

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 via phone
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 Kopp, seconded by Council Member Quinlisk, and carried with Council Members Kopp, Lamb, Lotano, Quinlisk, and Council President Geoghegan voting yes, and Council Member Rodrick abstaining, and Council Member Ciccozzi voted yes in error, as they were not at the September 28, 2022 meeting, to approve the Minutes of the **Regular Meeting of September 28, 2022. The Council Meeting October 12, 2022 was cancelled.** 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 Council President Geoghegan voting yes, to make the following honoring proclamations a part of the Minutes.

Mayor and Council Members awarded proclamation to representative for Friends of Libraries Week.

Township of Toms River
Proclamation

October 12, 2022

WHEREAS, Friends of the Ocean County Library Toms River Branch raise money that enables our library to provide the resources for additional programming, much needed equipment, support for children’s summer reading, and special events throughout the year;

WHEREAS, the work of the Friends highlights on an on-going basis the fact that our library is the cornerstone of the community providing opportunities for all to engage in the joy of life-long learning and connect with the thoughts and ideas of others from ages past to the present; and

WHEREAS, the Friends understand the critical importance of well-funded libraries and advocate to ensure that our library gets the resources it needs to provide a wide variety of services to all ages including access to print and electronic materials, along with expert assistance in research, readers’ advisory, and children’s services and;

WHEREAS, the Friends’ gift of their time and commitment to the library sets an example for all in how volunteerism leads to positive civic engagement and the betterment of our community.

NOW, THEREFORE, be it resolved that I, Mayor Maurice B. Hill, with the full concurrence of the Township Council, proclaim **October 16-22, 2022, as Friends of Libraries Week** in Toms River Township, Ocean County, New Jersey, and urge everyone to join the **Friends of the Library** and thank them for all they do to make our library and community so much better.

Mayor Maurice B. Hill, Jr.

*Kevin M. Geoghegan
Council President*

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Matthew W. Lotano

Daniel T. Rodrick

Jim Quinlisk

The Toms River Police Foundation presented checks to 2022 Veterans Day Essay Contest winners.

Intermediate School Level (Grades 6-8)

First Place: Abraham Rojas, St. Joseph Grade School Grade 7

Second Place: Peyton Daniel, Toms River Intermediate East Grade 7

Third Place: Michael Hudak, St. Joseph Grade School Grade 7

High School Level (Grades 9-12)

First Place: Addison Husenica, Toms River High School East Grade 11

Second Place: Peyton Gallager, Toms River High School East Grade 11

Third Place: Riley Budenas, Toms River High School North Grade 11

Toms River Veterans Commission introduced the Grand Marshalls for 2022 Armistice Day.

Township of Toms River Proclamation

November 11, 2022

WHEREAS, Veterans Day, once known as Armistice Day, is a recognized day of remembrance of all past, present and future veterans of war and is memorialized each year in order for all citizens of the United States of America to recognize and honor all servicemen and women who served and sacrificed themselves through active war duties; and

WHEREAS, this day is a permanent day of remembrance and recognition of the ending of the fighting in World War I and most importantly, serves to honor all servicemen and women who fought for our great country to protect our rights of liberty, justice and most of all freedom; and

WHEREAS, many veterans of war have lost their lives or been permanently disabled through active combat while protecting our nation and need to be duly recognized by the Toms River Veterans Commission, various organizations and the Township Council of the Township of Toms River; and

NOW, THEREFORE, We, Mayor Maurice “Mo” B. Hill and Council President Kevin M. Geoghegan of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to honor our veterans for their many sacrifices and are humbled by their selfless acts.

Mayor Maurice B. Hill, Jr.

*Kevin M. Geoghegan
Council President*

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Matthew W. Lotano

Daniel T. Rodrick

Jim Quinlisk

Township of Toms River

Proclamation

WHEREAS, Siegfried Jaworski (Siegy) is being honored as the Grand Marshal for the 2022 Ocean County Veterans Day Parade; and

WHEREAS, Siegy was born in Hamburg, Germany and he and his family came to America via ship to Ellis Island in 1952; and

WHEREAS, Siegy enlisted in the U.S. Navy in December 1968, serving four years; and

WHEREAS, He became a United States citizen in 1971, first living in Kearney New Jersey and later moving to Toms River in 1997 where he and his wife currently reside; and

WHEREAS, Siegy worked for Verizon for forty years before retiring in 2010; and

WHEREAS, Siegy became a member of the Toms River Elks Lodge #1875 in 2006, where he previously served as chaplain and is currently serving as a trustee.

NOW, THEREFORE, I, Mayor Maurice B. Hill of the Township of Toms River in the County of Ocean and State of New Jersey, with the full concurrence of the Township Council, wish to acknowledge **Siegfried Jaworski** as this year's Veterans Day parade **Grand Marshal** and thank him for his selfless service to our country.

Mayor Maurice B. Hill, Jr.

***Kevin M. Geoghegan
Council President***

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Matthew W. Lotano

Daniel T. Rodrick

Jim Quinlisk

Township of Toms River

Proclamation

WHEREAS, Daniel Herr, a Toms River resident and High School East graduate, is being honored as the Grand Marshal for the 2022 Ocean County Veterans Day Parade; and

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WHEREAS, Daniel enlisted in the U.S. Coast Guard, and after completing basic training, served as an aid to navigation technician on the Coast Guard Cutter William Tate out of Philadelphia; and

WHEREAS, Daniel started his career as a Police Officer in Seaside Heights in 2000 and after the events of September 11th, he joined the NYPD and was called to active duty in 2003 in support of Operations Noble Eagle and Enduring Freedom; and

WHEREAS, After being discharged from active duty, **Daniel** was assigned to Station Atlantic City as a crew member and after completing his service in 2008, he was awarded an Honorable Discharge; and

WHEREAS, Daniel retired from the NYPD in the spring of 2007, and was appointed a Police Officer in Toms River in August 2007. He was assigned to the Underwater Response Team and Toms River EMS Unit with a specialty as an Overwatch/Sniper. He attended FBI Sniper School and the New Mexico Tech Initial Law Enforcement Response to Suicide Bombing Attacks and with his experience was assigned as a field-training officer. He retired from the Toms River Police Department in June 2022.

WHEREAS, Daniel received multiple medals and ribbons including – two Meritorious Police Awards from New York City, two Excellence in Police Duty Awards, Kings County Congressman’s Certificate of Recognition, Marine Corps League Certificate of Appreciation, and awards from the Toms River Police Department including the Firearms Proficiency Award, Distinguished Expert and Officer of the Month Award.

NOW, THEREFORE, I, Mayor Maurice B. Hill of the Township of Toms River, with the full concurrence of the Township Council, wish to acknowledge **Daniel Herr** as this year’s Veterans Day parade **Grand Marshal** and thank him for his selfless service to our country.

Mayor Maurice B. Hill, Jr.

***Kevin M. Geoghegan
Council President***

David Ciccozzi

Joshua D. Kopp

Justin D. Lamb

Matthew W. Lotano

Daniel T. Rodrick

Jim Quinlisk

Mayor Hill. Christine Girtain for 2022-23 New Jersey State Teacher of the Year into the minutes but previously presented at separate ceremony..

Township of Toms River Proclamation

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**Honoring
Christine Girtain
2022-23 New Jersey State Teacher of the Year
October 17, 2022**

WHEREAS, Christine Girtain, a teacher and director of the Authentic Science Research program at Toms River High School South and High School North, has been named the 2022-2023 New Jersey State Teacher of the Year by the New Jersey Department of Education; and

WHEREAS, having been named locally the Ocean County Teacher of the Year in August, she was twice recognized as her school’s Teacher of the Year, and is the New Jersey science, technology, engineering, and math (STEM) Pathways 2019 STEM Teacher of the Year. She is also a 2021 state finalist for the Presidential Awards for Excellence in Mathematics and Science Teaching. In addition, she has brought in more than \$185,000 in grant funds to fund student research projects and STEM camps; and

WHEREAS, Toms River Regional Schools District Superintendent Michael Citta stated “Christine Girtain personifies what it means to be a teacher here in Ocean County and Toms River, which is student-focused and with a passion to develop our children into lifelong learners. Ms. Girtain operates without physical or intellectual boundaries — she has organized national and international science-based trips, and her educational approach and sheer personality challenge her students and colleagues to think beyond the ordinary. The result of her teaching is that students believe anything is possible, and their achievements reflect that. What more can you ask from a teacher? Ms. Girtain is an immense source of pride for this county, community and me personally;” and

WHEREAS, having taught science in Toms River Regional Schools for 27 years and a graduate of and former athlete at Toms River High School North, she went on to earn a bachelor’s degree in biology with a concentration in education from The College of New Jersey, and a master’s degree in earth science instruction and curriculum from Kean University. Ms. Girtain has made it her life’s work to teach others while seeking to expand her own knowledge of science, the environment, technology, and anything else she finds interesting. The Authentic Science Research program that she directs is a three-year elective program that allows students to pursue and conduct independent research on a specific science topic that interests them; and

WHEREAS, Ms. Girtain stated, “I love networking different interest groups together, using their individual strengths to combine for a more robust, broader reach,” she said. “Sustainable growth, both mental and physical, means that as we grow we meet our needs without compromising the needs of future generations.”

