

November 9, 2021

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

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

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

OPEN PUBLIC MEETINGS ACT
STATEMENT

This meeting is convened in accordance with the provisions of the Open Public Meetings Act of New Jersey. Let the official Minutes reflect that adequate notice of this meeting has been provided by publishing a notice in the Asbury Park Press on Friday, January 8, 2021, the Press of Atlantic City and the Star Ledger and also forwarded to the Toms River Times, Toms River Patch and WOBN News on Wednesday, January 6, 2021, and thereafter posting same on the Town Hall bulletin board for such notices, and filing same with the Township Clerk, pursuant to a resolution adopted by the Township Council on Tuesday, January 5, 2021. The meeting dates have also been posted on the Township web page.

Roll Call:

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

APPROVAL OF MINUTES

A motion was made by Council Member Maruca, seconded by Council Member Turnbach, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes, to approve the **Regular Meeting of October 26, 2021**. The reading of these Minutes was dispensed with, as each member of the Township Council has reviewed a certified copy hereof

HONORING RESOLUTIONS AND PRESENTATIONS

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

Township of Toms River

Proclamation

November 9, 2021

WHEREAS, the Township of Toms River desires to recognize the Month of November 2021 as **National Family Caregiver Month**; and

WHEREAS, over 90 million Americans today are family caregivers for their loved ones; and

WHEREAS, a large number of them are finding themselves working to share in the care decisions that affect the health and well-being of their loved ones; and

WHEREAS, six out of 10 family caregivers juggle everyday life tasks such as preparing the children for school, managing household responsibilities, and work full- or part-time. In addition, as a vital member of the care team, they have the responsibility of advocating for their loved ones and making decisions that lead to best care outcomes. Whether it be for a senior with Alzheimer's or a child with special needs the required attention can be non-stop; and

WHEREAS, home care not only emphasizes the dignity, comfort, and independence of patients, but also affirms the importance of family love and support to their well-being and enables clients to prevent, or to postpone, costly hospital stays and other forms of institutional care; and

WHEREAS, countless numbers of lives have been touched by family caregivers thereby improving the quality of life for these citizens of New Jersey.

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, do hereby recognize November 2021 as **National Family Caregivers Month** in Toms River, New Jersey.

Mayor Maurice B. Hill, Jr.

*Kevin M. Geoghegan
Council President*

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

November 9, 2021

WHEREAS, Maria Ressa, a former student of Toms River High School North, was awarded the Nobel Peace Prize for journalism; and

WHEREAS, Ms. Ressa used freedom of expression to expose abuse of power, use of violence and growing authoritarianism in her native country, the Philippines; and

WHEREAS, in 2012, she co-founded Rappler, a digital media company for investigative journalism, which she still heads. As a journalist and the Rappler’s CEO, Ressa has shown herself to be a fearless defender of freedom of expression and;

WHEREAS, Ms. Ressa and Rappler have also documented how social media is being used to spread fake news, harass opponents and manipulate public discourse and;

WHEREAS, Rappler has focused critical attention on the Duterte regime’s controversial, murderous anti-drug campaign; and

WHEREAS, Free, independent and fact-based journalism serves to protect against abuse of power, lies, and war propaganda, and helps to ensure an informed and aware public; and

WHEREAS, these rights are crucial prerequisites for democracy and protect against war and conflict.

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 congratulate **Maria Ressa** for her award of the Nobel Peace Prize for underscoring the importance of protecting and defending freedom of expression and freedom of information.

Mayor Maurice B. Hill, Jr.

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

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria L. Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

November 9, 2021 3

Proclamation

Girl Scout Silver Award

November 9, 2021

WHEREAS, Guliana Caporaso, a member of Troop 50352, has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and

WHEREAS, Guliana Caporaso has successfully completed all requirements, including her special project, which was “Little Free Libraries of the Jersey Shore”, to receive the Girl Scout Silver Award; and

WHEREAS, Guliana Caporaso’s Girl Scout Silver Award project directly benefits the Township of Toms River.

NOW, THEREFORE, We, Mayor Maurice B. Hill, Jr. and Council President Kevin M. Geoghegan of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Guliana Caporaso on her achievement in receiving the Girl Scout Silver Award.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria Maruca

Daniel T. Rodrick

Terrance L. Turnbach

***Township of Toms River
Proclamation***

November 9, 2021 4

Girl Scout Silver Award

November 9, 2021

WHEREAS, Emily Cushing, a member of the Juliette Troop, has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and

WHEREAS, Emily Cushing has successfully completed all requirements, including her special project, which was “Puppet Power”, to receive the Girl Scout Silver Award; and

WHEREAS, Emily Cushing’s Girl Scout Silver Award project directly benefits the Township of Toms River.

NOW, THEREFORE, We, Mayor Maurice B. Hill, Jr. and Council President Kevin M. Geoghegan of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Emily Cushing on her achievement in receiving the Girl Scout Silver Award.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria Maruca

Daniel T. Rodrick

Terrance L. Turnbach

***Township of Toms River
Proclamation***

Girl Scout Silver Award

November 9, 2021

WHEREAS, Ava Chiaravallo, a member of the Juliette Troop has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and

WHEREAS, Ava Chiaravallo has successfully completed all requirements, including her special project, which was “Happy to Healthy”, to receive the Girl Scout Silver Award; and

WHEREAS, Ava Chiaravallo’s Girl Scout Silver Award project directly benefits the Township of Toms River.

NOW, THEREFORE, We, Mayor Maurice B. Hill, Jr. and Council President Kevin M. Geoghegan of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Ava Chiaravallo on her achievement in receiving the Girl Scout Silver Award.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria Maruca

Daniel T. Rodrick

Terrance L. Turnbach

***Township of Toms River
Proclamation***

Girl Scout Silver Award

November 9, 2021 6

November 9, 2021

WHEREAS, Brianna McGrath, a member of Troop 50547, has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and

WHEREAS, Brianna McGrath has successfully completed all requirements, including her special project, which was “Healthy Living in Kids and Teens”, to receive the Girl Scout Silver Award; and

WHEREAS, Brianna McGrath’s Girl Scout Silver Award project directly benefits the Township of Toms River.

NOW, THEREFORE, We, Mayor Maurice B. Hill, Jr. and Council President Kevin M. Geoghegan of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Brianna McGrath on her achievement in receiving the Girl Scout Silver Award.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Girl Scout Silver Award

November 9, 2021

WHEREAS, Bella Chiaravallo, a member of the Juliette Troop, has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and

WHEREAS, Bella Chiaravallo has successfully completed all requirements, including her special project, which was “Happy to Healthy”, to receive the Girl Scout Silver Award; and

WHEREAS, Bella Chiaravallo’s Girl Scout Silver Award project directly benefits the Township of Toms River.

NOW, THEREFORE, We, Mayor Maurice B. Hill, Jr. and Council President Kevin M. Geoghegan of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Bella Chiaravallo on her achievement in receiving the Girl Scout Silver Award.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria Maruca

Daniel T. Rodrick

Terrance L. Turnbach

***Township of Toms River
Proclamation***

Girl Scout Silver Award

November 9, 2021

WHEREAS, Grace Rhine, a member of Troop 50352, has received the Girl Scout Silver Award which is the highest award a Girl Scout Cadette can earn and the second highest award in Girl Scouting; and

WHEREAS, since 1916, Girl Scout leadership awards have stood for excellence and leadership for girls everywhere, with girls who pursue these awards aspiring to transform an idea and vision for change into an actionable plan with far-reaching results; and

WHEREAS, to qualify for the Girl Scout Silver Award, a girl must be a registered Girl Scout Cadette in the sixth, seventh or eighth grade, have completed a journey, conceptualized, planned and executed a sustainable project either independently or with a team; and

WHEREAS, Grace Rhine has successfully completed all requirements, including her special project, which was “Little Free Libraries of the Jersey Shore”, to receive the Girl Scout Silver Award; and

WHEREAS, Grace Rhine’s Girl Scout Silver Award project directly benefits the Township of Toms River.

NOW, THEREFORE, We, Mayor Maurice B. Hill, Jr. and Council President Kevin M. Geoghegan of the Township of Toms River, on behalf of us, the Township Council, and the residents of the Township of Toms River, congratulate Grace Rhine on her achievement in receiving the Girl Scout Silver Award.

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Maria Maruca

Daniel T. Rodrick

Terrance L. Turnbach

Township of Toms River

Proclamation

Eagle Scout Court of Honor

November 23, 2021

WHEREAS, James B. Brierley is a graduated member of Troop 20 of the Jersey Shore Council of the Boy Scouts of America and has been awarded the prestigious rank of Eagle Scout; and

WHEREAS, to achieve the rank of Eagle Scout, a scout must have a minimum of twenty-two months tenure, have earned at least seven skill awards, logged a minimum of eighteen hours community service time, served at least sixteen months as a troop leader in three of eleven leadership positions, and have amassed at least twenty-one merit badges (thirteen of which are required by the Boy Scouts of America National Committee); and

WHEREAS, before receiving final approval for the rank of Eagle Scout, a scout's achievements must be reviewed and approved by the Board of Review with the Council District Advancement Chairman and if approved by said Board, then all paperwork is sent to the National Headquarters in Texas for approval. All of these requirements must be completed prior to a scout's 18th birthday; and

WHEREAS, Jimmy began his journey in scouting as a member of Cub Scout Pack 57 with Boys Scouts of America Troop 20 at the Toms River VFW. He has earned a total of forty-one merit badges (only twenty-one merit badges are required for the rank of Eagle Scout) and has served as the troop's Chaplain's Aide, Patrol Leader and Troop Guide; and

WHEREAS, inspired by a Toms River Township Council meeting that he attended with his troop back in March of 2019 when the Code Blue Policy was passed, Jimmy chose as the beneficiary of his Eagle Scout Project JUST BELIEVE where he decided to support the homeless population by providing over two hundred bags containing socks, blankets, hand warmers, gloves, hats and hygiene kits, all delivered to Riverwood Center's JUST BELIEVE warming center.

*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, congratulate **James B. Brierley** on his achievement of becoming an Eagle Scout, and commend and applaud his commitment to the Boy Scout Program and for dedicating his time and efforts for the good of his community.*

Mayor Maurice B. Hill, Jr.

**Kevin M. Geoghegan
Council President**

Maria Maruca

Laurie A. Huryk

Joshua D. Kopp

Matthew W. Lotano

Daniel T. Rodrick

Terrance L. Turnbach

Council Member Maruca 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, REPEALING § 7 (EXPIRATION) OF CHAPTER 234 (CANNABIS REGULATION) OF THE TOWNSHIP CODE TO REPEAL THE EXPIRATION DATE FOR THE GENERAL PROHIBITION AGAINST THE OPERATION OF CANNABIS ESTABLISHMENTS, DISTRIBUTORS, AND DELIVERY SERVICES IN THE TOWNSHIP

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

1. Section 7 (Expiration) of Chapter 234 (Cannabis Regulation) of the Township Code is hereby repealed and re-designated as “Reserved.”

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, pre-empted, or superseded by any state or federal law, regulation or judicial decision, that provision shall be severed and the remainder of the ordinance shall remain in full force and effect.

