with regard to Zoning/Code Enforcement issues not to exceed \$9,200.00, for a total maximum amount not to exceed \$9,200.00, for a total of \$97,000.00 for CY22, contingent upon the execution of a contract, availability of funds and the adoption of the CY22 budget. Any additional duties requested by the Township will be billed at a rate of \$135.00 per hour, not to exceed \$10,000.00; and

WHEREAS, the Township has been notified by email dated March 7, 2022 from the Citta Law firm, to remove David Casadonte, Esq., as Alternate Municipal Prosecutor, and to add Brian M. Bartlett, Esq. as Alternate Municipal Prosecutor, for the Township of Toms River; and

WHEREAS, by resolution of March 23, 2022, the Township Council acknowledged and agreed to the removal of David Casadonte, Esq. as Alternate Municipal Prosecutor, and added Brian M. Bartlett, Esq., as Alternate Municipal Prosecutor, for the Township of Toms River; and

WHEREAS, the Township has been notified by email dated August 11, 2022 from the Citta Law Firm, to remove Brian M. Bartlett, Esq. as Alternate Municipal Prosecutor as of September 1, 2022 as he will no longer be with the firm, and to add David Bakardjiev, Esq., as Alternate Municipal Prosecutor for the Township of Toms River; and

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

1. It hereby authorizes an amendment to the Resolution dated March 23, 2022, in order to remove Brian M. Bartlett, Esq. of the law firm of Citta, Holzapfel & Zabarsky, P.C., as Alternate Municipal Prosecutor, and to add David Bakardjiev, Esq. of the Law Firm of Citta, Holzapfel & Zabarsky, P.C. as Alternate Municipal Prosecutor, for the Township of Toms River.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to an Amended Professional Services Agreement with Steven A. Zabarsky, Esq., as Municipal Prosecutor, Brian K. Wilkie, Esq., Barry A. Stieber, Esq. and David Bakardjiev, Esq. as Alternate Municipal Prosecutors, all of the Law Firm of Citta, Holzapfel & Zabarsky, P.C. All

August 24, 2022 25

other terms and conditions of the original resolution and agreement will remain unchanged and in full force and effect.

3. The purpose of this amendment is to remove Brian M. Bartlett, Esq. as Alternate Municipal Prosecutor for the Township of Toms River, and to add David Bakardjiev, Esq. as Alternate Municipal Prosecutor for the Township of Toms River. No additional money is required in connection with this resolution.

4. All other terms and conditions of the resolution dated March 23, 2022 are to remain in full force and effect.

5. A notice of this action shall be advertised once by the Clerk in the Asbury Park Press.

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) Certified Financial Officer
- f) Purchasing Division
- g) Municipal Court
- h) Citta, Holzapfel & Zabarsky, P.C.
248 Washington Street
Toms River, N.J. 08753
Attn: Steven A. Zabarsky, Esq.
Attn: Brian K. Wilkie, Esq.
Attn: Barry A. Stieber, Esq.
Attn: David Bakardjiev, Esq.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING REPLACEMENT PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 691, LOT 14(671 Batchelor Street)

August 24, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 691, Lot 14.

WHEREAS, Replacement Performance Bonds have been posted as follows:

- 1) Surety Bond #SU1186313 in the amount of \$84,060.00 which represents the ninety percent portion of the performance guarantee amount.
- 2) Cash Bond in the amount of \$9,340.00 to remain on account # 2-14- -902-101 to represent the ten percent performance guarantee.

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

- 1) Cash Bond in the amount of \$84,060 to be released from account # 2-14- -902-101.
- 2) The bonds set forth in the preamble hereto are hereby approved.

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. DXD Self Storage Fund I, LP
 DXD F1 Toms River, LLC
 1718 Central Avenue SW Suite B
 Albuquerque, NM 87104

Council Member Lamb asked what is amount and why is it open-ended. Why does taxpayers have to bear this cost?