NOW, THEREFORE, I, MAURICE B., HILL, JR., Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, honor **Christine Girtain** as the state’s education ambassador, for her uncompromising dedication and unique ability to inspire students and educational colleagues alike.

Maurice “Mo” B. Hill, Jr., Mayor

Kevin M. Geoghegan
Lotano
Council President
President

Matthew W.
Council Vice-

David Ciccozzi
Lamb

Joshua D. Kopp

Justin D.

Jim Quinlisk
Rodrick

Daniel T.

Mayor Hill read the proclamation into the minutes, but it was presented at separate ceremony.

Township of Toms River

Proclamation

Honoring

Roman W. Charkowski on his 100th Birthday

October 10, 2022

WHEREAS, Roman W. Charkowski enlisted in the United States Navy on November 11, 1942 during the third year of World War II. He was twenty years old; and

WHEREAS, following basic training, Roman Charkowski was designated a Petty Officer Third Class Electricians Mate (EM3); and

WHEREAS,, EM3 Charkowski was assigned to the USS Colahan (DD 658) Destroyer and was deployed aboard the destroyer's maiden voyage through the Panama Canal into the Pacific theater; and

WHEREAS, EM3 Charkowski saw combat as a crew member of the USS Colahan during the Battle of Kwajalein, the first time American forces successfully penetrated the outer ring of the Japanese Pacific Sphere. The crew of Colahan bombarded Kwajalein Island against Japanese defenses to clear the way for the US Marines' capture of the island; and

WHEREAS, following the end of the war, EM3 Charkowski was stationed in Long Island, New York where he was assigned to maintain order among military personnel in New York City; and

WHEREAS, following his honorable discharge from the US Navy, Roman and his wife Louise raised two children in Linden, New Jersey while he worked for PSE&G and was a small business owner. Roman retired to Toms River in 1986 as has been a resident in good standing since; and

WHEREAS, Roman Charkowski was born on October 10, 1922 and his 100th birthday is October 10, 2022. Roman is a member of the "Greatest Generation" of Americans who defended our freedom and inspired the "American Dream."

NOW, THEREFORE, I, MAURICE B., HILL, JR., Mayor of the Township of Toms River, on behalf of myself, the Township Council, and the residents of the Township of Toms River, honor Roman W. Charkowski for his service to the United States of America and for his 100 years of honorable citizenship and declare October 10, 2022 as Roman W. Charkowski Day in the Township of Toms River.

Maurice "Mo" B. Hill, Jr., Mayor

Kevin M. Geoghegan
Lotano
President
Council President

Matthew W.
Council Vice-

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David Ciccozzi
Lamb

Joshua D. Kopp

Justin D.

Jim Quinlisk
Rodrick

Daniel T.

A short 5 minutes recess was held.

Peter Curatolo from the Ocean County Health Department gave a presentation.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF THE TOWNSHIP CODE TO REVISE THE PROCEDURES FOR ESTABLISHING BEACH/POOL, GOLF COURSE, ICE RINK, AND OTHER RECREATION DEPARTMENT FEES

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Lotano offered the following ordinance and moved its adoption, Council Member Kopp seconded the motion:

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

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

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

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

Michael Cruoglio, Deputy Township Clerk read 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
REGULATIONS GOVERNING TOWNSHIP DOG PARKS**

be taken up for further consideration, public hearing and final passage. Said ordinance was thereupon read by title only, pursuant to authority of Statutes of New Jersey, copy of said ordinance having been posted as directed by said law, whereupon Council President Geoghegan announced that this was the final reading of the ordinance and asked if anyone present had anything to say in connection therewith. There was no response.

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

Council Member Kopp offered the following ordinance and moved its adoption, Council Member Quinlisk seconded the motion:

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

1. That the foregoing ordinance, the title of which is quoted in the title hereof, be and the same is hereby passed on second and final reading.

2. That the title and purpose of said ordinance, together with the Notice of Final Passage thereof is published in the Asbury Park Press.

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

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

Council Member Kopp 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 THE ACQUISITION, EITHER BY
PURCHASE OR EMINENT DOMAIN, OF REAL PROPERTY KNOWN AS 1585
SILVERTON ROAD (BLOCK 230.03, LOT 19.02), ON THE OFFICIAL TAX MAP OF
THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY**

WHEREAS, the Mayor and Township Council of the Township of Toms River wish to acquire real property known as 1585 Silverton Road (Block 230.03, Lot 19.02), as identified on the Official Tax Map of the Township of Toms River, Ocean County, New Jersey; and

WHEREAS, the Mayor and Council of the Township of Township of Toms River, Ocean County, New Jersey have on various occasions expressed interest in acquiring the above-mentioned property, either by purchase or eminent domain; and

WHEREAS, the Mayor and Township Council believe that the acquisition of the property would be in the best interest of the Township of Toms River because it is contiguous to and adjacent to landlocked Township-owned parcel, and would expand the Township's open space inventory, and promote recreation and conservation, and serve as a backstop to over development; and

WHEREAS, the Township and Property owners have or will engage in bona fide negotiations:

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

1. The Council determines that it is in the best interests of the Township of Toms River to acquire the Property known as 1585 Silverton Road (Block 230.03, Lot 19.02), on the Official Tax Map of the Township of Toms River, Ocean County, New Jersey.

2. The purpose of this Ordinance is to promote the Township's Master Plan goals of (1) expanding the Township's open space inventory; (2) promoting recreation and conservation; and (3) curbing overdevelopment.

3. The Township of Toms River is empowered by N.J.S.A. 40A:12-5, et seq. to acquire lands or rights therein by purchase, gift or by eminent domain. If the Mayor is able to negotiate a voluntary purchase from the Property owners, the Mayor, Administrator and Special Counsel are authorized to execute any and all documents necessary to complete the purchase.

4. The Mayor is authorized to continue bona fide negotiations with the property owners, and if the Mayor and property owners are unable to negotiate the acquisition through a voluntary process, then the Mayor is authorized pursuant to N.J.S.A. 40A:12-5, et seq. to acquire the Properties by eminent domain and in accordance with the Eminent Domain Act, N.J.S.A. 20:3-1, et seq. If the use of eminent domain is required, the Mayor, Administrator and Special Counsel are authorized and directed to undertake any and all necessary actions, and execute any and all documents necessary or appropriate to commence and prosecute eminent domain proceedings.

5. If necessary, the Mayor is authorized to expend funds for any other necessary expert analysis, engineering or other professional service as may be required to acquire the Property.

6. Should any section, paragraph, sentence or clause of this ordinance be declared unconstitutional or invalid for any reasons, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect and to this end the provisions of this ordinance are hereby declared severable.

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.

8. Since this ordinance is not legislative in nature, it need not be codified.

A motion was made by Council Member Kopp, 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 October 26, 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 November 9, 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 Saturday, October 29, 2022.

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

Council Member Lamb made a motion to table Ordinance 10. There was no second so the motion did not carry.

Council Member Kopp 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, ESTABLISHING A NEW CHAPTER 123 (BUSINESS, RENTAL PROPERTY, AND MULTI-FAMILY PROPERTY INSURANCE REGISTRATION) OF THE TOWNSHIP CODE GOVERNING INSURANCE CERTIFICATE REGISTRATION FOR CERTAIN BUSINESSES AND RENTAL AND MULTI-FAMILY PROPERTIES PURSUANT TO P.L. 2022, C. 92.

WHEREAS, Governor Murphy recently signed into law P.L.2002, c.92, which requires the owners of businesses, rental units, and multi-family homes of four or fewer units, one of which is owner-occupied, to obtain and maintain certain levels of liability insurance coverage for negligent acts and omissions, property damage, and bodily injury; and

WHEREAS, P.L.2022, c.92, requires the certificate of insurance evidencing those coverages to be annually registered with the municipality; and

WHEREAS, P.L.2022, c.92, authorizes municipalities to enact ordinances establishing a registry for the required insurance certificates and to impose a reasonable registration fee; and

WHEREAS, this ordinance is enacted pursuant to those mandates:

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

1. A new Chapter 123 of the Township Code, entitled “Business, Rental Property, and Multi-Family Property Insurance Registration,” is hereby established, providing as follows:

§123-1. Statutory authority.

This chapter is enacted pursuant to P.L. 2022, c. 92, and shall be interpreted and enforced to the same extent as that legislation, any amendments or supplements thereto, and any associated regulatory or judicial authority.

§123-2. Insurance requirements.

In accordance with P.L. 2022, c. 92:

- A. Except as provided in subparagraph B, the owner of a business or the owner of a rental unit or units in the Township of Toms River shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$500,000 for combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.
- B. The owner of a multi-family home which is four or fewer units, one of which is owner-occupied, shall maintain liability insurance for negligent acts and omissions in an amount of no less than \$300,000 or combined property damage and bodily injury to or death of one or more persons in any one accident or occurrence.

§123-3. Registration requirements.

The owner of a business, owner of a rental unit or units, and the owner of a multi-family home of four or fewer units, one of which is owner-occupied, in the Township of Toms River shall annually, on or before January 1, register the certificate of insurance demonstrating compliance with P.L. 2002, c.92, and §123-2 with the Township Clerk.