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 Maruca, seconded by Council Member Huryk, and carried, with Council Members Lotano, Rodrick, Maruca, and Council President Geoghegan, and Council Member Huryk voting no, and with Council Members Kopp and Turnbach abstaining, 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 November 9, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on November 23, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk’s office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Tuesday, November 16, 2021.

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

Councilman Rodrick asked Township Planner Roberts to explain number 8 and 9 on the resolution.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING VARIOUS SECTIONS OF CHAPTER 348 (LAND USE AND DEVELOPMENT

**REGULATIONS) OF THE TOWNSHIP CODE REGULATING TREE REPLACEMENT,
PLANNED DEVELOPMENTS AND GENERAL DEVELOPMENT PLANS**

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

1. Section 348-9.25 to be amended to provide as follows:

§ 348-9.25. Planned commercial developments.

Planned commercial developments, as defined in NJSA 40:55D-6, are permitted as a conditional use in those zones specified, subject to the following standards:

A. Minimum tract area: 20 acres.

B. The tract upon which the planned commercial development is proposed shall conform to the following standards and requirements:

(1) Such facility shall be located on a minor arterial or higher order street and shall be so located as to not draw vehicular traffic to and through residential streets.

(2) A traffic impact study report shall be provided to the Planning Board as part of site plan approval, even if a General Development Plan approval was previously granted.

2. Section 348-9.26 to be amended to provide as follows:

§ 348-9.26. Planned industrial developments.

Planned industrial developments, as defined in NJSA 40:55D-6, are permitted as a conditional use in those zones specified, subject to the following standards:

A. Minimum tract area: 20 acres.

B. The tract upon which the planned industrial development is proposed shall conform to the following standards and requirements:

(3) Such facility shall be located on a minor arterial or higher order street and shall be so located as to not draw vehicular traffic to and through residential streets.

(4) Adequate fences, barriers and other safety devices shall be provided to protect the safety of motorists and pedestrians.

(5) Buffers, landscaping, berms and similar measures pursuant to Section 348-8.4 shall be required by the Planning Board as part of site plan review.

(6) A traffic impact study report shall be provided to the Planning Board as part of site plan approval, even if a General Development Plan approval was previously granted.

3. Section 348-10.25 (RC Regional Commercial Zone), Subsection "D" (Conditional Uses) is amended and supplemented to amend paragraph (2) to provide as follows:

§348-10.25. RC Regional Commercial Zone

D. Conditional Uses subject to the provisions of Article IX of this chapter
(2) Planned Commercial Development

4. Section 348-10.31 (I Industrial Zone), Subsection "D" (Conditional Uses) is amended and supplemented to amend paragraph (1) to provide as follows:

§348-10.31. I Industrial Zone

- D. Conditional Uses subject to the provisions of Article IX of this chapter
 - (1) Planned Industrial Development

5. Subsections A,C, D and E of Section 348-10.32 (HMS Hospital-Medical Service Zone), are amended to provide as follows:

§348-10.32. HMS Hospital-Medical Service Zone

- A. Permitted uses
 - (1) Hospitals.
 - (8) Health care facilities
- C. Permitted accessory uses.
 - (5) Parking structure/garage for hospital or health care facility.
- D. Conditional Uses subject to the provisions of Article IX of this chapter
 - (2) Planned Commercial Development
 - (3) (Reserved).
- E. Area, yard and building requirements
 - (10) Maximum coverage by buildings: 30%

6. Article XII, Section 348-12.9 (Tree Replacement Standards) is amended and supplemented to provide as follows:

§ 348-12.9 Tree replacement requirements.

- A. For all replacement requirements, the following formulas shall apply:
 - (1) For trees equal to or greater than four-inch DBH and under eight-inch DBH:

Percentage of Trees Removed from Entire Development	Percentage of Trees to be Replaced with Trees of Minimum Size Two-and-One-Half-Inch Caliper
80-100	80
60-79	60
40-59	40
20-39	20
10-19	10
9 or less	Equal to the amount of trees removed

- (2) For trees with a DBH equal to or greater than eight inches and less than 16 inches, replacement shall be two trees for each tree removed. The tree replacement size shall be a minimum size of two-and-one-half-inch caliper.
- (3) For trees with a DBH equal to or greater than 16 inches, each removed tree shall be replaced with the size and the amount of trees set forth below:

Existing Tree to be Removed (inches in caliper)	Number of Replacement Trees (minimum size two-and-one-half-inch caliper)
Less than 18	4
Less than 21	5
Less than 24	6
Less than 27	7
Less than 31	8
Less than 37	9
Less than 41	10
41 or greater	11

- B. Maximum number of replacement trees required to be installed per the formulas above shall be at the discretion of the Township Forester and at no time shall exceed 200 trees per cleared acre. This requirement shall not constrain or modify penalties duly levied under this article.
- C. Tree replacement criteria for approved tree management plans — average wooded acre. In cases where trees must be replaced, and the number and size of trees to be replaced are calculated from sampling data instead of actual census, the replacement criteria in § 348-12.9A shall be applied to the estimated mean stand diameter and trees per acre inferred from such sample data, at the discretion of the Township Engineer.
- D. Appropriate species. The species of replacement tree(s) and the mix of replacement tree types (deciduous, evergreen, etc.) shall be selected to reasonably approximate a native tree population on the site, predisturbance. In all cases preference shall be given to tree management plans that emphasize the use of species historically native to the area and control of noxious, invasive or poorly adapted ones. All replacement trees shall be installed and then warranted by the applicant for a period of 24 months after final disposition of the project and TMP by the Township. To assist applicants in the planning process, a revised list of preferred trees for use in the Township, stressing native species that generally require less water and care, is set forth below.^[1] All trees shall be ANSI Z60 compliant and installed according to the following minimum criteria:
- (1) In general, excavation for planting shall be at least one foot wider than the ball of earth supplied with the tree. The planting backfill shall be unamended endemic soil in all but the most unusual cases, at the direction of the Township Forester. A four-inch rim or saucer around the edge of the pit shall be created to collect water. Trees shall be adequately watered at the time of planting and mulched with three inches of approved mulch immediately after planting. Mulch shall not touch the base of the tree.
 - (2) At the discretion of the Township Forester, trees shall be staked and guyed immediately after planting. Stakes shall be of cedar or oak, six feet long and no less than two inches in diameter. Stakes shall be located in undisturbed soil outside of the planting pit. Trees shall be guyed to the stakes using current best practices. Tree wraps shall be removed after planting, as shall synthetic twines, ropes, tags, wires, labels, pots and wire baskets.
- E. For lots less than ten-percent wooded. On parcels to be developed where less than 10% of the site is wooded, in addition to any trees that must be replaced or provided under this article, there shall be required the addition of one two-and-one-half-inch (minimum) caliper tree for every 1,000 square feet of impervious coverage. Street shade trees required for right-of-way may not be credited toward this requirement.

- F. Credit for replacement trees. Except where specifically prohibited, any trees required by a landscaping plan shall be credited toward the number of replacement trees. However, no credit shall be granted for street shade trees, short-lived exotic ornamentals, shrubs, forest seedlings and natural regeneration. Street shade trees proposed in excess of the minimum requirement based on spacing requirements in **§ 348-8.4D** shall be credited toward the number of replacement trees.
- G. On-Site replacement trees. All replacement trees required under a tree removal permit or approved tree management plan shall be planted on the site from which trees were removed. A waiver from any portion or all of the required on-site replacement requirements may be granted only by the approving board, based upon verified operational impediments related to conditions of the site for which the permit was sought. The comments and recommendations of the Board Engineer in consultation with the Township Forester shall be solicited in determining whether the requested waiver is warranted. In addition, there shall be no deviation from or modification to an approved tree management plan except as approved by the approving board.
- H. Off-site replacement trees. Based on a waiver granted under the terms of Subsection **G** above, in lieu of replanting trees on the removal site, with the approval of the approving board, the applicant may have the option of planting replacement trees of type(s) selected by the Township Forester from the approved list of trees set forth in **§ 348-12.9C** at an off-site location chosen by the Township Council in consultation with the Township Forester. Such off-site location(s) shall be restricted to Township-owned public property or conservation easements including, but not limited to, public parks and grounds of public buildings.
- I. Township Tree/General Improvement Fund. In the alternative, should the quantity of trees to be removed be greater than the tree replacement/landscaping plan due to limited available planting area, the applicant may make a contribution to be deposited in the Township Tree/General Improvement Fund. The contribution in lieu of planting of trees shall be \$300 per tree, but shall not exceed \$15,000 per cleared acre. Where the maximum dollar contribution is made, the amount of the contribution shall be reduced by \$300 for every shade tree of 2.5 inch caliper or greater planted on the site, including street/shade trees planted in excess of the minimum required street/shade trees under **§ 348-8.4D**.

7. Add a new Article XIII, entitled "General Development Plan Provisions to provide as follows:

§348-13. ARTICLE XIII – General Development Plan Provisions

§ 348-13.1 Short title.

This article shall be known as the "General Development Plan Ordinance of the Township of Toms River."

§ 348-13.2 Applicability.

- A. Any developer of a parcel of land greater than 100 acres in size for which the developer is seeking approval of a planned development pursuant to the Municipal Land Use Law (NJSA 40:55D-1, et. seq.) may submit a general development plan to the Planning Board prior to the granting of preliminary approval of that development by the Planning Board pursuant to the Land Use and Development Ordinance of the Township of Toms River;

- B. Any developer of a parcel of land 100 acres or less in size for which parcel the developer is seeking approval of a planned development pursuant to the Municipal Land Use Law for which parcel the developer is seeking approval of a planned development consisting of not less than 150,000 square feet of nonresidential floor area may submit a general development plan to the Planning Board prior to the granting of preliminary approval pursuant to the Land Use and Development Ordinance of the Township of Toms River.
- C. The Planning Board shall grant or deny general development plan approval within 95 days after submission of an application that is deemed complete by the administrative officer, or within such further time as may be consented to by the applicant. Failure of the Planning Board to act within the period prescribed shall constitute general development plan approval of the planned development.

§ 348-13.3 **Plat required.**

Except for required reports and other written documentation, the general development plan shall be submitted in plat form at a scale of about one inch = 200 feet, or such other scale permitting the entire site to be shown on one sheet not larger than 42 by 60. Enlargements of portions of the plan may be submitted on separate sheets of the same size.