Council Member Lotano wanted to better communicate.

Council Member Rodrick does not approved.

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

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT FOR PRINTING AND MAILING SERVICES FOR CALENDAR YEAR 2022 NEWSLETTERS FOR SEPTEMBER AND NOVEMBER TO URNER BARRY, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$37,930.00

AUGUST 24, 2022

WHEREAS, bids were invited for the Printing and Mailing Services for Calendar Year 2022 Newsletters for September and November; and

WHEREAS, bids were received on August 16, 2022, as follows:

	Urner Barry 1001 Corporate Circle Toms River, NJ 08755	Concept Print 40 Lydecker St Nyack, NY 10960
	Unit Price Per Mailing	Unit Price Per Mailing
Actual Postage to be Billed Separately		
September 2022 Newsletter Printing 42,000 pieces and Mailing EDDM	<u>\$18,965.00</u>	<u>\$25,550.00</u>
November 2022 Newsletter Printing 42,000 pieces and Mailing EDDM	<u>\$18,965.00</u>	<u>\$25,550.00</u>
GRAND TOTAL:	<u>\$37,930.00</u>	<u>\$51,100.00</u>
Discount for Prompt Payment within fifteen (15) days of receipt of invoice	<u>none</u>	<u>0%</u>
NOTES AND EXCEPTIONS:		Postage is not included in pricing. Exception page on file.

WHEREAS, the bids were reviewed by the Purchasing Division and recommendation has been made to award an open-ended contract to Urner Barry who, as the lowest bidder, meets all of the bid specifications;

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 Printing and Mailing Services for Calendar Year 2022 Newsletters for September and November to Urner Barry, as the lowest bidder meeting all of the bid specifications, for a total contract amount not to exceed \$37,930.00. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. Funds for this contract in the amount not to exceed \$37,930.00 are available in Account No. 2-01- -A04-534. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Business Administrator
- d) Township Attorney
- e) Urner Barry
1001 Corporate Circle
Toms River, NJ 08755

Council Member Kopp mentioned that land use committee reviewed this and this property will be used for commercial only.

Art Anderson, 12 Park Street, Lot 9 is Huddy Park parking lot.

Bob Tormolion, 109 Messenger, is skeptical of these downtown plans and what is being proposed.

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

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

AUGUST 24, 2022

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

WHEREAS, after review by the Planning Board of the Township (the “Planning Board”) on May 16, 2018, the Township Council (the “Council”) of the Township of Toms River, in the County of Ocean, New Jersey (the “Township”), adopted a resolution on May 22, 2018 designating the Downtown Core Rehabilitation Area (the “Rehabilitation Area”) pursuant to criteria set forth in the Redevelopment Law; and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for the Rehabilitation Area to be prepared, entitled the “The Downtown Core Redevelopment Plan” (as revised, the “Original Redevelopment Plan”); and

WHEREAS, on February 26, 2019, the Council adopted an Ordinance approving the Original Redevelopment Plan; and

WHEREAS, the Council, by resolution duly adopted pursuant to the Redevelopment Law, authorized and directed the Planning Board to undertake a preliminary investigation to determine if a portion of the Rehabilitation Area, identified on the Tax Maps of the Township as Block 668, Lots 9 and 13 (the “Study Area”), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on August 7, 2019 the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law and adopted a resolution recommending that Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on August 13, 2019, after reviewing the recommendations of the Planning Board, the Council adopted a resolution designating the Study Area an area in need of redevelopment under the Redevelopment Law (the “Redevelopment Area”); and

WHEREAS, David Glynn Roberts, AICP/PP, LLA, LEED AP ND, the Township Planner, prepared an amendment to the Original Redevelopment Plan, dated August 21, 2019 to recognize the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, on September 24, 2019, the Council adopted an Ordinance approving the Redevelopment Plan; and

WHEREAS, the Township anticipates that the Redevelopment Area will be redeveloped with a non-residential, commercial/retail complex with designated public parking spaces to support the current users of the public parking lot located on Block 668, Lot 9; and