§123-4. Administrative fee.

An administrative fee of \$50 shall apply to the filing of the certificate of registration required pursuant to P.L. 2002, c.92, and §123-3.

§123-5. Enforcement; violations and penalties.

An owner who violates this chapter is subject to a fine of \$500, recoverable through a summary proceeding pursuant to the Penalty Enforcement Law of 1999, P.L. 1999, c.274 (N.J.S.A. 2A:58-10 et seq.).

§123-6. Repealer.

Should P.L. 2002, c.92, be repealed or invalidated by competent authority, this chapter shall have no further force or effect.

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

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

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

A motion was made by Council Member Kopp, 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

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Township of Toms River, in the County of Ocean, New Jersey, held on October 26, 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 November 9, 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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, October 29, 2022.

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

Council Member Rodrick mentioned that this ordinance reduces fee and eliminates reinspections and other items.

Council Member Lotano said there are fees that are reduced and items changed and eliminated.

Council Member Kopp 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 VARIOUS
SECTIONS OF CHAPTER 253 (CONTINUED OCCUPANCY OF RESIDENTIAL
DWELLINGS) GOVERNING CERTIFICATES OF CONTINUED USE AND
OCCUPANCY UPON TRANSFERS OF OWNERSHIP OF RESIDENTIAL
DWELLINGS**

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

1. Section 253-2B of the Township Code is hereby amended and supplemented to provide as follows:

B. Only the record owner, authorized designee, or authorized seller of the subject property may apply for a MCCUO. If the record owner or authorized seller is an estate, corporation, limited liability company, partnership, or other entity, the application must be submitted and signed by the executor, administrator, officer, managing member, partner, or other agent with the legal authority to act on behalf of the entity in connection with the subject premises.

2. Section 253-2 (Application; inspection) of the Township Code is hereby amended to establish the following subsection:

G. A conditional MCCUO may be issued provided the outstanding deficiencies do not involve a life/safety hazard as determined by the Division of Code Enforcement. For the purposes of this provision, “life safety” means any open permit or any ongoing or prior work requiring a permit (1) involving a condition regulated under the New Jersey Uniform Construction Code; or (2) involving a condition that if not rectified could result in death, bodily injury, or property damage.

3. Sections 253-3A(6) and (7) of the Township Code are hereby amended and supplemented to provide as follows:

(6) Fireplace/chimney certification for wood/coal burning stoves from an appropriate licensed professional.

(7) Certification of a licensed electrician that any boat or jet ski lifts serviced by high-voltage electricity are properly grounded and bonded.

4. Section 253-5 (Validity; expiration) is hereby amended and supplemented to provide as follows:

The MCCUO expires 270 days from the date issued. In the event of a change in purchaser during that 270-day period, the MCCUO remains valid. Following expiration of the 270-day period, a new MCCUO must be obtained.

5. Section 253-7 (Fees) of the Township Code is hereby amended and supplemented to provide as follows:

A. Application/inspection fee: \$225. For residents of planned retirement communities: \$175.

B. Re-inspection fee: \$75. Re-inspections that involve three items or less qualify for one-time waiver of the re-inspection fee.

C. [No change.]

D. [No change.]

6. All other parts of Chapter 253 remain in full force and effect.

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

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

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

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

NOTICE

October 26, 2022 14

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 October 26, 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 November 9, 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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Saturday, October 29, 2022.

Ordinance was adopted on first reading with Council Members Ciccozzi, Kopp, Lotano, Quinlisk, Rodrick, and Council President Geoghegan voting yes, and with Council Member Lamb voting no.

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 Kopp, and carried with Council Members Ciccozzi, Kopp, Lotano, Lamb, Quinlisk Rodrick, and with Council President Geoghegan voting yes, to approve all the following items listed on the Consent Agenda except item **M, V, W, and Y**, which were done separately.

RESOLUTION AUTHORIZING THE SALE OF ABANDONED AND/OR UNCLAIMED MOTOR VEHICLES PURSUANT TO N.J.S.A. 39:10A-1 ET SEQ.

October 26, 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. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on November 9, 2022 at 11:00 a.m. at Priced-Rite Towing:

Vehicles for Auction with Titles:

Request to hold abandoned vehicle auctions on November 9, 2022 at the following locations and times:

Priced-Rite Towing, 24 Germania Station Rd., Toms River, NJ at 11:00 a.m.

YEAR	MAKE	VIN#
2006	Ford	1FTPW14516FB73086
2013	Hyundai	KMHCT5AE2DU119965

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

- a) Attorney
- b) Chief of Police Mitch Little
- c) Chief Financial Officer
- d) Priced-Rite Towing
24 Germania Station Road
Toms River, NJ 08755

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ROLL OFF CONTAINERS FOR THE DEPARTMENT OF PUBLIC WORKS FROM WASTEQUIP MANUFACTURING COMP LLC, UTILIZING THE OCEAN COUNTY COOPERATIVE CONTRACT #B2021-195, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$48,800.00

OCTOBER 26, 2022

WHEREAS, pursuant to bids received, a contract was awarded by the County of Ocean, as Lead Agency for the Ocean County Cooperative Pricing System, Contract #B2021-195, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(6); and

WHEREAS, the aforementioned contract was awarded to Wastequip Manufacturing Comp LLC, PO Box 451, Williamstown, NJ 08094;

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 Wastequip Manufacturing Comp LLC, for the Purchase of Roll Off Containers for the Department of Public Works, utilizing the Ocean County Cooperative Contract #B2021-195, for a total contract amount not to exceed \$48,800.00, pursuant to N.J.S.A. 40A:11-11(6), as follows:

2.
Wastequip Manufacturing Comp LLC
P.O. Box 451
Williamstown, NJ 08094

Quantity	Item	Price	Total
2	20 YARD OPEN TOP ROLL OFF CONTAINER-RIBBED STYLE.	\$ 7,443.00	\$14,886.00
3	30 YARD OPEN TOP ROLL OFF CONTAINER - RIBBED STYLE	\$8,171.00	\$24,513.00
1	40 YARD OPEN TOP ROLL OFF	\$9,401.00	\$9,401.00
Grand Total			\$48,800.00

2. Funds for this contract in the amount not to exceed \$48,800.00 are available in Account No. X-04- -257-204. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Ocean County Cooperative Pricing System, Contract #B2021-195.

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

October 26, 2022 16

- a) Division of Purchasing
- b) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Wastequip Manufacturing Comp LLC
PO Box 451
Williamstown, NJ 08094

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF THREE (3) MODEL YEAR 2022, OR NEWER, FORD F250 4X4 SUPER CAB XLT PICK-UP TRUCKS FOR THE DEPARTMENT OF PUBLIC WORKS FROM CHARLES S. WINNER INC. & SUBS, WINNER FORD, UTILIZING THE OCEAN COUNTY COOPERATIVE CONTRACT #B2022-91, FOR A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$189,804.00

OCTOBER 26, 2022

WHEREAS, pursuant to bids received, a contract was awarded by the County of Ocean, as Lead Agency for the Ocean County Cooperative Pricing System, Contract #B2022-91, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(6); and

WHEREAS, the aforementioned contract was awarded to Charles W. Winner Inc. & Subs, Winner Ford, 250 Haddonfield-Berlin Road, Cherry Hill, NJ, 08034;

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 Charles W. Winner Inc. & Subs, Winner Ford, for the Purchase of Three (3) model year 2022, or newer, Ford F250 4X4 Super Cab XLT Pick-up Trucks for the Department of Public Works, utilizing the Ocean County Cooperative Contract #B2022-91, for a total contract amount not to exceed \$189,804.00, pursuant to N.J.S.A. 40A:11-11(6), as follows:

**Charles S Winner Inc. & Subs
Winner Ford
250 Haddonfield-Berlin Road
Cherry Hill, NJ 08034
Ocean County Bid B2022-91**

<u>Item #</u>	<u>Description</u>	<u>Quantity</u>	<u>Price</u>	<u>Total</u>
2	2022 or Newer Ford F250 4x4 Super Cab XLT Pickup Truck	3	\$51,913.00	\$155,739.00
2F	XLT Value Package (PKG 17V), As Specified	3	\$1,350.00	\$4,050.00
2J	Furnish & Install: Whelen IX8AAAA - Liberty II, Solo IX Low Current Series Light Bar - 48", As Specified	3	\$1,555.00	\$4,665.00
2L	Furnish & Install: One(1) Four (4) Head Strobe Light Kit, As Specified	3	\$700.00	\$2,100.00
2N	8 1/2" Ultra Mount Quick Connect Contractor Pro Plus Snow Plow, As Specified	3	\$7,750.00	\$23,250.00
TOTAL:				\$189,804.00

2. Funds for this contract in the amount not to exceed \$189,804.00 are available in Account No. X-04- -257-204. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid

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specifications and the Master Contract as awarded by the Ocean County Cooperative Pricing System, Contract #B2022-91.