§ 348-13.4 **Contents of general development plan.**

A general development plan shall include the following:

- A. A general land use plan indicating the tract area and general locations of the land uses to be included in the planned development. The total number of dwelling units and amount of nonresidential floor area to be provided and proposed land area to be devoted to residential and nonresidential use shall be set forth. In addition, the proposed types of nonresidential uses to be included in the planned development shall be set forth, and the land area to be occupied by each proposed use shall be estimated;
- B. A circulation plan showing the general location and types of transportation facilities, including facilities for pedestrian access, within the planned development and any proposed improvements to the existing transportation system outside the planned development;
- C. An open space plan showing the proposed land area and general location of land areas to be set aside for conservation and recreational purposes and a general description of improvements proposed to be made thereon, including a plan for the operation and maintenance of such lands;
- D. A utility plan indicating the need for and showing the proposed location of sewage and water lines, and drainage facilities necessitated by the physical characteristics of the site, proposed methods for handling solid waste disposal, and a plan for the operation and maintenance of proposed utilities;
- E. A stormwater management plan setting forth the proposed method of controlling and managing stormwater on the site;
- F. An environmental inventory, including a general description of the vegetation, soils, topography, geology, surface hydrology, climate and cultural resources of the site, existing man-made structures or features and the probable impact of the development on the environmental attributes of the site;

- G. A community facility plan indicating the scope and type of supporting community facilities;
- H. A housing plan outlining the number of housing units to be provided;
- I. A local service plan indicating those public services which the applicant proposes to provide and which may include, but not be limited to, water, sewer, cable and soil waste disposal;
- J. A fiscal report providing:
 - (1) An analysis of the impact of the proposed new population, providing an estimate of the number of people expected to be added to the municipal population as a result of the proposed development according to dwelling unit type.
 - (2) An analysis of the impact of the proposed new population upon public schools, providing an estimate and discussion of school-age children to be generated by the proposed development for grades K-12.
 - (3) An analysis of development costs and benefits in order to review estimated municipal and public school costs and revenues. The analysis shall also include impacts on the taxable annual base of the community and non-property tax revenues for the municipality and school district. Such cost and benefit analysis shall discuss the revenues expected to be generated from the development compared to the anticipated costs which the proposed development is expected to generate. Revenues and costs shall be shown for the municipality, the school system, and the county.
- K. A proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, including any terms or conditions which are intended to protect the interests of the public and of the residents who occupy any section of the planned development prior to the completion of the development in its entirety.
- L. An agreement between the developer and the Township relating to the planned development.

§ 348-13.5 **Effect and duration of approval.**

- A. The planned development shall be developed in accordance with the general development plan approved by the Planning Board notwithstanding any provision of the Municipal Land Use Law (C.40:55D-1 et seq.), or of any ordinance or regulation adopted pursuant thereto after the effective date of the approval.
- B. The term of the effect of the general development plan approval shall be determined by the Planning Board using the guidelines set forth in Subsection C. of this section, except that the term of the effect of the approval shall not exceed 20 years from the date upon which the developer received final approval of the first section of the planned development.
- C. In making its determination regarding the duration of the effect of approval of the general development plan, the Planning Board shall consider: the number of dwelling units or amount of nonresidential floor area to be constructed; prevailing economic conditions; the timing schedule to be followed in completing the development and the likelihood of its fulfillment; the developer's capability of completing the proposed development; and the contents of the general development plan and any conditions which the Planning Board attaches to the approval thereof.

§ 348-13.6 Modification of proposed schedule.

In the event that the developer seeks to modify the proposed timing schedule, such modification shall require the approval of the Planning Board. The Planning Board shall, in deciding whether or not to grant approval of the modification, take into consideration prevailing economic and market conditions, anticipated and actual needs for residential units and nonresidential space within the Township and the region, and the availability and capacity of public facilities to accommodate the proposed development.

§ 348-13.7 Variations in location of land uses or increase in density or floor area ratio.

The developer shall be required to gain the prior approval of the Planning Board if, after approval of the general development plan, the developer wishes to make any variation in the location of land uses within the planned development or to increase the density of residential development or the floor area ratio of nonresidential development in any section of the planned development.

§ 348-13.8 Amendment or revision of general development plan; allowable reductions within original approval.

- A. Except as provided hereunder, once a general development plan has been approved by the Planning Board, it may be amended or revised only upon application by the developer approved by the Planning Board.
- B. A developer, without violating the terms of the approval pursuant to General Development Plan Ordinance of the Township of Toms River, may, in undertaking any section of the planned development, reduce the number of residential units or amounts of nonresidential floor space by no more than 15% or reduce the residential density or nonresidential floor area ratio by no more than 15%.

§ 348-13.9 Notice of completion of section of development; notice by municipality of nonfulfillment; hearing, termination of approval; causes.

- A. Upon completion of each section of the development as set forth in the approved general development plan, the developer shall notify the administrative officer, by certified mail, as evidence that the developer is fulfilling his obligations under the approved plan. For the purposes of this section, "completion" of any section of the development shall mean that the developer has acquired a certificate of occupancy for every residential unit or every nonresidential structure, as set forth in the approved general development plan and pursuant to section 15 of the State Uniform Construction Code (C. 52:57D-133). If the Township does not receive such notification at the completion of any section of the development, the Township shall notify the developer, by certified mail, in order to determine whether or not the terms of the approved plan are being complied with.
- B. If a developer does not complete any section of the development within eight months of the date provided for in the approved plan, or if at any time the Township has cause to believe that the developer is not fulfilling his obligations pursuant to the approved plan, the Township shall notify the developer, by certified mail, and the developer shall have 10 days within which to give evidence that he is fulfilling his obligations pursuant to the approved plan. The Township thereafter shall conduct a hearing to determine whether or not the developer is in violation of the approved plan. If, after such a hearing, the Township finds good cause to terminate the approval, it shall provide written notice of same to the developer and the approval shall be terminated 30 days thereafter.

C. In the event that a developer who has general development plan approval does not apply for preliminary approval for the planned development which is the subject of that general development plan approval within five years of the date upon which the general development plan has been approved by the Planning Board, the Township shall have cause to terminate the approval. However, the Planning Board in establishing the timing schedule pursuant to Section 348-13.4K, and the Township in negotiating a developer's agreement relating to the planned development in accordance with Section 348-13.4L, may allow for preliminary approval for section(s) of the planned development to be applied for subsequent to five years of the date upon which the general development plan has been approved by the Planning Board; in which case, the Township shall not have cause to terminate the general development plan approval as long as the developer shall fulfill his obligations under the approved plan.

§ 348-13.10 Termination of approval upon completion of development.

In the event that a development which is the subject of an approved general development plan is completed before the end of the term of the approval, the approval shall terminate with the completion of the development. For the purposes of this section, a development shall be considered complete on the date upon which a certificate of occupancy has been issued for the final residential or nonresidential structure in the last section of the development in accordance with the timing schedule set forth in the approved general development plan and the developer has fulfilled all of his obligations pursuant to the approval.

8. All ordinances or parts of ordinances that are inconsistent herewith are repealed, but only to the extent of such inconsistency. All other parts of Chapter 348 remain in full force and effect.

9. If any provision of this ordinance is for any reason invalidated by superseding legislation or judicial decision, that provision shall be severed, and the remaining provisions shall remain in full force and effect.

10. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on November 9, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on November 23, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

APPROVED AS TO FORM:

November 9, 2021 19

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 Tuesday, November 16, 2021.

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

Council Member Rodrick asked Township Planner to explained number 9 on the resolution.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ADOPTING AMENDMENT #2 TO THE REDEVELOPMENT PLAN FOR THE HOOPER-CAUDINA REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-7

WHEREAS, the Township Council of the Township of Toms River, by resolution, dated June 9, 2021, authorized the Toms River Township Planning Board (hereinafter "Planning Board") to undertake a preliminary investigation to determine whether Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, situated in the Township of Toms River, should be designated as an Area In Need of Redevelopment without the potential use of Condemnation (Non-Condemnation Redevelopment Area) pursuant to the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq.; and

WHEREAS, 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") met one or more criteria of NJSA 40A:12A-5, and recommended that all of Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1, be designated as an Area In Need of Redevelopment without the potential use of Condemnation (Condemnation Redevelopment Area); and

WHEREAS, the Township Council, by Resolution dated August 10, 2021, accepted the recommendation of the Planning Board and designated Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1 as an Area In Need of Redevelopment without the potential use of Condemnation (Non-Condemnation Redevelopment Area); and

WHEREAS, the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND prepared Amendment #2 to The Hooper-Caudina Redevelopment Plan (Plan) dated September 20, 2021, and the draft Plan was reviewed by the Council Land Use Committee on October 19, 2021, and recommended for adoption; and

WHEREAS, said Amendment #2 of the Redevelopment Plan, dated September 20, 2021, was introduced by the Township Council on November 9, 2021 and referred to and reviewed by the Toms River Planning Board in accordance with N.J.S.A. 40A:12A-7(e); and

WHEREAS, the Planning Board determined that said Redevelopment Plan is consistent with the 2017 Toms River Master Plan, with particular reference to the Land Use Plan Element, adopted by the Board on April 19, 2017;

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

1. The aforementioned recitals are incorporated herein as if set forth at length.
2. Amendment #2 of the Hooper-Caudina Redevelopment Plan, prepared by Township Planner David Glynn Roberts, AICP/PP, LLA, LEED AP ND and dated September 20, 2021, attached hereto as Exhibit "A", is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Local Redevelopment and Housing Law. Further, said Redevelopment Plan shall supersede the existing zoning within the designated Hooper-Caudina Redevelopment Area except as otherwise provided in the said Redevelopment Plan.
3. The Official Zoning Map, dated July 25, 2017, is hereby amended to include Block 608, Lot 2.03; Block 599, Lot 712; Block 604, Lot 502 and Block 601, Lot 1 within the boundaries described in the Redevelopment Plan as the Hooper-Caudina Redevelopment Area as "RDV" for "Redevelopment Area".
4. If any part or parts of this Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.
5. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and twenty (20) days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on November 9, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on November 23, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Tuesday, November 16, 2021.

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

November 9, 2021 21

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AMENDING THE REDEVELOPMENT PLAN FOR THE PHASE 1 DOWNTOWN WATERFRONT REDEVELOPMENT AREA AND THE REDEVELOPMENT PLAN FOR THE DOWNTOWN CORE REHABILITATION AREA AND ROBBINS PARKWAY REDEVELOPMENT AREA, TO DELETE PRIVATE SCHOOLS AS A PERMITTED USE; TO ADD BLOCK 658.01 TO THE DOWNTOWN CORE REHABILITATION AREA, AND TO REMOVE SIZE RESTRICTIONS ON MICROBREWERIES AND ARTISAN DISTILLERIES IN THE DOWNTOWN CORE REDEVELOPMENT PLAN

PART I

AMENDMENT #2 TO PHASE 1 WATERFRONT REDEVELOPMENT PLAN

WHEREAS, the Township Council (the "**Council**") of the Township of Toms River, in the County of Ocean, New Jersey (the "**Township**"), by resolution duly adopted pursuant to the Local Redevelopment and Housing Law *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), authorized and directed the Planning Board of the Township (the "**Planning Board**") to undertake a preliminary investigation to determine if a specific area located in the Township, identified on the Tax Maps of the Township as Block 566.01; Block 566.02; Block 566.03; Block 567; Block 569, Block 570; Block 566.04, a portion of Lot 1; and Block 658, Lots 25, 47, 48 and 58 (the "**Study Area**"), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on November 5, 2008 the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law; and

WHEREAS, on December 3, 2008, the Planning Board adopted Resolution #2008-94 recommending that Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on January 27, 2009, after reviewing the recommendations of the Planning Board, the Council adopted a resolution designating the Study Area an area in need of redevelopment under the Redevelopment Law (the "**Original Redevelopment Area**"); and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for a portion of the Redevelopment Area identified on the Tax Maps of the Township as Block 566.01; Block 566.02, Lots 3, 7, 8, 9 and a portion of 5; Block 566.03; Block 567; Block 569, Lots 4, 5, 6, 7, 8, 9, 10 and 11; Block 658, Lots 25, 47, 48 and 58 (the "**Phase 1 Redevelopment Area**") to be prepared, entitled the "Redevelopment Plan for Phase 1 Downtown Waterfront Redevelopment Area" (the "**Original Redevelopment Plan**") dated November 16, 2017; and