WHEREAS, the Township determined to designate Capodagli Property Company, LLC, (“Capodagli”) as the conditional redeveloper of the Redevelopment Area (the "Conditional Redeveloper") so as to redevelop the Redevelopment Area in accordance with the terms of the concept plan, Redevelopment Plan and the Redevelopment Law to coordinate the redevelopment of the Redevelopment Area in the most timely and efficient manner, pending the negotiation and execution of, among other agreements, a redevelopment agreement (the "Redevelopment Agreement") with the Township; and

WHEREAS, on December 10, 2019, the Township adopted a resolution (i) designating Capodagli, or its designated urban renewal entity formed consistent with the provisions of the Long Term Tax Exemption Law (the “Long Term Tax Exemption Law”) N.J.S.A. 40A:20-1 et seq., as the Conditional Redeveloper of the Redevelopment Area for a period of two hundred seventy (270) days; and (ii) authorizing the execution of an interim costs agreement (the “Original Interim Costs Agreement”) with Capodagli to reimburse the Township for any and all costs incurred by the Township prior to the execution of a Redevelopment Agreement, including the Township’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of the Conditional Redeveloper, the drafting of amendments to the Redevelopment Plan, negotiation of the terms and conditions of a redevelopment agreement, financial or tax agreement, if applicable, and other documents related to the redevelopment of the Redevelopment Area including, but not limited to, fees for legal, real estate appraisal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred (the “Interim Costs”).

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

WHEREAS, on September 8, 2020, the Township adopted a resolution authorizing the execution of an amendment to the Original Interim Costs Agreement defining the term of the Original Interim Costs Agreement (the “First Amendment” and together with the Original Interim Costs Agreement, the “First Amended Interim Costs Agreement”); and

WHEREAS, on September 15, 2020, the Township and Capodagli executed the First Amendment in furtherance of the aforesaid resolution; and

WHEREAS, on March 23, 2021, the Council adopted a resolution (i) continuing the designation of Capodagli as conditional redeveloper of the Redevelopment Area for a period of one hundred eighty (180) days, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of an amendment to the First Amended Interim Costs Agreement (the “Second Amendment” and together with the First Amended Interim Costs Agreement, the “Second Amended Interim Costs Agreement”); and

WHEREAS, the Township and Capodagli executed the Second Amendment in furtherance of the aforesaid resolution; and

WHEREAS, on November 23, 2021, the Council adopted a resolution (i) continuing the designation of Capodagli as conditional redeveloper of the Redevelopment Area for a period of one hundred eighty (180) days, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of an amendment to the Second Amended Interim Costs Agreement (the “Third Amendment” and together with the Second Amended Interim Costs Agreement, the “Third Amended Interim Costs Agreement”); and

WHEREAS, the Township and Capodagli executed the Third Amendment in furtherance of the aforesaid resolution; and

WHEREAS, the Township and Capodagli have agreed to (i) continue the designation of Capodagli, or an affiliated entity, as the Conditional Redeveloper of the Redevelopment Area for an additional period of one hundred eighty (180) days to continue the (i) development of a concept plan for a non-residential, commercial/retail complex with designated public parking spaces to support the current users of the public parking lot located on Block 668, Lot 9; (ii) negotiations of the Redevelopment Agreement; and (iii) amend the Third Amended Interim Costs Agreement to extend the term through February 20, 2023; and

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

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

Section 1. The foregoing recitals are hereby incorporated by reference as if fully set forth herein.

Section 2. The designation of Capodagli as the Conditional Redeveloper of the Redevelopment Area pending the execution of the Redevelopment Agreement with the Township shall be continued for a period of one hundred eighty (180) days and is contingent upon Capodagli providing any additional project related information as may be requested by the Township.

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

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

Section 5. This resolution shall take effect immediately.