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) Department of Public Works
- e) Charles S. Winner Inc. & Subs
Winner Ford
250 Haddonfield-Berlin Road
Cherry Hill, NJ 08034

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF
OPEN-ENDED CONTRACTS FOR THE SUPPLY OF POLYLINERS TO CENTRAL
POLY-BAG CORP. AND INTERBORO PACKAGING CORP.**

OCTOBER 26, 2022

WHEREAS, bids were invited for the Supply of Polyliners; and

WHEREAS, bids were received on September 21, 2022 from the following vendors:

Central Poly-Bag Corp.	United Sales USA Corp.	Interboro Packaging Corp.
2400 Bedle Place	5902 14 th Avenue, Unit 107	114 Bracken Rd.
Linden, NJ 07036	Brooklyn, NY 11219	Montgomery, NY 12549

WHEREAS, the bid received from United Sales USA Corp. was rejected for taking exceptions that render their bid non-responsive; and

WHEREAS, the bids have been reviewed by the Division of Purchasing and it is recommended that contracts be awarded to Central Poly-Bag Corp. and Interboro Packaging Corp. who meet all of the bid specifications, as follows:

Central Poly-Bag Corp. – for Item Numbers: 1, 2 3 and 12

Interboro Packaging Corp. – for Item Numbers: 4-11.

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 open-ended contracts for the Supply of Polyliners to Central Poly-Bag Corp. and Interboro Packaging Corp., who meet all of the bid specifications, as follows:

Central Poly-Bag Corp. – for Item Numbers: 1, 2 3 and 12

Interboro Packaging Corp. – for Item Numbers: 4-11.

2. The bid received from United Sales USA Corp. was rejected for taking exceptions that render their bid non-responsive.

3. Term of Contracts shall be effective retroactive to September 25, 2022 through September 24, 2023. These contracts shall be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The award of these contracts are subject to all the terms and conditions of the bid specifications.

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

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) All Departments
- e) Central Poly-Bag Corp.
2400 Bedle Place
Linden, NJ 07036
- f) Interboro Packaging Corp.
114 Bracken Rd.
Montgomery, NY 12549

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING A CONTRACT FOR THE PURCHASE OF ONE (1) CEDAR FOREST SHELTER FROM CEDAR FOREST PRODUCTS
FOR THE SENIOR CENTER, UTILIZING THE HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING SYSTEM (HGAC-BUY, CONTRACT NO. PR11-20), IN THE TOTAL MAXIMUM CONTRACT AMOUNT NOT TO EXCEED \$88,560.16**

OCTOBER 26, 2022

WHEREAS, the Township of Toms River is a member of the Houston-Galveston Area Council Cooperative Purchasing System (HGAC-Buy), as authorized by N.J.S.A. 40A:11-11; and

WHEREAS, pursuant to bids received, a contract was awarded to Cedar Forest Products, by the HGAC-Buy, of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11; and

WHEREAS, the Purchasing Division is requesting authorization to Purchase One (1) Cedar Forest Shelter for the Senior Center, from Cedar Forest Products utilizing HGAC-Buy, Contract No. PR11-20, in the maximum purchase price amount not to exceed \$88,560.16;

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

1. It hereby authorizes the Purchase of One (1) Cedar Forest Shelter for the Senior Center, from Cedar Forest Products, utilizing HGAC-Buy, Contract No. PR11-20, in the total contract amount not to exceed \$88,560.16.

2. Funds for this purchase in the amount not to exceed \$88,560.16 are available in Account Nos.:

X-99- -907-825	Local Recreational Improvement Grant
X-99- -907-829	OC ARP Senior Pavilion Grant
X-04- -257-103	

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) Senior Center
- e) Cedar Forest Products

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RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) PRO CORE AERATOR 1298 FOR THE DEPARTMENT OF PUBLIC WORKS, FROM TURF EQUIPMENT & SUPPLY CO. INC., UTILIZING ESCNJ COOPERATIVE CONTRACT #18/19-25, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$43,414.17

OCTOBER 26, 2022

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

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

WHEREAS, the Purchasing Division is requesting authorization to purchase One (1) Pro Core Aerator 1298 for the Department of Public Works, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$43,414.17, from the following vendor:

Turf Equipment & Supply Co. Inc.
8015 Dorsey Run Rd.
Jessup, MD 20794

<u>Description</u>	<u>Quantity</u>	<u>Price</u>	<u>Total</u>
Pro Core 1298	1	\$41,436.00	\$41,436.00
4 Tine 3/4" Heat Set (6)	6	\$235.20	\$1,411.20
Heavy Duty Side Eject 3/4" 5.75" x .800 Tines QTY 48	48	\$4.72	\$226.56
Guard Turf 4 Tine Short	4	\$48.14	\$192.54
Guard Turf 4 Tine Long	2	\$73.94	\$147.87
			\$43,414.17
		TOTAL:	7

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

1. It hereby authorizes the purchase of One (1) Pro Core Aerator 1298 for the Department of Public Works, from Turf Equipment & Supply Co. Inc., as stated above, in the total contract amount not to exceed \$43,414.17, utilizing Educational Services Commission of New Jersey, Contract #18/19-25.

2. Funds in the amount of \$43,414.17 are available in Account No. X-04- - 257-202.

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

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- b) Certified Financial Officer
- c) Township Attorney
- d) Township Council
- e) Township Clerk
- f) Department of Public Works
- g) Turf Equipment & Supply Co. Inc.
8015 Dorsey Run Rd.
Jessup, MD 20794

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF OPEN-ENDED CONTRACTS FOR THE REBID FOR THE SUPPLY OF MOTOR OILS, ANTIFREEZE, GREASES AND LUBRICANTS TO PETROCHOICE, SSC INDUSTRIES INC., AND ROMEO ENTERPRISES, AS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDERS, MEETING ALL OF THE BID SPECIFICATIONS

OCTOBER 26, 2022

WHEREAS, the Division of Purchasing is requesting authorization to award contracts for the Supply of Motor Oils, Antifreeze, Greases and Lubricants Rebid; and

WHEREAS, rebids were received on September 21, 2022 from the following vendors:

Romeo Enterprises
35 Dunbar Avenue
Piscataway, NJ 08854

SSCA Industries Inc.
202 White Road
Jackson, NJ 08527

Petrochoice
640 Freedom Business Center Drive
King of Prussia, PA 19406

Atlantic Petroleum
1445 North Loop West Freeway
Houston, TX 77008

Atlantic Petroleum was rejected because they did not have a Business Registration Certificate.

Item Nos. 3-1, 6-1, 8-1, 8-2, and 12-1, received no bids and will not be rebid.

Purchases will be made through Co-ops and state contract.

WHEREAS, the above bids were reviewed by the Division of Purchasing and the Public Works Department, and they have recommended that items shall be awarded as follows:

Petrochoice - Item Nos. 1-1, 1-2, 1-3, 2-2, 2-3, 7-1, and 7-2.

SSCA Industries Inc. - Item Nos. 2-1, 2-4, 2-5, 4-1, 4-2, 5-1, 5-2, 7-3, 9-1, 9-2, and 10-1.

Romeo Enterprises – Item Nos. 1-4, 11-1, and 11-2.

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 open-ended contracts for the rebid for the Supply of Motor Oils, Antifreeze, Greases and Lubricants to the following vendors, as the lowest, responsive, responsible bidders meeting all of the bid specifications:

Petrochoice - Item Nos. 1-1, 1-2, 1-3, 2-2, 2-3, 7-1, and 7-2.

SSCA Industries Inc. - Item Nos. 2-1, 2-4, 2-5, 4-1, 4-2, 5-1, 5-2, 7-3, 9-1, 9-2, and 10-1.

Romeo Enterprises – Item Nos. 1-4, 11-1, and 11-2.

Atlantic Petroleum was rejected because they did not have a Business Registration Certificate.

Item Nos. 3-1, 6-1, 8-1, 8-2, and 12-1, received no bids and will not be rebid.

Purchases will be made through Co-ops and state contract.

2. The Term of Contract shall be six (6) consecutive months retroactive from August 22, 2022 through February 21, 2023. 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. The award of these contracts are subject to all the terms and conditions of the bid specifications.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) All Aforementioned Bidders

**RESOLUTION REPURPOSING CURRENT BANK ACCOUNT WITHIN TD BANK
DUE TO INACTIVITY**

October 26, 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:

Repurposing of the existing Toms River TD Current Investment Bank account ending in 5625 due to inactivity. The new TD Bank account name is Township of Toms River Third Party Medical Billings.