WHEREAS, on December 26, 2017, the Council adopted an Ordinance approving the Original Redevelopment Plan; and

WHEREAS, on July 13, 2021 the Council amended the Original Redevelopment Plan (**Amendment #1**) to (i) include Block 566.04, a portion of Lot 1, Block 569, all lots, including Lots 3, 11.01 and Block 570, Lots 1.04 and 11.02 in order to facilitate the redevelopment of the Phase 1 Redevelopment Area; (ii) revise development and

affordable unit standards; and (iii) include a reference to the Arts and Culture District and relevant requirements all as set forth in the proposed amended Original Redevelopment Plan; and

WHEREAS, the Council has determined that the inclusion of “private schools” among the permitted uses in the Redevelopment Plan is unnecessary and redundant, as “studios for art, music, dance, yoga and other instructional activities” is already permitted and more clearly reflects the intent of the Redevelopment Plan. In addition, the Council acknowledges the amendment to the Local Redevelopment and Housing Law (40A:12A-1, et. Seq.) to require electric vehicle (EV) charging stations in every redevelopment project. As such this ordinance would constitute Amendment #2 to the Phase 1 Downtown Waterfront Redevelopment Plan to delete the reference to “private school” as a permitted use, and require that a minimum of 6 electric vehicle (EV) charging stations be provided among the required off-street parking spaces in every redevelopment project for the use of individuals otherwise on-site, such as employees, and is not intended for the use of the general public, limited to the commercial availability of the local energy grid and providers in the area, and that this ordinance is referred to the Planning Board for review and recommendation in accordance with the requirements of *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, in accordance with the Redevelopment Law, the Planning Board’s review and report regarding the deletion of private schools as a permitted use and requirement for EV charging stations, confirms, that Amendment #2 is reasonable and appropriate, and is not inconsistent with the Township’s Master Plan, and recommended that the Township adopt same; and

WHEREAS, the Township Council acknowledges the report of the Planning Board and believes that the Amended Redevelopment Plan is the best interests of the City.

PART II

AMENDMENT #2 TO DOWNTOWN CORE REDEVELOPMENT PLAN

WHEREAS, the Township Council of the Township of Toms River, by resolution, dated May 22, 2018, after a review of the Resolution by the Toms River Planning Board on May 16, 2018, designated the Downtown Core Rehabilitation Area pursuant to the criteria set forth in the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-14*; and

WHEREAS, the Township Planner, David Glynn Roberts, AICP/PP, LLA, LEED AP ND and Assistant Township Planner, Erika F. Stahl, AICP/PP, prepared a redevelopment plan entitled “The Downtown Core Redevelopment Plan” (Plan) in November 2018 and the draft Plan was reviewed by the Council Land Use Committee and recommended for adoption in December 2018; and

WHEREAS, said Redevelopment Plan was revised on January 29, 2019, in response to comments received by the Toms River Business Improvement District and was referred by Township Council to and reviewed by the Toms River Planning Board in accordance with *N.J.S.A. 40A:12A-7(e)*; and

WHEREAS, the Planning Board determined that said Redevelopment Plan is consistent with the 2017 Toms River Master Plan, with particular reference to the Land Use Plan Element, adopted by the Board on April 19, 2017; and

WHEREAS, the Township Council adopted the Downtown Core Redevelopment Plan by ordinance upon second reading on February 26, 2019; and

WHEREAS, the Township Council directed the Planning Board to conduct an investigation as to whether a portion of the Rehabilitation Area known as Block 668, Lots

9 and 13 (1 Robbins Parkway and the Robbins Parkway municipal parking lot) met one or more of the criteria for designation as an Area In Need of Redevelopment (AINR); and

WHEREAS, the Planning Board held a public hearing on August 7, 2019, and recommended that known as Block 668, Lots 9 and 13 be designated as an Area In Need of Redevelopment (Redevelopment Area); and

WHEREAS, the Township Council adopted a resolution designating Block 668, Lots 9 and 13 as the “Robbins Parkway Redevelopment Area” on August 13, 2019; and

WHEREAS, the Township Planner then drafted an amendment to the Downtown Core Redevelopment Plan, dated August 21, 2019, to update the Plan to recognize the newly designated Robbins Parkway Redevelopment Area and to add a new goal and objectives to advance cultural and heritage tourism and a newly delineated “Arts and Culture District” within the downtown;

WHEREAS, the Township Council added Block 658.01 to the Downtown Core Rehabilitation Area by Resolution on December 14, 2021; and

WHEREAS, the Township Council has determined that the inclusion of “private schools” among the permitted uses in the Redevelopment Plan is unnecessary and redundant, as “studios for art, music, dance, yoga and other instructional activities” is already permitted and more clearly reflects the intent of the Redevelopment Plan; and

WHEREAS, the Council amended by ordinance adopted on March 9, 2021, applicable provisions of the Land Use and Development Ordinance (Chapter 348 of the Toms River Municipal Code) to remove size restrictions on microbreweries and artisan distilleries.

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

1. The recitals above are incorporated herein as if set forth in full.
2. The Phase 1 Downtown Waterfront Redevelopment Plan is hereby amended (Amendment #2) to delete “private school” as a permitted use and incorporate statutory requirements for EV charging stations in redevelopment projects.
3. The Amended Redevelopment Plan (Amendment #2), attached hereto as Exhibit A, shall govern the redevelopment of the Downtown Core Rehabilitation Area and Robbins Parkway Redevelopment Area, including Block 658.01, and is hereby adopted.
4. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of the inconsistency. All other parts of Chapter 348 remain in full force and effect.
5. This Ordinance shall take effect twenty (20) days following final passage and shall be published as required by law.

CERTIFICATION

I, Alison Carlisle, Municipal Clerk for the Township of Toms River, do hereby certify that the foregoing is a true copy of an Ordinance duly adopted by the Township Council of the Township of Toms River at their _November 9, 2021 meeting.

ALISON CARLISLE

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on November 9, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on November 23, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Tuesday, November 16, 2021.

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

Township Planner Roberts explained the following Resolution.

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

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF
TOMS RIVER, OCEAN COUNTY, NEW JERSEY, REQUESTING THE
TOWNSHIP PLANNING BOARD REVIEW AND PROVIDE
RECOMMENDATIONS AS TO WHETHER BLOCK 658.01 IN
DOWNTOWN TOMS RIVER SATISFIES THE CRITERIA TO BE
DESIGNATED AS AN AREA IN NEED OF REHABILITATION**

NOVEMBER 9, 2021

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 rehabilitation; and

WHEREAS, in accordance with the *LRHL* the Mayor and Township Council of the Township of Toms River (the "**Township Council**") believe that Block 658.01 within the Township of Toms River (the "**Township**") in the County of Ocean (the "**Rehabilitation Area**")

November 9, 2021 25

satisfies the criteria to be designated as an area in need of rehabilitation and should be designated as an area in need of rehabilitation as part of the previously designated Downtown Core Rehabilitation Area; and

WHEREAS, *N.J.S.A.* 40:12A-14 requires planning board review of the resolution designating the area in need of rehabilitation; and

WHEREAS, the Toms River Township Planning Board (the “**Planning Board**”) is requested to review pursuant to *N.J.S.A.* 40A:12A-14, the proposed Resolution to be adopted by the Township attached hereto as Exhibit “A”; and

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 authorizes and directs the Planning Board to review the proposed Resolution designating the Rehabilitation Area as an area in need of rehabilitation and included as part of the previously designated Downtown Core Redevelopment Area, and provide its recommendations to the Township Council.
3. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.
4. This Resolution shall take effect immediately.
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) Business Administrator
- c) Township Council
- d) Township Attorney
- e) Planning Board
- f) Engineering Division
- g) Chief Financial Officer

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

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR
AMERICAN RECOVERY PLAN (ARP) GRANT IN THE AMOUNT
OF \$4,672,671.50**

NOVEMBER 9, 2021

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 American Recovery Plan (ARP) Grant and wishes to amend its 2021 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 2021 Budget the sum of \$4,672,671.50 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:

American Recovery Plan (ARP)
Grant.....\$4,672,671.50

pursuant to the provisions of the Statute;
BE IT FURTHER RESOLVED that a like sum of \$4,672,671.50 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:

American Recovery Plan (ARP)
Grant.....\$4,672,671.50

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) Business Administrator

Approved as to Content:

Council Member Lotano wants clarification on property.

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

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF TOMS RIVER

WHEREAS, the Township of Toms River (the "Township") has determined that a need exists to acquire an approximately 0.26-acre (11,287.98 sq ft) portion of the real property designated as Block 566.01, Lot 4 on the Township's tax maps (320 West Water Street), more particularly described and depicted in **Exhibit A** attached hereto, for public purposes as is authorized by law, including but not limited to the widening of Herflicker Boulevard; and

WHEREAS, the Township has determined that said use is for public purposes and will promote the general health and welfare of the community; and

WHEREAS, Section 40A:12-5(a)(1) of the Local Land and Buildings Law, N.J.S.A. 40A:12-1 *et seq.* empowers municipalities to acquire real property by direct negotiation leading to the purchase of said property or by condemnation should that be necessary.

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

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

SECTION 2. The Township is hereby authorized to acquire the approximately 0.26-acre (11,287.98 sq ft) portion of the real property designated as Block 566.01, Lot 4 on the Township's tax maps (320 West Water Street), more particularly described and

depicted in **Exhibit A** attached hereto, by any of the following methods: (i) consummation of a purchase and sale contract which is the product of direct negotiations with the owners of such property, (ii) by a gift, grant or contribution by any owner of such property, or (iii) by condemnation of any such property that is carried out pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1 *et seq.*

SECTION 3. The Township Attorney and/or other special legal counsel, and the Township Planner are hereby authorized and directed to perform or carry out or cause to be performed or carried out, any studies, surveys, tests, soundings, borings, appraisals, title searches and title report reviews as reasonably necessary to determine the value of any of the properties, the location and quality of any of the properties and any environmental matters associated with the property and to undertake any action necessary or appropriate to acquire the aforementioned real property.

SECTION 4. The Township Attorney, and/or other special legal counsel, are hereby authorized to negotiate with the property's owner, and the Township Attorney, and/or other special legal counsel are authorized to file and pursue any condemnation action, as necessary.

SECTION 5. The Mayor, Township Planner, Business Administrator, Township Clerk and such other officers as may be necessary are hereby authorized to undertake any actions and execute and deliver any paper, form or document necessary or appropriate to acquire said properties by any of the methods set forth in Section 2 of this ordinance.

SECTION 6. Any such actions taken by the above officials and/or consultants prior to the date hereof are hereby ratified.

SECTION 7. This ordinance shall take effect following its final passage by the Township Council, approval by the Mayor, and 20 days after publication as required by law.

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

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Toms River, in the County of Ocean, New Jersey, held on November 9, 2021 at 6:00 p.m. It will be further considered for final passage at a public meeting to be held in the L. Manuel Hirshblond Meeting Room of the Municipal Building in said Township on November 23, 2021 at 6:00 p.m., or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Township Clerk's office in said Municipal Building to members of the general public who shall request such copies.