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

- a) Mayor Maurice B. Hill, Jr.
- b) Business Administrator
- c) Township Council
- d) Township Attorney
- e) Planning Board
- f) Engineering Division
- g) Certified Financial Officer
- h) Frances C. McManimon, Esq.
Joseph P. Baumann, Jr., Esq.
McManimon, Scotland & Baumann, LLC
427 Riverview Plaza
Trenton, NJ 08611

REPORTS - NONE

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **September 18, 2022**, was approved on motion by Council Member Kopp, seconded by Council Member Quinlisk, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes. **The following respective exceptions to their votes were noted as abstentions to this vote:**

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

Purchase Order 22-04634, payable to United Healthcare Insurance Company in the amount of \$79,187.99.

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

Purchase Order 22-00123, & 22-04025, payable to Imwoth LLC (AutoShred NJ) in the amount of \$1,756.50.

Council Member Ciccozzi - NONE

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

Purchase Order 22-03725, payable to Oceans Harbor House, in the amount of \$1,600.00.

Purchase Order 22-03970, 22-04193, & 22-04412, payable to Owen Little & Associates, Inc., in the amount of \$21,176.80.

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

Purchase Order 22-01074, payable to Borough of Lavallette in the amount of \$1,813.90.

Purchase Order 22-00144, 22-00151, & 22-01633, payable to Citta, Holzapfel, Zabarsky, in the amount of \$8,267.00.

Purchase Order 22-04595, payable to Dasti McGuckin, Attorneys at Law in the amount of \$16,821.00.

Purchase Order 22-04447, payable to Magistrate Salaries in the amount of \$6,937.41.

Council Member Quinliski - NONE

Council Member Rodrick - NONE

ELECTED OFFICIALS COMMENTS

Council Member Lamb thanked Code Enforcement for help with resident issue. He also thanked Administration for help with Moby mat at beaches.

Council Member Quinlisk had no comments.

Council Member Rodrick wished everyone a Happy Labor Day weekend.

Council Member Lotano corrected Council Member Rodrick's comments on downtown development; Vest-a-Cop is in downtown, Toms River this year; Anniversary of Skate Park last week was a great event.

Council Member Kopp had no comments.

Council Member Ciccozzi mentioned Safu Sushi on Washington Street is now open; Hair salon should be open as well. He also praised River Lady and its staff; paving in Ward 4 is going well, and school opening soon.

Mayor spoke on one year anniversary of Skate Park; Verizon waiver for 5G service. He wished everyone a Happy Labor Day.

PUBLIC COMMENTS

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

Pat Klaso, Ortley Beach, will 10 story buildings have residential, commercial, etc? Are we giving away free parking for residents:

Anthony Colucci, President, of Ocean Beach Voters Taxpayers Association, the Zoning Board granted approval for 44 parking spaces from Parking authority for residential townhomes; and spoke about taxes and revaluation on barrier island.

Bob Casey, 115 W., Dolphin Way, Lavallette, what percentage of taxes is barrier island paying versus what we are paying now from reassessment?

Kathy Lazarro congratulated Toms River Little League Baseball team on victories. I think it is awful what happened to Mr. Lamb and his wife via surveillance.

Abraham Hershowitz commended Department of Public Works for cleanup of street. MCCO ordinance is good but difficult. Plastic bag ban is ridiculous.

Mary Lou Pavter, Brick Township, asked at last meeting about resignation of Mr. McGuckin and Council Member Geoghegan you did have a role in this surveillance of Mr. Lamb.

Elizabeth Sumino, 211 Success Lane, spoke about the homeless situation in Toms River.

Ms. Harwelik spoke about homeless situation in Toms River as well.

Pat Klaso, Ortley Beach, spoke about taxes going up.

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

No other business appearing, the meeting was **adjourned** at 7:40 P. M., on motion with Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lamb, Lotano, Quinlisk, Rodrick, and with Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

MICHAEL CRUOGLIO, DEPUTY CLERK