- a. Director of Finance, CFO
- b. Municipal Clerk
- c. Auditor

Approved as to Content

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR
OCEAN COUNTY AAA AMERICAN RESCUE PLAN (ARP) TITLE III GRANT IN
THE AMOUNT OF \$25,000**

October 26, 2022 22

OCTOBER 26, 2022

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Township has received a grant from the Ocean County AAA American Rescue Plan (ARP) Title III and wishes to amend its 2022 Budget to include a portion of this amount as revenue;

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Toms River, County of Ocean, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2022 Budget the sum of \$25,000.00 which is now available as revenue from:

Miscellaneous Revenues -

Special Items of General Revenue Anticipated with Prior Written Consent of the Director of Local Government Services -Public and Private Revenues Offset with Appropriations:

OC AAA ARP Title III..... \$25,000.00

pursuant to the provisions of the Statute;

BE IT FURTHER RESOLVED that a like sum of \$25,000.00 be and the same is hereby appropriated under the caption of:

General Appropriations:

(A) Operations - Excluded from "CAPS"

Public and Private Programs Off-Set by Revenues:

OC AAA ARP Title III..... \$25,000.00

BE IT FURTHER RESOLVED that the Township Clerk forward copies of this resolution to the following:

- A) Division of Local Government Services (electronically sent)
- B) Chief Financial Officer
- C) Township Auditor
- E) Senior Center

Approved as to Content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING PERFORMANCE GUARANTEES AND ACCEPTING MAINTENANCE GUARANTEES FOR A MINOR SITE PLAN KNOWN AS BLOCK 173, LOT 47 (2165 Lakewood Road)

October 26, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Site Plan known as, Block 173, Lot 47.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$890.00 to remain on account to represent the Maintenance Cash Bond;

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

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

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) Previously posted Cash Bond in the amount of \$8,010.00, originally accepted in the amount of \$8,900.00, on account # 2-14- -902-101, is hereby released;
- 2) Previously posted Cash Bond in the amount of \$11,400.00, on account # 2-14- -902-101, is hereby released with applicable interest;
- 3) Township Clerk shall send a certified copy hereof to each of the following:
 - a. Township Engineer
 - b. Chief Financial Officer
 - c. Township Attorney
 - d. Aint No Fun Properties, LLC
2165 Route 9
Toms River, NJ 08755

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 LIFE STORAGE BLOCK 507.02, LOT 32 (777 Route 37)

October 26, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 507.02, Lot 32.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$83,330.00 which represents the full portion of the performance guarantee.
- 2) Check in the amount of \$5,000.00 which represents the Safety & Stabilization guarantee.
- 3) Check in the amount of \$7,777.65 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 Life Storage LP., 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

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- b. Chief Financial Officer
- c. Township Attorney
- d. Life Storage LP

6467 Main Street
Williamsville, NY 14221

**RESOLUTION OF THE TOWNSHIP COUNCIL, TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY DESIGNATING THE GEORGE P. VANDERVEER
AMERICAN LEGION POST #129; A. JAY WEEKS/VETERANS OF FOREIGN WARS
POST #6063; AND RECALIBRATE SUBRECIPIENTS OF AMERICAN RESCUE PLAN
ACT (“ARPA”) FUNDING**

October 26, 2022

WHEREAS, the Township is a recipient of funds from the United States Treasury under the American Rescue Plan Act of 2021 (“ARPA”) Coronavirus State and Local Fiscal Recovery (“SLFRF”) funds for uses consistent with those enumerated in the legislation; and

WHEREAS, this legislation provides resources for local governments to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers; and

WHEREAS, federal guidelines permit recipients to use ARPA funds to provide financial assistance to certain qualifying public and private, tax-exempt, non-profit institutions and organizations that experienced negative or disproportionate economic impacts from the pandemic, which resulted in the elimination or reduction in vital programs and services; and

WHEREAS, by resolutions dated February 9, 2022, and April 13, 2022, the Township Council designated 21 organizations as subrecipients of ARPA funds received by the Township; and

WHEREAS, the Mayor and Township Council have identified three Toms River-based veterans’ organizations that should be included among the eligible subrecipients:

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

1. In accordance with federal guidelines, the following organizations are hereby designated as subrecipients of ARPA funding received by the Township:

- **George P. Vanderveer American Legion Post #129**
2025 Church Road
Toms River, New Jersey 08753
- **A. Jay Weeks/Veterans of Foreign Wars Post #6063**
209 Courthouse Lane
Toms River, New Jersey 08753
- **Recalibrate**
PO Box 347
Toms River, New Jersey 08754

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2. Funding is contingent upon the above-designated organizations individually satisfying all qualifications and requirements to receive federal funds.

3. Funding amounts are further contingent upon the availability of funds after all municipal budgetary needs are satisfied and will be determined on a case-by-case basis in accordance with an approved spending plan that comports with federal guidelines.

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

- a. Mayor
- b. Business Administrator
- c. Chief Financial Officer
- d. Township Attorney
- e. The above-named organizations

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST ONE (1) YEAR EXTENSION OF AN OPEN-ENDED CONTRACT FOR THE SUPPLY OF LEACH PACKER REPAIR PARTS WITH GRANTURK EQUIPMENT CO., INC., FOR THE DEPARTMENT OF PUBLIC WORKS, FOR ONE (1) YEAR COMMENCING DECEMBER 7, 2022 THROUGH DECEMBER 6, 2023 DISCOUNT OFF CURRENT LEACH REPAIR PARTS PRICE LIST: 20%

WHEREAS, resolution of the Township Council dated November 24, 2020 authorized the award of an open-ended contract to Granturk Equipment Co., Inc., One Schuylkill Parkway – Bldg. B, Bridgeport, PA, 19405, for the Supply of Leach Packer Repair Parts for the Department of Public Works, commencing December 7, 2020 through December 6, 2022; and

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

WHEREAS, the Department of Public Works has determined that it is in the best interest of the Township to extend this contract for an additional one (1) year term with Granturk Equipment Co., Inc.; 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 the first extension of the open-ended contract with Granturk Equipment Company, Inc., One Schuylkill Parkway – Bldg. B, Bridgeport, PA, 19405, for the Supply of Leach Packer Repair Parts for the Department of Public Works, for a one (1) year term, commencing December 7, 2022 through December 6, 2023, under the same terms and conditions of the original contract award.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award. Discount off current Leach Repair Parts Price List: 20%.

3. This will be an open-ended contract extension with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Granturk Equipment Co., Inc.
One Schuylkill Parkway - Bldg. B
Bridgeport, PA 19405

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE FIRST EXTENSION OF AN OPEN-ENDED CONTRACT FOR THE SUPPLY OF TRAFFIC SIGN MATERIALS WITH GARDEN STATE HIGHWAY PRODUCTS, INC., FOR ONE (1) YEAR COMMENCING DECEMBER 10, 2022 THROUGH DECEMBER 9, 2023, ESTIMATED AMOUNT IS \$35,000.00 FOR THE TERM OF THIS CONTRACT

OCTOBER 26, 2022

WHEREAS, resolution of the Township Council dated November 23, 2021, authorized the award of a contract for the Supply of Traffic Sign Materials to Garden State Highway Products, Inc., for a one (1) year term commencing December 10, 2021 through December 9, 2022; and

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

WHEREAS, the Department of Public Works has determined it is in the best interest of the Township to extend this contract for the first additional one (1) year term with Garden State Highway Products, Inc.; 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 the first one (1) year extension of the contract with Garden State Highway Products, Inc., for the Supply of Traffic Sign Materials, effective December 10, 2022 through December 9, 2023. Estimated amount is \$35,000.00 for the term of this contract.

2. The extension of this contract shall be subject to all the terms and conditions of the original contract award.

3. This will be an open-ended contract extension with funds being encumbered each time service is placed, contingent upon the availability of funds in the appropriate municipal budget. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Certified Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Garden State Highway Products, Inc.
301 Riverside Drive
Millville, NJ 08332

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT TO FRENCH & PARRELLO ASSOCIATES PA, TO ASSIST THE ENGINEERING DIVISION IN THE DESIGN AND PERMITTING FOR THE ROADWAY ELEVATION CONSTRUCTION PROJECT FOR MIZZEN ROAD, PINTA COURT AND SHIP COURT IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$193,200.00

OCTOBER 26, 2022

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

WHEREAS, the Township requires professional engineering assistance to the Engineering Division in the design and permitting for the Roadway Elevation Construction Project for Mizzen Road, Pinta Court and Ship Court; and

WHEREAS, French and Parrello Associates PA has submitted a proposal dated September 22, 2022, FPA No. 1744.041, for providing professional engineering services to assist the Township of Toms River Engineering Division in the design and permitting for the Roadway Elevation Construction Project for Mizzen Road, Pinta Court and Ship Court in the amount of \$193,200.00; and

WHEREAS, the Township Engineer has reviewed the proposal submitted by French and Parrello Associates PA, and has recommended award of contract to French and Parrello Associates for this project;

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 French and Parrello Associates PA, to assist the Engineering Division in the design and permitting for the Roadway Elevation Construction Project for Mizzen Road, Pinta Court and Ship Court in the amount not to exceed \$193,200.00.

2. Funds for this contract in the amount of \$193,200.00 are available in Account No. X-04- -257-098.

3. **Estimated Fees Based on Time and Approved Rates:**

Limited Topographic Survey	\$56,850
Roadway Elevation Scenarios and Rough Cost Estimate	\$21,720
Elevation Scenario Presentation and Individual Property Owner Plan Preparation	\$19,680
Roadway Elevation Construction Plan and Cost Estimate Preparation	\$67,470
NJDOT Plan Additions for Municipal Aid Review	\$18,240
Agency Permitting	
- Soil Erosion and Sediment Control Permit Preparation	\$ 4,740
Reimbursable Expenses	\$ 4,500

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

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

- a) Mayor Maurice B. Hill, Jr.
- b) Certified Financial Officer
- c) Purchasing Division
- d) Township Attorney

- e) Engineering Department
- f) French and Parrello Associates PA
1800 Route 34, Suite 101
Wall, NJ 07719

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING A SOLID WASTE COLLECTION
AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND GREENBRIAR
WOODLANDS COMMUNITY ASSOCIATION, INC. (“GREENBRIAR” OR “ASSOCIATION”),
FOR THE COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS, PURSUANT
TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.1 to -23.8**

OCTOBER 26, 2022

WHEREAS, Greenbriar is an age-restricted, 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 Greenbriar; and

WHEREAS, Greenbriar 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 Deputy Township Clerk to attest to the Solid Waste and Recyclable Material Collection Agreement, attached as Schedule “A” to this resolution, between the Township and Greenbriar for the collection of solid waste and recyclable materials from the Greenbriar complex.