ALISON CARLISLE
TOWNSHIP CLERK

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

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Thursday, November 18, 2021.

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

Township Planner Roberts explained the following Resolution.

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

RESOLUTION OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CONTINUING THE DESIGNATION OF A CONDITIONAL REDEVELOPER FOR THE PROPERTY IDENTIFIED ON THE TAX MAPS OF THE TOWNSHIP AS BLOCK 658, LOT 25 AND AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE INTERIM COSTS AGREEMENT RELATED THERETO

NOVEMBER 9, 2021

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

WHEREAS, the Township Council (the “Council”) of the Township of Toms River, in the County of Ocean, New Jersey (the “Township”), by resolution duly adopted pursuant to the Redevelopment Law, authorized and directed the Planning Board of the Township (the “Planning Board”) to undertake a preliminary investigation to determine if a specific area located in the Township, identified on the Tax Maps of the Township as Block 566.01; Block 566.02; Block 566.03; Block 567; Block 569, Block 570; Block 566.04, a portion of Lot 1; and Block 658, Lots 25, 47, 48 and 58 (the “Study Area”), constituted an area in need of redevelopment according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on November 5, 2008 the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law; and

WHEREAS, on December 3, 2008, the Planning Board adopted Resolution #2008-94 recommending that Council designate the Study Area as an area in need of redevelopment; and

WHEREAS, on January 27, 2009, after reviewing the recommendations of the Planning Board, the Council adopted a resolution designating the Study Area an area in need of redevelopment under the Redevelopment Law (the “Original Redevelopment Area”); and

WHEREAS, in 2012, the Council adopted a resolution designating Block 658.01, as shown on the Tax Maps of the Township, as an area in need of redevelopment in accordance with the Redevelopment Law and adding said parcel to the Original Redevelopment Area (the “Redevelopment Area”); and

WHEREAS, pursuant to the Redevelopment Law, the Township caused a redevelopment plan for a portion of the Redevelopment Area identified on the Tax Maps of the Township as Block 566.01; Block 566.02, Lots 3, 7, 8, 9 and a portion of 5; Block 566.03; Block 567; Block 569, Lots 4, 5, 6, 7, 8, 9, 10 and 11; Block 658, Lots 25, 47, 48 and 58 and Block 658.01 (the “Phase 1 Redevelopment Area”) to be prepared, entitled the “Redevelopment Plan for Phase 1 Downtown Waterfront Redevelopment Area” (the “Redevelopment Plan”) dated November 16, 2017; and

WHEREAS, on December 26, 2017, the Council adopted an Ordinance approving the Redevelopment Plan; and

WHEREAS, the Township issued a request for redevelopment proposals (the “RFP”) seeking a redeveloper for a portion of the Phase 1 Redevelopment Area identified on the Tax

Maps of the Township as Block 658, Lot 25 (“Lot 1”) and Block 569, Lots 3, 4, 10 and 11.01 (“Lot 2” and together with Lot 1, the “Project Area”); and

WHEREAS, on May 3, 2019, the Township received a response to the RFP (the “Proposal”) from Capodagli Property Company, LLC, (“Capodagli”); and

WHEREAS, the Township reviewed the Proposal based on the designated criteria in the RFP, including but not limited to, (i) compliance with the terms of the RFP, (ii) operating experience in the field, including experience as a redeveloper of residential, retail, office and mixed-use in downtown districts, (iii) appropriateness of design, pedestrian circulation and parking solutions, (iv) creativity in approach to mix of uses, (v) soundness of financial plan and commitments, and (vi) capability of redeveloper to execute the project; and

WHEREAS, based upon the Township’s evaluation of the Proposal, on June 25, 2019, the Council adopted a resolution (i) designating Capodagli, or an affiliated entity, as the conditional redeveloper of the Project Area for a period of one hundred eighty (180) days pending the negotiation and execution of, among other agreements, a redevelopment agreement (the “Redevelopment Agreement”) with the Township; and (ii) authorizing the execution of an interim costs agreement with Capodagli (the “Original Interim Costs Agreement”) to reimburse the Township for any and all costs incurred by the Township prior to the execution of a Redevelopment Agreement, including the Township’s reasonably incurred out-of-pocket fees, costs and expenses related to the designation of the Conditional Redeveloper, the drafting of amendments to the Redevelopment Plan, negotiation of the terms and conditions of a redevelopment agreement, financial or tax agreement, if applicable, and other documents related to the redevelopment of the Project Area including, but not limited to, fees for legal, real estate appraisal, accounting, engineering, planning and financial advisory services, including all such fees, costs and expenses incurred commencing as of June 18, 2019 (the “Interim Costs”); and

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

WHEREAS, on December 23, 2019, the Council adopted a resolution (i) continuing the designation of Capodagli as conditional redeveloper of the Project Area for a period of one hundred eighty (180) days, subject to the successful negotiation of a redevelopment agreement and (ii) authorizing the execution of an amendment to the Original Interim Costs Agreement (the “First Amendment” and together with the Original Interim Costs Agreement, the “First Amended Interim Costs Agreement”) to define the term of the agreement; and

WHEREAS, the Parties executed an amendment to the First Amended Interim Costs Agreement (the “Second Amendment” and together with the First Amended Interim Costs Agreement, the “Second Amended Interim Costs Agreement”) to establish an additional escrow fund with the Township to provide for the payment of the Interim Costs related to, among other things, the designation of Capodagli as the conditional redeveloper of the Project Area and preliminary discussions relating to the negotiation of the Redevelopment Agreement for Lot 1, commonly known as the Upper Iron Street Lot; and

WHEREAS, on May 27, 2019 the Parties executed an amendment to the Second Amended Interim Costs Agreement (the “Third Amendment” and together with the Second Amended Interim Costs Agreement, the “Third Amended Interim Costs Agreement”) extending the term of the agreement to December 18, 2020; and

WHEREAS, on January 29, 2021 the Parties executed an amendment to the Third Amended Interim Costs Agreement (the “Fourth Amendment” and together with the Third Amended Interim Costs Agreement, the “Fourth Amended Interim Costs Agreement”) extending the term of the agreement to June 18, 2021; and

WHEREAS, on June 10, 2021 the Parties executed an amendment to the Fourth Amended Interim Costs Agreement (the “Fifth Amendment” and together with the Fourth Amended Interim Costs Agreement, the “Fifth Amended Interim Costs Agreement”) extending the term of the agreement to September 1, 2021; and

WHEREAS, on August 25, 2021, the Parties executed a Redevelopment Agreement in connection with the redevelopment of Lot 2;

WHEREAS, the Township and Capodagli have agreed to (i) continue the designation of Capodagli, or an affiliated entity, as the conditional redeveloper of Lot 1 (the “Conditional Redeveloper”) until May 8, 2022 to continue the negotiations of the Redevelopment Agreement, and (ii) to amend the Fifth Amended Interim Costs Agreement to extend the term of the agreement; and

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

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

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

Section 2. The designation of Capodagli as the Conditional Redeveloper of the Lot 1 pending the execution of the Redevelopment Agreement with the Township shall be continued until May 8, 2022 and is contingent upon Capodagli providing any additional project related information as may be requested by the Township.

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

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

Section 5. A copy of this resolution shall be available for public inspection at the offices of the Township Clerk.

Section 6. This Resolution shall take effect immediately.

Section 7. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:

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

CERTIFICATE

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on November 9, 2021 by the Township Council of the Township of Toms River, in the County of Ocean, New Jersey.

Alison Carlisle, Municipal Clerk
Township of Toms River, New Jersey

CONSENT AGENDA

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

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

RESOLUTION

November 9, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY (IES) FOR THE YEAR (S) INDICATED DUE TO: PRIOR OWNERS MORTGAGE COMPANY PAID IN AUGUST 2021, BUT PROPERTY WAS SOLD IN JUNE 2021.

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual/Year</i>	<i>Amount</i>
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<i>Andrews Federal Credit Union</i>	<i>944.31</i>	<i>10</i>	<i>2021/3</i>	<i>\$2,538.02</i>

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

Approved as to content:

RESOLUTION

November 9, 2021

WHEREAS, AN OVERPAYMENT OF TAXES HAS APEARED ON THE FOLLOWING PROPERTY (IES) FOR THE YEAR (S) INDICATED DUE TO: PROPERTY IS TAX EXEMPT. PROPERTY WAS IN TAX SALE FOR SEWER, OWNER PAID SEWER AND ALSO PAID THE COST OF ADVERTISING. \$50 WAS APPLIED TO THE TAXES, THEREFORE MUST BE REFUNDED DUE TO EXEMPTION.

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

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

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

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

NAME	BLOCK	LOT	Qual/Year	Amount
State Liquors LLC & Retail LLC	192.05	1	2021/3	\$50.00

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

Approved as to content:

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 235.17, LOT 8, EFFECTIVE OCTOBER 1, 2021 AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

NOVEMBER 9, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 235.17 Block 8, located at 15 Wood Haven Road, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective October 1, 2021 and

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

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

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

1. All 2021 real property taxes for Block 235.17 Block 8 due on or after October 1, 2021 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 235.17 Block 8, if any, shall be refunded on a pro-rated basis from October 1, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer

- e) Township Assessor
- f) Township Tax Collector

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, CERTIFYING ENTITLEMENT OF A 100% DISABLED VETERANS STATUS FOR THE OWNER OF BLOCK 1501.29 LOT, EFFECTIVE JUNE 9, 2021 AND PROVIDING THAT PROPERTY TAXES FOR 2021, AS OF THE EFFECTIVE DATE, BE CANCELLED AND/OR REFUNDED

NOVEMBER 9, 2021

WHEREAS, the owner of real property in the Township of Toms River known as Block 1501.29, Lot 5, located at 1018 Yellowbank Road, has been certified by the Tax Assessor as a of a 100% Disabled Veteran, effective June 9, 2021 and

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

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

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

1. All 2021 real property taxes for Block 1501.29, Lot 5 due on or after June 9, 2021 shall be cancelled.
2. All real property taxes from the date of this Resolution paid on Block 1501.29, Lot 5, if any, shall be refunded on a pro-rated basis from June 9, 2021.
3. This exemption shall continue for future tax years provided that the owner of this real property continues to qualify for an exemption under N.J.S.A. 54:4-3.30A.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Mayor
 - b) Business Administrator
 - c) Township Attorney
 - d) Chief Financial Officer
 - e) Township Assessor
 - f) Township Tax Collector

RESOLUTION AUTHORIZING THE ISSUANCE OF DUPLICATE TAX SALE CERTIFICATES

November 9, 2021

WHEREAS, Trystone Capital Assets, LLC, IS THE HOLDER OF THE TAX SALE CERTIFICATES LISTED BELOW; AND;

WHEREAS, SAID LIEN HOLDER LOST ITS ORIGINAL TAX SALE CERTIFICATES, AND;

WHEREAS, DUPLICATE TAX SALE CERTIFICATES ARE REQUESTED FOR A FEE OF \$100.00 EACH; NOW THEREFORE,

BE IT RESOLVED, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED, PURSUANT TO NJSA 54:5-52.1 TO PREPARE AND ISSUE DUPLIATE TAX CERTIFICATES TO THE OUTSIDE LIEN HOLDERS AS FOLLOWS;

Tax Sale Certificate: #20-00302 Block 534.05, Lot 8

CARL M. DILEO, CTC.

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR CONTRACT EXTENSION FOR ELEVATOR PREVENTATIVE MAINTENANCE AND REPAIRS, TO TEC ELEVATOR INC., EFFECTIVE JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, AT THE CURRENT RATES, NOT TO EXCEED \$7,800.00 FOR PREVENTATIVE MAINTENANCE, WITH THE FUNDS FOR REPAIR SERVICES TO BE OPEN-ENDED WITH FUNDS BEING CERTIFIED EACH TIME AN ORDER IS PLACED, CONTINGENT UPON THE AVAILABILITY IN THE APPROPRIATE MUNICIPAL BUDGET

NOVEMBER 9, 2021

WHEREAS, resolution of the Township Council dated December 12, 2017, authorized the award of a contract for Elevator Preventative Maintenance and Repairs to TEC Elevator Inc., for a total amount not to exceed \$23,400.00 over a three (3) year contract term, effective January 1, 2018 through December 31, 2020; 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 two (2) additional one-year terms, or one (1) additional two-year term, upon expiration of the original contract; and

WHEREAS, by resolution dated December 8, 2020, the Township Council authorized the first one (1) year contract extension for Elevator Preventative Maintenance and Repairs to TEC Elevator Inc., effective January 1, 2021 through December 31, 2021; and

WHEREAS, the Division of Parks, Buildings & Grounds has determined it is in the best interest of the Township to extend this contract for the second and final one (1) year term; 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 second and final one (1) year contract extension for Elevator Preventative Maintenance and Repairs, to TEC Elevator Inc., effective January 1, 2022 through December 31, 2022, at the current rates, not to exceed \$7,800.00, for Preventative Maintenance.

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

3. Funds for Preventative Maintenance are available in the following accounts:

Account No. 2-01- -R20-531	\$6,480.00
Account No. 2-31- -I47-531	<u>\$1,320.00</u>

Total: \$7,800.00

Funds for Repair Services will be open-ended with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

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

- a) Purchasing Division
- b) Chief Financial Officer

- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) TEC Elevator, Inc.
510 S. Shore Road, Suite C
Marmora, NJ 08223

CERTIFICATION

THIS IS TO CERTIFY that the funds for the second and final one (1) year contract extension for Elevator Preventative Maintenance and Repairs to TEC Elevator, Inc., in the total amount not to exceed \$7,800.00 for Preventative Maintenance are available in the following accounts:

Account No. 2-01- -R20-531	\$6,480.00
Account No. 2-31- -I47-531	<u>\$1,320.00</u>

Total: \$7,800.00

Funds for Repair Services will be open-ended with funds being certified each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE SECOND AND FINAL ONE (1) YEAR CONTRACT EXTENSION FOR THE MAINTENANCE AND REPAIR OF HVACR UNITS AND SYSTEMS, TO PETERSON SERVICE COMPANY, INC., EFFECTIVE JANUARY 1, 2022 THROUGH DECEMBER 31, 2022, AT THE CURRENT RATES, NOT TO EXCEED \$53,322.00, FOR PART A AND PART B WILL BE OPEN-ENDED WITH FUNDS BEING CERTIFIED EACH TIME AN ORDER IS PLACED, CONTINGENT UPON THE AVAILABILITY IN THE APPROPRIATE MUNICIPAL BUDGET

NOVEMBER 9, 2021

WHEREAS, resolution of the Township Council dated February 13, 2018, authorized the award of a contract for Maintenance and Repair of HVACR Units and Systems to Peterson Service Company, Inc., for a three (3) year term, effective January 1, 2018 through December 31, 2020; 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 two (2) additional one-year terms, or one (1) additional two-year term upon the expiration of the original contract; and

WHEREAS, by resolution dated December 8, 2020, the Township Council authorized the first extension of the contract with Peterson Service Company, Inc., for the Maintenance and Repair of HVACR Units and Systems for one (1) year, effective January 1, 2021 through December 31, 2021, at the Year-3 Pricing; and

WHEREAS, the Division of Parks, Buildings & Grounds has determined it is in the best interest of the Township to extend this contract for the second and final one (1) year

contract with Peterson Service Company, Inc., effective January 1, 2022 through December 31, 2022, at the current rates, not to exceed \$53,322.00 for Part A;

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

1. It hereby authorizes the second and final one (1) year contract extension with Peterson Service Company, Inc., for the Maintenance and Repair of HVACR Units and Systems, effective January 1, 2022 through December 31, 2022, at the current rates, not to exceed \$53,322.00 for Part A.

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

3. Part A Funds are available in the following accounts:

Account No. 2-01- -R20-531	\$48,673.00
Account No. 2-13- -911-007	<u>\$ 4,649.00</u>

Total: \$53,322.00

4. Part B will be open-ended with funds being certified 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.

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) Chief Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Peterson Service Company, Inc.
234 Route 70
Medford, NJ 08055

CERTIFICATION

THIS IS TO CERTIFY that the funds for the second and final one (1) year contract extension for the Maintenance and Repair of HVACR Units and Systems with Peterson Service Company, Inc., not to exceed \$53,322.00 for Part A are available in the following Accounts:

Account No. 2-01- -R20-531	\$48,673.00
Account No. 2-13- -911-007	<u>\$ 4,649.00</u>

Total: \$53,322.00

Funds for Part B will be open-ended with funds being certified each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

November 9, 2021 37

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING AWARD OF A CONTRACT TO
NORTHEAST SWEEPERS & RENTALS, INC., AS SOLE BIDDER WHO MEETS ALL THE BID
SPECIFICATIONS, FOR ONE (1) SINGLE-ENGINE HYDROSTATIC PURE VACUUM
SWEEPER, NEW AND UNUSED, 2021 OR NEWER, WITH THE OPTION TO PURCHASE UP
TO ONE (1) ADDITIONAL UNIT OVER THE NEXT TWELVE (12) MONTHS BASED UPON
THE AVAILABILITY OF FUNDS IN THE APPROPRIATE MUNICIPAL BUDGET, (INCLUDING
THE TRADE IN OF VEHICLE #37, 2008 ELGIN SWEEPER, MILES 31806, VIN
#JNAPC81L48AE70136 IN THE AMOUNT OF \$12,500.00), FOR THE DEPARTMENT OF
PUBLIC WORKS, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$235,925.66**

NOVEMBER 9, 2021

WHEREAS, bids were invited for one (1) Single-Engine Hydrostatic Pure Vacuum Sweeper, New and Unused, 2021 of Newer, for the Department of Public Works; and

WHEREAS, one bid was received on October 14, 2021, from the following vendor:

	Northeast Sweepers & Rentals Inc 20 Montesano Road Fairfield, NJ 07004
	Price Per Each
ONE (1) SINGLE-ENGINE HYDROSTATIC PURE VACUUM SWEEPER NEW AND UNUSED	\$ 248,425.66
MAKE CAB /CHASSIS BID:	Ravo
MODEL BID:	5i
YEAR BID:	2021
DELIVERY DATE:	30 days
TRADE IN: VEHICLE #37, 2008 ELGIN SWEEPER, MILES 31806, VIN# JNAPC81L48AE70136	\$ 12,500.00
GRAND TOTAL BID COLLECTION SYSTEMS LESS TRADE INS	\$ 235,925.66

WHEREAS, the aforesaid bid has been reviewed by the Division of Purchasing and the Department of Public Works, and they recommend that a contract be awarded to Northeast Sweepers & Rentals Inc., as the sole bidder meeting all of the bid specifications;

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

1. It hereby awards a contract to Northeast Sweepers & Rentals Inc., as the sole bidder meeting all of the bid specifications, for One (1) Single-Engine Hydrostatic Pure Vacuum Sweeper, New and Unused, 2021 or Newer, with the option to purchase up to one (1) additional unit over the next twelve (12) months, based upon the availability of funds in the appropriate municipal budget, for the Department of Public Works, in the total contract amount not to exceed \$235,925.66, as follows:

	Northeast Sweepers & Rentals Inc 20 Montesano Road Fairfield, NJ 07004
	Price Per Each
ONE (1) SINGLE-ENGINE HYDROSTATIC PURE VACUUM SWEEPER NEW AND UNUSED	\$ 248,425.66
MAKE CAB /CHASSIS BID:	Ravo
MODEL BID:	5i
YEAR BID:	2021

DELIVERY DATE:	30 days
TRADE IN: VEHICLE #37, 2008 ELGIN SWEEPER, MILES 31806, VIN# JNAPC81L48AE70136	\$ 12,500.00
GRAND TOTAL BID COLLECTION SYSTEMS LESS TRADE INS	\$ 235,925.66

2. The award of this contract includes the Trade-In of Vehicle #37, 2008 Elgin Sweeper, Miles 31806, VIN #JNAPC81L48AE70136, in the amount of \$12,500.00. The award of this contract is subject to all the terms and conditions of the bid specifications

3. Funds for this contract are available in Account No. X-04-47-082-110.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Department of Public Works
- e) Northeast Sweepers & Rentals, Inc.
20 Montesano Road
Fairfield, NJ 07004

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract awarded to Northeast Sweepers & Rentals, Inc. in the total contract amount not to exceed \$235,925.66, are available in Account No. X-04-47-082-110.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,
OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED
CONTRACT FOR JANITORIAL SUPPLIES REBID ITEMS NUMBERS 104-109, TO IMPERIAL
BAG & PAPER CO. LLC, AS THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER,
MEETING ALL OF THE BID SPECIFICATIONS**

NOVEMBER 9, 2021

WHEREAS, the Division of Purchasing is requesting authorization to award a contract for Janitorial Supplies Rebid Item Numbers 104-109; and

WHEREAS, bids for Janitorial Supplies Rebid Items were awarded by resolution on September 28, 2021; and

WHEREAS, upon further investigation on compatibility with our current products related to Items 104-109, and reviewed by the Division of Purchasing and the Division of

Parks, Buildings and Grounds, Items 104-109 shall be awarded to Imperial Bag & Paper Co. LLC, 255 Routes 1 & 9, Jersey City, NJ, 07036;

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 for Janitorial Supplies Rebid for Items Numbers 104-109 to Imperial Bag & Paper Co. LLC, as the lowest, responsive, responsible bidder, meeting all the bid specifications. This contract 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.

2. Term of Contract shall be effective retroactive to September 25, 2021 through September 24, 2022. This award of these contracts are subject to all the terms and conditions of the bid specifications.