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. Certified Financial Officer
- c. Director of Public Works
- d. Township Attorney
- e. Greenbriar Woodlands Community Association, Inc.
1 Kensington Circle
Toms River, NJ 08755

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS
RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN
OPEN-ENDED CONTRACT FOR THE SUPPLY AND DELIVERY OF GASOLINE
FUEL, UTILIZING STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM BID
#33-OCCPS-2022-005, FOR A TERM OF TWO (2) YEARS COMMENCING
RETROACTIVE TO OCTOBER 19, 2022 THROUGH OCTOBER 18, 2024, UP TO A
MAXIMUM ESTIMATED QUANTITY NOT TO EXCEED 330,000 GALLONS
OCTOBER 26, 2022**

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

WHEREAS, the Division of Purchasing is requesting authorization to utilize Stafford Township Cooperative Pricing System #33-OCCPS-2022-005 for the Supply and Delivery of Gasoline Fuel; and

WHEREAS, pursuant to bids received and the Master Contract awarded by the Township of Stafford as Lead Agency for the Stafford Township Cooperative Pricing System Bid, a contract was awarded by Stafford Township as the Lead Agency of the Stafford Township Cooperative Pricing System, (I.D. #33-OCCPS-2022-005), of which Toms River Township is an active participant, as authorized by N.J.S.A. 40A:11-11(5); and

WHEREAS, the aforementioned contract was awarded to Creative Management, Inc. and Riggins, Inc., for the Supply and Delivery of Gasoline Fuel, over two (2) years; and

WHEREAS, the term of this contract shall commence retroactive to October 19, 2022 through October 18, 2024; and

WHEREAS, bids were awarded according to the firm fixed-margin markup delivery charge per gallon, as follows:

Creative Management, Inc. 935 Route 34, Site 3A Matawan, NJ 07747	Riggins, Inc. 3938 S. Main Road Vineland, NJ 08360
---	--

Category #1 Regular Grade Gasoline (87% minimum rating)
\$0.1330 - Creative Management, Inc.

Category #2 Mid-Grade Gasoline (89% minimum rating)
\$0.1230 - Creative Management, Inc.

Category #3 Super-Grade Gasoline (92% minimum rating)
\$0.2350 - Riggins, Inc.,

up to a maximum quantity not to exceed 330,000 gallons.

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

1. It hereby awards an open-ended contract for the Supply and Delivery of Gasoline Fuel for the Township of Toms River, as a participating contracting unit of the Stafford Township Cooperative Pricing System Contract I.D. #33-OCCPS-2022-005, from Creative Management, Inc. and Riggins, Inc. Bids were awarded according to the firm fixed-margin markup delivery charge per gallon, as follows:

Creative Management, Inc. 935 Route 34, Suite 3A Matawan, NJ 07747	Riggins, Inc. 3938 S. Main Road Vineland, NJ 08360
--	--

Category #1 Regular Grade Gasoline (87% minimum rating)
\$0.1330 - Creative Management, Inc.

Category #2 Mid-Grade Gasoline (89% minimum rating)
\$0.1230 - Creative Management, Inc.

Category #3 Super-Grade Gasoline (92% minimum rating)
\$0.2350 - Riggins, Inc.,

up to a maximum estimated quantity not to exceed 330,000 gallons.

2. The term of this contract shall commence retroactive to October 19, 2022 through October 18, 2024. This will be an open-ended contract with funds being encumbered each time an order is placed, contingent upon availability in the applicable municipal budget.

3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk. The award of this contract is subject to all terms and conditions of the bid specifications and the Master Contract as awarded by the Township of Stafford as Lead Agency.

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) Public Works Department
- e) Division of Parks, Buildings and Grounds
- f) Recreation Dept.
- g) Township of Stafford
260 East Bay Avenue
Manahawkin, N.J. 08050
Attn: Purchasing Agent
- h) Creative Management, Inc.
935 Route 34, Suite 3A
Matawan, NJ 07747
- i) Riggins, Inc.
3938 S. Main Road
Vineland, NJ 08360

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF AN
OPEN-ENDED CONTRACT FOR OPTICOM GPS EMITTERS, WITH AN ESTIMATED
QUANTITY OF TWELVE (12) PER YEAR, TO SIGNAL CONTROL PRODUCTS, INC.,
AS SOLE BIDDER MEETING ALL THE BID SPECIFICATIONS**

OCTOBER 26, 2022

WHEREAS, bids were invited for Opticom GPS Emitters; and

WHEREAS, one bid was received on October 12, 2022, as follows:

Signal Control Products, Inc
199 Evans Way
Branchburg, NJ 08876

	Price Per Unit
Opticom GPS Activated Traffic System vehicle components to include the following Installed:	
Model 2100 High Priority Radio / GPS Control Unit	\$ 4,195.00
Model 1050 GPS / Radio Antenna	
Model 210 Vehicle Interface Cable	
Vehicle Hardware Installation Kit	

WHEREAS, the bid has been reviewed by the Purchasing Division and the Department of Police, and they have recommended to award an open-ended contract for Opticom GPS Emitters to Signal Control Products, Inc. as sole bidder meeting all the bid specifications, for an estimated quantity of twelve (12) per year;

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

1. It hereby awards an open-ended contract to Signal Control Products, Inc., 199 Evans Way, Branchburg, NJ, 08876, as sole bidder meeting all the bid specifications, for Opticom GPS Emitters. The estimated quantity is twelve (12) per year. The award of this contract is subject to all the terms and conditions of the bid specifications.

2. The term of this contract shall be two (2) years from date of award. Pursuant to N.J.S.A. 40A:11-25, this contract may be extended for up to two (2) additional one (1) year terms, or one (1) additional two year term, after the expiration of the original contract period. Contract extensions shall be subject to the availability and appropriation of funds for each year the contract is to be extended. All terms and conditions of the contract shall remain the same. Any price changes authorized on contract extensions shall be pursuant to N.J.S.A. 40A:11-15.

3. Funds for this contract will be available in Account No. X-04- -250-006 and Account No. X-04- -253-205.

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) Police Department
- e) Signal Control Products, Inc.
199 Evans Way
Branchburg, NJ 08876

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 414.05 LOT 3, EFFECTIVE AUGUST 11, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

October 26, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 414.05 Lot 3, located at 944 Alden Drive, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective August 11, 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 414.05 Lot 3, due on or after, August 11, 2022 shall be cancelled.

2. All real property taxes from the date of this Resolution paid

Block 414.05 Lot 3, if any, shall be refunded on a pro-rated basis from August 11, 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 1099.41, LOT 23.05, EFFECTIVE OCTOBER 1, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

October 26, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 1099.41 Lot 23.05, located at 129 Dewey Drive, has been certified by the Tax Assessor as a a of a 100% Disabled Veteran, effective October 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 1099.41 Lot 23.05, due on or after, October 1, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 1099.41 Lot 23.05, if any, shall be refunded on a pro-rated basis from October 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

October 26, 2022 33

OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 442.41 LOT 2, EFFECTIVE APRIL 7, 2022 AND PROVIDING THAT PROPERTY TAXES FOR 2022, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

October 26, 2022

WHEREAS, the owner of real property in the Township of Toms River known as Block 442.41 Lot 2, located at 179 Shenandoah Blvd, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective April 7, 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 442.41 Lot 2, due on or after, April 7, 2022 shall be cancelled.
2. All real property taxes from the date of this Resolution paid Block 442.41 Lot 2, if any, shall be refunded on a pro-rated basis from April 7, 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 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

OCTOBER 26, 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:

October 26, 2022 34

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) 206 Sailfish LLC c/o BSI Financial
314 S. Franklin Street
Titusville, PA 16354
- i) Goodman, Karen
850 Paul Drive.
Toms River, NJ 08753
- j) 569 Lakehurst Holdings J LLC
512 Reynolds Ave.
Toms River, NJ 08755
- k) La Neve, Anthony & Cecilia
41 Mt. Pleasant Ave.
Woodland Park, NJ 07424

SCHEDULE "A"

CERTIFICATION OF COSTS

	<u>BLOCK</u>	<u>LOT</u>	<u>PROPERTY ADDRESS</u>	<u>TOTAL</u>
1.	507.44	5	569 Lakehurst Rd.	\$ 333.19
2.	931.03	14	206 Sailfish Way	\$ 708.17
3.	285.02	20	90 Longman Street	\$ 708.17
4.	394.09	10	850 Paul Dr.	\$ 708.17

***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, RELEASING THE SAFETY AND
STABILIZATION PERFORMANCE GUARANTEE FOR A MINOR SUBDIVISION
PLAN KNOWN AS BLOCK 811, LOT 5 AND 7
(Elizabeth Avenue)**

October 26, 2022

October 26, 2022 35

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision, known as Block 811, Lot 5 & 7.