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) All Departments
- e) Imperial Bag and Paper Co. LLC
255 Routes 1 & 9
Jersey City, NJ 07306

CERTIFICATION

THIS IS TO CERTIFY that the funds for the Janitorial Supplies Rebid Items 104-109 awarded to Imperial Bag & Paper Co. LLC, 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 year.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AMENDMENT TO RESOLUTION DATED JUNE 9, 2021, FOR THE PURCHASE OF ONE (1) 2021 FORD EXPLORER XLT 4WD, FOR THE DIVISION OF PARKS, BUILDINGS AND GROUNDS, FROM BEYER FORD LLC, UTILIZING ESCNJ COOPERATIVE CONTRACT #20/21-09, IN THE TOTAL ADDITIONAL AMOUNT OF \$1,251.26, FOR A TOTAL MAXIMUM AMOUNT NOT TO EXCEED \$31,084.50

NOVEMBER 9, 2021

WHEREAS, the Township of Toms River is a member of the Educational Services Commission of New Jersey #20/21-09, as authorized by N.J.S.A. 40A:11-11(5); and

November 9, 2021 40

WHEREAS, on June 9, 2021 the Township Council authorized the purchase of one (1) 2021 Ford Explorer XLT 4WD through the ESCNJ 20/21-09 cooperative contract from Beyer Ford LLC, as follows:

<u>Description</u>	<u>Base Price</u>	<u>Discount</u>	<u>Total Price</u>
2021 Explorer XLT 4WD	\$36,000.00	-\$7,164.00	\$28,836.00
Destination	\$ 1,245.00	-\$ 247.76	\$ 997.24
		Total:	\$29,833.24

WHEREAS, the cutoff date was missed for the purchase of the 2021 Ford Explorer XLT 4WD, and pricing was just released for the 2022, which is in the additional amount of \$1,251.26, as follows:

<u>Description</u>	<u>Base Price</u>	<u>Discount</u>	<u>Total Price</u>
2022 Explorer XLT 4WD	\$37,250.00	-\$7,412.76	\$29,837.26
Destination	\$ 1,245.00	-\$ 247.76	\$ 997.24
Delivery			\$ 250.00
		Total:	\$31,084.50

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

1. It hereby authorizes an amendment to Resolution dated June 9, 2021, for the purchase of One (1) 2021 Ford Explorer XLT 4WD for the Division of Parks, Buildings and Grounds, from Beyer Ford LLC, utilizing Educational Services Commission of New Jersey, Contract #20/21-09, in the total maximum amount not to exceed \$29,833.24, to reflect that the cutoff date was missed. Accordingly, authorization is hereby given to purchase One (1) 2022 Ford Explorer XLT 4WD for the Division of Parks, Buildings and Grounds, from Beyer Ford LLC, utilizing Educational Services Commission of New Jersey, Contract #20/21-09, as per the newly released 2022 pricing, in the additional amount of \$1,251.26, making the total not to exceed \$31,084.50, as follows:

<u>Description</u>	<u>Base Price</u>	<u>Discount</u>	<u>Total Price</u>
2022 Explorer XLT 4WD	\$37,250.00	-\$7,412.76	\$29,837.26
Destination	\$ 1,245.00	-\$ 247.76	\$ 997.24
Delivery			\$ 250.00
		Total:	\$31,084.50

2. Funds in the additional amount of \$1,251.26 are available in Account No. 1-01- -S75-250. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Division of Parks, Buildings and Grounds
- e) Beyer Ford LLC
170 Ridgedale Ave.
Morristown, NJ 07962

CERTIFICATION

THIS IS TO CERTIFY that funds in the additional amount of \$1,251.26 for the purchase of One (1) 2022 Ford Explorer XLT 4WD from Beyer Ford LLC, utilizing ESCNJ 20/21-09 cooperative contract (in a total contract amount not to exceed \$31,084.50), are available in Account No. 1-01- -S75-250.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF AN ELECTRONIC DOOR LOCK SYSTEM FOR THE TOWNSHIP, FROM CDW-G, UTILIZING ESCNJ #18/19-03, IN A TOTAL CONTRACT AMOUNT NOT TO EXCEED \$322,275.00

NOVEMBER 9, 2021

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

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

2. State Contract #ESCNJ 18/19-03, for the purchase of an Electronic Door Lock System for the Township, from CDW-G, 230 North Milwaukee Avenue, Vernon Hills, IL, 60061, for a total contract amount not to exceed \$322,275.00, as follows:

**CDW-G
230 North Milwaukee Avenue
Vernon Hills, IL 60061
ESCNJ #18/19-03**

GENETEC GSC BASE PKG V5.10 LIC	6507046	1	\$0.00	\$0.00
GENETEC SECURITY CENTER SYNERGIS PROFESSIONAL LICENSE - 2 ACCESS MANAGERS	5183740	1	\$2,800.00	\$2,800.00
GENETEC SECURITY CENTER SYNERGIS PRO IMPORT TOOL - LICENSE - 1 LICENSE	4259655	1	\$825.00	\$825.00
GENETEC ADVANTAGE TECHNICAL SUPPORT FOR SYNERGIS PRO - 5 YEARS	5199373	211	\$37.50	\$7,912.50
GENETEC CLOUD LINK CONTROL SYSTEM APPLIANCE	5199288	2	\$950.00	\$1,900.00
GENETEC MERCURY SECURITY 2-READER INTELLIGENT CONTROLLER	5267745	32	\$1,225.00	\$39,200.00
MERCURY SECURITY LP1501 ONTROLLER	5795521	4	\$625.00	\$2,500.00
GENETEC MERCURY SECURITY MR52 S3 DUAL-READER INTERFACE MODULE	5267736	65	\$575.00	\$37,375.00
GENETEC SIGNO 40 READER	6702576	187	\$200.00	\$37,400.00

GENETEC PCPROX PLUS ENTROLL W/ICLASS	5778335	5	\$200.00	\$1,000.00
GENETEC NTWK WRLS ELECTRONIC LOCK	6690192	6	\$2,150.00	\$12,900.00
GENETEC NTWK WRLS ELECTRONIC LOCK	6690197	3	\$2,475.00	\$7,425.00
GENETEC 36" DOOR RIM EXIT DEVICE	6688316	3	\$1,400.00	\$4,200.00
GENETEC SCHLAGE PIM400 RS485	6688326	4	\$1,450.00	\$5,800.00
GENETEC STOREROOM CYLINDRICAL LOCK	6699386	1	\$450.00	\$450.00
GENETEC STOREROOM CYLINTRICAL LOCK	6699391	1	\$150.00	\$150.00
GENETEC ELECTRIC STRIKE F/MORTISE	6699401	1	\$300.00	\$300.00
GENETEC ICLASS 2K/2 SE CARD F-GLOSS	6690180	300	\$3.75	\$1,125.00
GENETEC T100 MOBILE ACCESS SUB	6688483	50	\$5.75	\$287.50
GENETEC ICLASS KEYFOB 2K/2 SR PROG	6719133	100	\$5.25	\$525.00
GENETEC 150W SGL VOLT LIFESAFETY PWR	6688333	12	\$600.00	\$7,200.00
GENETEC LIFESAFETY POWER ENCLOSURE - SMALL	6554220	20	\$550.00	\$11,000.00
CDW/LTW PROFESSIONAL SERVICES- INSTALL & TRAINING	LABOR	700	\$200.00	\$140,000.00
				\$322,275.00

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

1. It hereby authorizes the purchase of an Electronic Door Lock System for the Township, from CDW-G, as stated above, utilizing ESCNJ #18/19-03 in the total contract amount not to exceed \$322,275.00.

2. Funds in the amount of \$322,275.00 are available in following accounts:

Account No. X-04-47-082-112	\$ 260,475.00
Account No. X-04- -219-001	<u>\$ 61,800.00</u>

TOTAL: \$ 322,275.00

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

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) IT Department
- e) CDW-G
230 North Milwaukee Avenue
Vernon Hills, IL 60061

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

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

WHEREAS, the Purchasing Division is requesting authorization to purchase Replacement Reelmaster 3555-D and Accessories for the Bey Lea Golf Course, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$53,289.69, from the following vendor:

CERTIFICATION

THIS IS TO CERTIFY that the funds for the contract with CDW-G in the total contract amount not to exceed \$322,275.00, are available in the following accounts:

Account No. X-04-47-082-112	\$ 260,475.00
Account No. X-04- -219-001	<u>\$ 61,800.00</u>
TOTAL:	\$ 322,275.00

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF SDL SOFTWARE LICENSING FOR THE INFORMATION TECHNOLOGY DIVISION, COMMENCING NOVEMBER 30, 2021 THROUGH NOVEMBER 30, 2022, UNDER STATE CONTRACT #20-TELE-01510, FROM DELL, INC., IN THE TOTAL AMOUNT NOT TO EXCEED \$55,976.00

NOVEMBER 9, 2021

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

1. In accordance with the requirements of Local Public Contracts Law, N.J.S.A. 40A:11-12(a) et seq., and the regulations promulgated thereunder, the following purchases without competitive bids from a vendor with a State contract are hereby approved.

2. It hereby authorizes utilizing State Contract No. #20-TELE-01510 for the purchase of SDL Software Licensing for the Information Technology Division, from Dell, Inc., One Dell Way, RR8-MS41, Round Rock, TX 78682, in accordance with N.J.S.A. 40A:11-12(a) which allows for purchases without competitive bids from the New Jersey State Contract. The cost of this agreement is \$54,978.00 per year for 100 seats and includes support and portal, plus \$998.00 for South Toms River, totaling \$55,976.00.

3. The coverage term of contract is November 30, 2021 through November 30, 2022, pursuant to 40A:11-15(42).

4. Funds are available in Account No. 1-01- -A17-510.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) IT Department
- e) Dell, Inc.
One Dell Way
RR8-MS41
Round Rock, TX 78682

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of SDL Software Licensing for the Information Technology Division utilizing State Contract #20-TELE-01510, from Dell, Inc., in the total amount not to exceed \$55,976.00, are available in Account No. 1-01- -A17-510.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE PURCHASE OF ONE (1) TORO GROUNDSMASTER 4000 AND ACCESSORIES FOR THE DIVISION OF PARKS, BUILDINGS AND GROUNDS, FROM TURF EQUIPMENT & SUPPLY CO. INC., UTILIZING ESCNJ COOPERATIVE CONTRACT, #18/19-25, IN THE TOTAL CONTRACT AMOUNT NOT TO EXCEED \$69,508.79

NOVEMBER 9, 2021

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

WHEREAS, pursuant to bids received, a contract was awarded to Turf Equipment & Supply Company 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) Toro Groundsmaster 4000 and Accessories for the Division of Parks, Buildings and Grounds, utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$69,508.79, from the following vendor:

Turf Equipment & Supply Company
8015 Dorsey Run Road
Jessup, MD 20794
ESCNJ # 18/19-25

Groundsmaster 4000	30609	\$84,490.00	\$68,392.00
Universal Sunshade White	30669	\$767.00	\$613.60
Atomic Blade Pack	108-1450	\$196.91	\$157.53
Seat Cover Grey	131-6691	\$47.22	\$37.78

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1000 Hr MVP Filter Kit	44967	\$384.85	\$307.88
	Total	\$85,885.98	\$69,508.79

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) Toro Groundsmaster 4000 and Accessories for the Division of Parks, Buildings and Grounds, from Turf Equipment and Supply Co. Inc., utilizing Educational Services Commission of New Jersey, Contract #18/19-25, in the total contract amount not to exceed \$69,508.79.
2. Funds in the amount of \$69,508.79 are available in Account No. X-04-47-082-108.
3. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.
4. A certified copy of this resolution shall be provided by the Office of the Township Clerk to each of the following:
 - a) Purchasing Division
 - b) Chief Financial Officer
 - c) Township Attorney
 - d) Division of Parks, Buildings and Grounds
 - e) Turf Equipment & Supply Company Inc.
8015 Dorsey Run Road
Jessup, MD 20794

CERTIFICATION

THIS IS TO CERTIFY that the funds for the purchase of One (1) Toro Groundsmaster 4000 and Accessories from Turf Equipment & Supply Company Inc., in the total maximum amount not to exceed \$69,608.79, are available in Account No. X-04-47-082-108.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING THE AWARD OF AN OPEN-ENDED CONTRACT TO RIGGINS, INC., AS THE LOWEST BIDDER, FOR THE PURCHASE OF DIESEL FUEL, UTILIZING STAFFORD TOWNSHIP COOPERATIVE PRICING SYSTEM BID NO. 33-OCCPS-2021-005, FOR THE TERM COMMENCING RETROACTIVE TO NOVEMBER 2, 2021 THROUGH NOVEMBER 1, 2023

NOVEMBER 9, 2021

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 Bid #33-OCCPS-2021-005 for the purchase of Diesel Fuel; and

WHEREAS, two (2) bids were received on October 6, 2021, and the successful vendor who is the lowest bidder is:

Riggins, Inc.
3938 S. Main Road
Vineland, NJ 08360

Year One and Year Two Pricing: Ultra low sulfur diesel fuel fixed margin
+ \$0.1386 per gallon.
No additional charges for winter blend.

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-OCCP-2021-005), 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 Riggins, Inc., as the lowest bidder, for the purchase of Diesel Fuel, over two (2) years as stated above; and

WHEREAS, the term of this contract shall commence retroactive to November 2, 2021 through November 1, 2023;

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 purchase of Diesel Fuel for the Township of Toms River as a participating contracting unit of the Stafford Township Cooperative Pricing System Contract I.D. #33-OCCP-2021-005, over two (2) years from Riggins, Inc., as follows:

Riggins, Inc.
3938 S. Main Road
Vineland, NJ 08360

Year One and Year Two Pricing: Ultra low sulfur diesel fuel fixed margin
+ \$0.1386 per gallon.
No additional charges for winter blend.

2. The term of this contract shall commence retroactive to November 2, 2021 through November 1, 2023. 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) Chief Financial Officer
- c) Township Attorney
- d) Public Works Department
- e) Division of Parks, Buildings and Grounds
- f) Recreation Department
- g) Township of Stafford

260 East Bay Avenue
Manahawkin, N.J. 08050
Attn: Purchasing Agent
h) Riggins, Inc.
3938 S. Main Road
Vineland, NJ 08360

CERTIFICATION

THIS IS TO CERTIFY that the funds for the open-ended contract awarded to Riggins, Inc., for the purchase of Diesel Fuel, are contingent upon the availability of funds in the appropriate municipal budget year as follows:

Year One and Year Two Pricing: Ultra low sulfur diesel fuel fixed margin
+ \$0.1386 per gallon.
No additional charges for winter blend.

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

JUDITH TUTELA
CHIEF FINANCIAL OFFICER

Dated: November 9, 2021

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS, BLOCK 705, LOT 7.03 AND 7.06 (85 Keats Avenue)

November 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 705, Lot 7.03 & 7.06.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Checks totaling the amount of \$9,100.00 which represents the Safety and Stabilization Guarantee.
- 2) Check in the amount of \$600.00 which represents the escrow amount for inspection fees.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL FOR 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 Kenton Nice, his 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. Kenton Nice
85 Keats Avenue
Toms River, NJ 08753

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS, BLOCK 145, LOT 9 (Massachusetts Avenue & Honey Locust Drive)

November 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Subdivision known as Block 145, Lot 9.

WHEREAS, Performance Bonds have been posted as follows:

- 1) Check in the amount of \$5,000.00 which represents the Safety and Stabilization Guarantee.
- 2) Check in the amount of \$500.00 which represent 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 Our Lady of Guadalupe, 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. Our Lady of Guadalupe
43 Madison Avenue
Lakewood, NJ 08701

RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, ACCEPTING PERFORMANCE GUARANTEES FOR A MINOR SUBDIVISION KNOWN AS, BLOCK 513.02, Lot 1 and 2) (Cedarwood Drive)

November 9, 2021

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Minor Subdivision known as Block 513.02, Lot 1 & 2.

WHEREAS, Maintenance Bonds have been posted as follows:

- 1) Maintenance Cash Bond in the amount \$1,240.00, in account X-19- -601-846, which represents the 10% Maintenance Guarantee, is accepted and will remain on account to represent the Maintenance Cash Bond.

WHEREAS, the Township Engineer has made an inspection of said Minor Subdivision and finds that all improvements have been satisfactorily completed; And WHEREAS the Township Engineer has recommended the release of the Performance Guarantees and acceptance of Maintenance Guarantees;

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

- 1) Previously posted Surety Bond #2291248 in the amount of \$11,600.00 currently on account is hereby released;
- 2) Maintenance Cash Bond listed in the preamble hereof be and the same is hereby retained;

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

- a. Township Engineer
- b. Chief Financial Officer
- c. Township Attorney
- d. Pinnacle Commercial Development, LLC
3822 River Road (Rear Building)
Point Pleasant, NJ 08742

**CORRECTING RESOLUTION AUTHORIZING THE
PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL
DISTRIBUTION LIQUOR LICENSE
1507-44-045-007 FROM MRS.D, INC.
TO MRS D ORTLEY, LLC**

NOVEMBER 9, 2021

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Distribution License Number **1507-44-045-007**, heretofore issued to Crossroads Spirits LLC. Located at Route 35 Seaside Heights, NJ 08751 and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, funding sources have been disclosed and the license has been properly renewed for the current license term; and

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

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

1. It hereby does authorize the **Person-To-Person Transfer** of Plenary Retail Distribution Liquor License Number 1507-44-045-007 from **Mrs. D, Inc. to Mrs. D Ortley, LLC.**

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

- a) Police Department
- b) Chief Financial Officer
- c) Township Attorney
- d) State of New Jersey
Division of Alcoholic Beverage Control
140 E. Front Street
P.O. Box 087
5th Floor
Trenton, N.J. 08625-0087
- e) Frank Mandia, Jr

REPORTS

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

	2021	2020
Bey Lea Golf Course – October	\$140,367.18	\$139,304.51
Bey Lea Golf Course – YTD through October	\$1,567,297.64	\$1,334,061.97
Winding River Ice Rink – October	\$89,017.51	\$49,320.01
Winding River Ice Rink – YTD through October	\$646,864.74	\$438,464.51
Building Permits - October	\$293,322.00	\$213,901.00
Building Permits – YTD through October	\$2,670,964.00	\$2,106,196.00

APPROVAL OF BILLS

Council President Geoghegan asked for a report on the bills.

The Bill List, dated **November 8, 2021**, was approved on motion by Council Member Turnbach, seconded by Council Member Huryk and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and with Council President Geoghegan voting yes. **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 21-05856, payable to Silverton First Aid Squad, Inc., in the amount of \$10,842.04.

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

Purchase Order 21-05858, payable to Dasti McGuckin, Attorneys at Law in the amount of \$305.89.

Purchase Order 21-05860, payable to NJ MV Lease Program in the amount of \$4,128.00.

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

Purchase Order 20-00569, 21-05179, 21-05567, 21-05568, 21-05569 & 21-05570, payable to Remington & Vernick Engineers in the amount of \$6,117.51.

Purchase Order 21-05860, payable to Recreation Salaries in the amount of \$9,586.81.

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

Purchase Order 21-05302, payable to Berkeley Township in the amount of \$705.00.

Purchase Order 21-05181, payable to Owen Little & Associates in the amount of \$8,440.51.

Purchase Order 21-05856, payable to Silverton First Aid Squad, Inc., in the amount of \$10,842.04.

Council Member Lotano – None

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

Purchase Order 21-05858, payable to Dasti McGuckin, Attorneys at Law in the amount of \$305.89.

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

Purchase Order 21-02622, payable to Citta, Holzapfel, Zabarsky in the amount of \$2,254.50.

Purchase Order 21-05858, payable to Dasti McGuckin Attorneys at Law in the amount of \$305.89.

Purchase Order 21-05860, payable to Magistrate Salaries in the amount of \$6,937.41.

ELECTED OFFICIALS COMMENTS

Mayor Hill commend Chief Little, staff and Police Department named safest and largest neighborhood. She also discussed upcoming events – Veterans Day Parade; and Vets Clinic.

Council Member Rodrick spoke regarding election comments.

Council Member Lotano mentioned Council Mayor and Engineering Department are here to support resident.

Council Member Turnbach spoke regarding Code Blue Program comments – dates available.

Council Member Huryk encourage attending Vets Parade, Congressman Kim at Ocean County College “Service after Service” information given.

Council Member Maruca said 700 houses still need help. Council Members will help the best they can and to contact Congressman Kim and from FEMA; December 5th Jingle Bells Run by Toms River Police Department.

Council Member Kopp mentioned Veterans Day Parade in on November 11, 2021.

PUBLIC COMMENTS

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

Township Engineer Chankalian came up and gave presentation on projector and spoke about substantial damage process.

Michael Hardigan, 30 East Bayberry, asked who decides the substantially damaged states.

Mark Fusari mentioned that this is a financial burden for him and begs Council to help with his ground level properties. Mayor asked about when new FEMA maps are out.

Doreen Drisco, suggested that Township should come in and assess homes’ that have been worked on.

Michael Valvetara, Rutherford Lane, never received notices, and feels there are many mistakes.

John Andrews, 37 East Surf Way, questioned his repair estimate from FEMA.

Joanne Legitt spoke regarding raised house, elevation certificate, and communication process subpar.

Jason Alvez, 102 West Bay Way, received no notices from Tom River Township, but received it from Ocean Beach Rental Agency.

Bob Lecher, Pelican Ave, he was not sub damaged, he did the tile floor replacement himself before FEMA even got there – didn't even know of FEMA appeal process.

Lisa Garris, did not received notices. Ask if Grants are available?

Louis Diwardi, 230 Catherine Street, has definition questions – “fair market value”, “substantially damaged”, can't afford to lift house due to UCONN tuition.

Rob Ciccini said only Township can put residents into mitigation program.

Michael Hartigan said he is confused about FEMA contradictory answers.

Council Member Geoghegan called for a 5 minutes recess: 8:10 pm – 8:18 p.m.

Todd Garns, 1932 Pinta, mentioned his thoughts on the main problems from substantially damaged – wife has expensive taste.

Council President Geoghegan replied trying to work with Congressman Kim's office and why don't we invite Congressman Kim to our next meeting and a FEMA representative at the same time.

Anna Palazzo South Toms River, representative of Board of Education, complained of mailers with insults. We need to stop allowing our appointed officials to sling mud around.

Liz Frye, approved Council Member Lotano and Maruca comments. Comments on small businesses, and local businesses are dying.

Jen Howe is discouraged that Open Space Tax was voted down because of hurtful flyers.

Joe Nardini, Derry Drive, spoke of more stories of slander from Board of Education elections.

Noah Hilsderf what was the purpose of ban on marijuana, what was the purpose of committee/? Will there be medical dispensaries.

Robert Tramolen, 109 Messenger Street, election was disgusting.

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

No other business appearing, the meeting was **adjourned** at 9:45 P. M., on motion with Council Member Maruca, seconded by Council Member Lotano, and carried with Council Members Huryk, Kopp, Lotano, Maruca, Rodrick, Turnbach, and Council President Geoghegan voting yes.

KEVIN GEOGHEGAN, COUNCIL PRESIDENT