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 \$5,000.00 currently on deposit in account # 2-14- -902-101 is hereby released with applicable interest if any;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. KAP Management, LLC
Jeffrey Patterson
617 Riverside Avenue
Toms River NJ 08757

A motion was made by Council Member Rodrick, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lotano, Lamb, 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, CONDITIONALLY DESIGNATING SP ACQUISITIONS II C/O RADIANT PARTNERS AS THE DESIGNATED REDEVELOPER OF BLOCK 608, LOT 2.04 (635 BAY AVENUE – SEACOURT PAVILION), BLOCK 599, LOT 712 (1131 HOOPER AVENUE), BLOCK 604, 502 (362 CAUDINA AVENUE), AND BLOCK 601, LOT 1 (1127 HOOPER AVENUE) WITHIN SUBAREA C OF THE HOOPER-CAUDINA REDEVELOPMENT PLAN AREA, AND AUTHORIZING INTERIM COSTS AGREEMENT FOR PRE-REDEVELOPMENT ACTIVITIES

OCTOBER 26, 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 designated by the municipality as in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, the governing body of the Township of Toms River (the “**Township**”) serves as the redevelopment entity and agency with the responsibility for implementing redevelopment plans and carrying out redevelopment projects in the Township; and

WHEREAS, on July 10, 2018, pursuant to N.J.S.A. 40:12A-6, the governing body adopted a resolution authorizing and directing 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 (the “**Subarea A Properties**”) 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 23, 2018, the governing body adopted a resolution, agreeing with the Planning Board’s October 17, 2018 findings that the Subarea A Properties satisfy the

criteria required under N.J.S.A. 40:12A-5, designated them in need of redevelopment for condemnation purposes; and

WHEREAS, on February 26, 2019, pursuant to Ordinance No. 4626-19, the governing body adopted the Hooper-Caudina Redevelopment Plan dated December 4, 2018, for the Subarea A Properties, as amended and supplemented (the **“Redevelopment Plan”**); and

WHEREAS, on January 28, 2020, pursuant to N.J.S.A. 40:12A-6, the governing body adopted a resolution directing the Planning Board to undertake a preliminary investigation to determine whether Block 608, Lot 19.01 (the **“Subarea B Property”**) qualifies as a non-condemnation area in need of redevelopment; and

WHEREAS, on March 10, 2020, the governing body adopted a resolution agreeing with the Planning Board’s February 19, 2020 findings designating the Subarea B Property as an area in need of redevelopment for non-condemnation purposes pursuant to N.J.S.A. 40:12A-5; and

WHEREAS, on May 26, 2020, the governing body adopted Ordinance No. 4670-20 amending the Redevelopment Plan for the purpose of including the Subarea B Property therein; and

WHEREAS, on June 9, 2021, pursuant to N.J.S.A. 40:12A-6, the governing body adopted a resolution directing the Planning Board to undertake a preliminary investigation to determine whether Block 608, Lot 2.04 (635 Bay Avenue – Seacourt Pavilion), Block 599, Lot 712 (1131 Hooper Avenue), Block 604, 502 (362 Caudina Avenue), and Block 601, Lot 1 (1127 Hooper Avenue) (the **“Subarea C Properties”**), qualify as a non-condemnation area in need of redevelopment; and

WHEREAS, on August 10, 2021, the governing body adopted a resolution agreeing with the Planning Board’s August 4, 2021 findings designating the Subarea C Properties as an area in need of redevelopment for non-condemnation purposes pursuant to N.J.S.A. 40:12A-5; and

WHEREAS, on December 14, 2021, the governing body adopted Ordinance No. 4721-21 amending the Redevelopment Plan for the purpose of including the Subarea C Properties therein; and

WHEREAS, SP Acquisitions II c/o Radiant Partners (**“SP”**) and its affiliates are the fee owners of the Subarea C Properties; and

WHEREAS, SP has approached the Township with an interest in being conditionally designated as the redeveloper of the Subarea C Properties and in pursuing pre-redevelopment activities with the Township with respect to the redevelopment of the Subarea C Properties including, but not limited to, the negotiation in good faith of a redevelopment agreement and other related agreements and actions for future redevelopment (the **“Pre-Redevelopment Activities”**); and

WHEREAS, the governing body has determined it to be in the best interests of the Township to designate SP as the conditional redeveloper of the Subarea C Properties and to undertake the Pre-Redevelopment Activities subject to the terms and conditions of that certain Interim Costs Agreement (the **“Agreement”**), a copy of which is affixed to this Resolution as **Exhibit A**.

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. Pending the entry of a Redevelopment Agreement with the Township within 180 days, SP is hereby conditionally designated as the redeveloper of Block 608, Lot 2.04, Block 599, Lot 712, Block 604, 502, and Block 601, Lot 1 within Subarea C of the Hooper-Caudina Redevelopment Plan Area.

3. The designation of SP as the conditional redeveloper is explicitly conditioned upon SP's entry into an Interim Costs Agreement substantially in the form attached hereto as **Exhibit A**.
4. The Mayor, Township Planner, Township Administrator and Special Redevelopment Counsel are hereby authorized and directed to take all actions and to execute any and all documents necessary to effectuate this Resolution.
5. This Resolution shall take effect immediately upon adoption.
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) Certified Financial Officer
 - e) Township Attorney
 - f) Township Planner
 - g) SP Acquisitions II
C/O Radiant Partners
145 West 45th Street, 10th Floor
New York, NY 10036
 - h) Brian M. Nelson, Esq.
Archer & Greiner, P.C.
Riverview Plaza
10 Highway #35
Red Bank, NJ 07701-5902

A motion was made by Council Member Rodrick, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lotano, Lamb, 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 PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 404, LOT 58.01 (2 Route 37 West)

October 26, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 404, Lot 58.01.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Cash Bond in the amount of \$23,110.00 which represents the full portion of the performance guarantee amount.
- 2) Check in the amount of \$4,421.83 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 Dan-D, 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. Dan-D, Inc
952 Lakewood Road
Toms River, NJ 08753

A motion was made by Council Member Rodrick, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lotano, Lamb, 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 PERFORMANCE GUARANTEES FOR A MAJOR SITE PLAN KNOWN AS BLOCK 506.03, LOT 34 (941 Route 37 West)

October 26, 2022

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan known as Block 506.02, Lot 34.

WHEREAS, Performance Bonds have been posted as follows:

1. Surety Bond #800135742 in the amount of \$39,105.00 which represents the ninety percent portion of the performance guarantee amount.
2. Check in the amount of \$4,345.00 which represents the ten percent portion of the performance guarantee amount.
3. Check in the amount of \$5,000.00 which represents the Safety & Stabilization guarantee amount.
4. Check in the amount of \$7,270.60 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 BJ's Wholesale Club, 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. BJ's Wholesale Club, Inc.
25 Research Drive
Westborough, MA 01581

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

**CORRECTED RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP
OF TOMS RIVER, COUNTY OF OCEAN, NEW JERSEY, THAT BLOCK 608, LOT 2.04;
BLOCK 599, LOT 712; BLOCK 604, LOT 502 AND BLOCK 601, LOT 1 SATISFY THE
CRITERIA TO BE DESIGNATED AS AN AREA IN NEED OF REDEVELOPMENT
WITHOUT THE POTENTIAL USE OF CONDEMNATION**

OCTOBER 26, 2022

WHEREAS, the *Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “*LRHL*”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment, with or without the potential use of condemnation; and

WHEREAS, the Township Council previously designated the Hooper-Caudina Redevelopment Area, consisting of over 200 undersized lots and numerous paper streets, as an Area In Need of Redevelopment with Condemnation in 2018; and

WHEREAS, the County Of Ocean acquired Block 608, Lot 19.01 from the owners of the Dover Esplanade Office Park for purposes of redeveloping a new County Social Services office complex; and

WHEREAS, by resolution dated January 28, 2020, and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township Council of the Township of Toms River directed the Planning Board of the Township of Toms River to conduct a preliminary investigation and public hearing; and

WHEREAS, the Township Council adopted by resolution dated, March 10, 2020, the inclusion of Block 608, Lot 19.01 as part of the Hooper-Caudina Redevelopment Area; and

WHEREAS, on June 9, 2021 , and pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”), the Township Council of the Township of Toms River directed, by resolution, the Planning Board of the Township of Toms River to conduct a preliminary investigation and public hearing regarding the inclusion, without condemnation, of Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center, in the Hooper-Caudina Redevelopment Area.

WHEREAS, as required by N.J.S.A. 40A:12A-6, the Planning Board held a public hearing on Wednesday, August 4, 2021 to determine whether all or part of the Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center (“Study Area”) is an area in need of redevelopment without condemnation (Noncondemnation Redevelopment Area) in accordance with the Local Redevelopment and Housing Law; and

WHEREAS, the Board has considered a redevelopment study report for the Study Area prepared by the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND, dated June 30, 2021 (“the Study”); and

WHEREAS, the Board considered the presentation of David G. Roberts, AICP/PP, LLA, LEED AP ND, Township/Board Planner and other persons given at the public hearing; and

WHEREAS, the Planning Board made the following findings and recommendations:

1. With regard to Block 608, Lot 2.03:

Because the steady economic decline of the shopping center on Lot 2.04 is partially due to an obsolete arrangement (two story retail) and the extent of the vacancy rate is now approaching two years for the former LA Fitness space and HomeSense spaces, we

believe that conditions consistent with Criteria “b” exist that would qualify Lot 2.04 for designation.

“b. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such building or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable.”

2. With regard to Block 599, Lot 712:

“While the parcel has remained vacant for more than 10 years, it is not lacking access nor is it remote or isolated from developed sections of town. Therefore the “c” Criterion cannot be applied to Lot 712. However, its frontage on Hooper Avenue provides an opportunity for additional access to Block 601, Lot 1 and Block 608, Lot 2.04. Therefore, Lot 712 should be included in the designated redevelopment area under ‘Section 3’ of the Local Redevelopment and Housing Law because it is too small to develop independently and necessary for the effective redevelopment of the rest of the Study Area.”

3. With regard to Block 604, Lot 502:

“While the parcel has remained vacant for more than 10 years, it is not lacking access nor is it remote or isolated from developed sections of town. Therefore the “c” Criterion cannot be applied to Lot 502. However, its frontage on Caudina Avenue provides an opportunity straightening the road access to Block 601, Lot 1 and Block 608, Lot 2.04, which is currently a substandard acute angle. Therefore, Lot 502 should be included in the designated redevelopment area under ‘Section 3’ of the Local Redevelopment and Housing Law because it is too small to develop independently and necessary for the effective redevelopment of the rest of the Study Area.”

4. With regard to Block 601, Lot 1:

“This parcel is an irregularly configured lot of 7 acres, of which 5 acres are vacant and contiguous and has frontage on Hooper Avenue. Yet, despite these advantages, the parcel has never been developed. While a five acre portion of Lot 1 with 247 feet of frontage on Hooper could be subdivided from the remainder of Lot 1, the lot configuration would not lend itself to retail development because there is almost twice as much lot depth than lot frontage, where retail exposure to Hooper Avenue would require the opposite. Additionally a portion of Lot 1 is constrained by a storm basin used for the shopping center, which creates an adverse topographic condition for the development of the rest of Lot 1. Therefore, Lot 1 should be included in the designated redevelopment area under Criterion “c”.”

“c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.”

5. “Taken as a whole, it is recommended that the entire Study Area also qualifies for designation based on Criterion “e” because a portion of the access road that connects Caudina Avenue to the rear of the shopping center and provides access to Lots 2.04 and Block 601, Lot 1, now is located on Lot 2.04, which is under separate ownership. While an access easement through Lot 2.04 was required as part of the subdivision and site plan approval, the situation is a condition of title that complicates any future development of the undeveloped portions of the Study Area. The discovery of the Ciba Geigy waste pipe that was broken during construction of the shopping center in 1988 could also be a deterrent to future development of the remaining vacant portions of the Study Area. Criterion ‘e’ reads:

‘e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is

presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general.'

6. "We also find that the emphasis of the Master Plan on the potential redevelopment of vacant and underutilized properties in the Study Area to be consistent with the designation of the Study Area under Criterion "h"."

WHEREAS, subsequent to the investigation, Planning Board public hearing and adoption of a resolution of designation by the Township Council it was discovered that the Minor Subdivision deed and map filed with the Ocean County Clerk had identified the Seacourt Pavilion Shopping Center as Lot 2.04 rather than Lot 2.03, as was identified in the Planning Board's resolution of subdivision approval, and it is necessary to correct the designation to identify Lot 2.04 rather than 2.03 and to apply the findings to Lot 2.04 that were previously applied to Lot 2.03;

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

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Township Council hereby accepts the findings and recommendations of the Planning Board and designates Block 608, Lot 2.04; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, commonly known as the Seacourt Pavilion Shopping Center, as an Area In Need of Redevelopment pursuant to *N.J.S.A. 40:12A-5(b), (c), (e) and (h)*, as well being necessary for the effective redevelopment of the Hooper-Caudina Redevelopment Area and this Study Area shall not include the potential for the use of Eminent Domain, otherwise referred to in the Local Redevelopment and Housing Law as a "Non-Condensation Redevelopment Area".
3. A copy of this resolution shall be available for public inspection at the offices of the Township and be forwarded to the Commissioner of the New Jersey Department of Community Affairs.
4. This Resolution shall take effect immediately.
5. Notice of this determination shall be served, within 10 days of the adoption of this Resolution, upon all record owners of property located within the delineated area and upon any person who filed a written objection thereto and provided an address to which notice of determination may be sent.
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) Certified Financial Officer
- e) Township Attorney
- f) Engineering Department
- g) Township Planner
- h) **Brian M. Nelson, Esq.**
Archer & Greiner, P.C.
Riverview Plaza
10 Highway #35
Red Bank, NJ 07701-5902

Offered By:

Seconded By:

Council members: AYES NAYS ABSTAIN ABSENT

I, Michael Cruoglio, Deputy Township Clerk of the Township of Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the resolution adopted by the Township Council at a meeting held on the _____ day of _____, 2022.

 Michael Cruoglio
 Deputy Municipal Clerk

REPORTS

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

Building Department

	2022	2021
Building Permits – September	\$240,067.00	\$241,039.00
Building Permits – YTD through September	\$ 2,742,909.00	\$2,322,507.00

Recreation

	2022	2021
Bey Lea Golf Course- September	\$201,884.06	\$190,525.40
Bey Lea Golf Course- YTD through September	\$1,521,010.46	\$1,426,930.46
Winding River Ice Rink- September	\$61,078.00	\$55,624.00
Winding River Ice Rink- YTD through September	\$703,427.95	\$557,847.23

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **October 11, 2022**, was approved on motion by Council Member Lotano, seconded by Council Member Kopp, and carried with Council Members Ciccozzi, Kopp, Lotano, Lamb, 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 22-02460, payable to Board of Fire Commissioners District two in the amount of \$9,898.35

Purchase Order 22-05181 & 22-05767, payable to Silverton First Aid Squad, Inc., in the amount of \$3,222.89.

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

Purchase Order 22-00123 & 22-05459, payable to Imwoth LLC-AutoShred in the amount of \$1,089.25.

Purchase Order 22-02850, payable to Preferred Behavioral Health in the amount of \$4,992.12.

Council Member Ciccozzi - NONE

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

Purchase Order 22-02460, payable to Board of Fire Commissioners District two in the amount of \$9,898.35

Purchase Order 22-05507, payable to Owen Little & Associates in the amount of \$5,115.00.

Purchase Order 22-05181 & 22-05767, payable to Silverton First Aid Squad, Inc., in the amount of \$3,222.89.

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

Purchase Order 22-01074, payable to Borough of Lavallette in the amount of \$1,394.14.

Purchase Order 22-00144 & 22-00151, payable to Citta, Holzapfel, Zabarsky in the amount of \$7,500.00.

Purchase Order 22-05656, payable to Dasti McGuckin Attorneys at Law in the amount of \$13,527.00.

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

Purchase Order 22-02460, payable to Board of Fire Commissioners District two in the amount of \$9,898.35

Council Member Rodrick- NONE

ELECTED OFFICIALS COMMENTS

Council Member Lamb spoke regarding MCCUO Ordinance and he is against it.

Council Member Rodrick spoke regarding MCCUO Ordinance and wished everyone a safe and Happy Halloween.

Council Member Quinlisk had no comments.

Council Member Lotano thanked the businesses for downtown night out; Halloween Parade October 31; and Toms River News Letter going out.

Council Member Kopp spoke regarding Halloween Parade and Toms River Education Foundation run.

Council Member Ciccozzi had no comments.

Mayor Hill thanked Council for eminent domain on property on Silverton road and spoke regarding MCCUO Ordinance changes; Toms River Education Foundation run; Saturday, October 29, 2022 is 10th anniversary of super storm Sandy – vigil and event at St. Elisabeth’s Chapel; trick or treat is Sunday, October 30th; Monday, October 31st is Halloween Parade.

Council President Geoghegan apologize for cancellation of last council meeting; thanked Jersey Mikes subs for large donation; spoke regarding parade and Veterans Parade on Friday, November 11, 2022; and congratulation to teacher of the year Christine Girtain.

PUBLIC COMMENTS

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

Christie Gulombeski, Toms River First Aid Squad,,,, spoke regarding Halloween Parade.

Dana Tormollin, 104 Messenger Street, spoke regarding Toms River Education Foundation; and still providing food for those who need it.

Dominick Leone, 1387 Mountain View Drive, spoke on MCCUO Ordinance and made recommendation to put fee on buyer.

David Grower; 272 Grand River Blvd; spoke regarding issues with selling homes.

Marvin Ledbetter spoke on 1608 Otter Driver, spoke about recent thefts within township.

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

No other business appearing, the meeting was **adjourned** at 7:25 P. M., on motion with 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..

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

MICHAEL CRUOGGIO, DEPUTY CLERK