

September 23, 2014

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 6:03 PM.

The meeting was called to order by Council President Maruca and opened with the Salute to the Flag.

Council President Maruca read the following statement pursuant to the Open Public Meetings Act:

**OPEN PUBLIC MEETINGS ACT**

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 10, 2014** and forwarded to the Toms River Times, Toms River Patch, Ocean Signal and WOBN News on **Friday, January 10, 2014**, 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 **January 7, 2014**. Notice was also posted on the Township Web Page.

Roll Call:

Council Member Carr	- Present
Council Member Hill	- Present
Council Member Kubiell	- Present
Council Member Manforti	- Present
Council Member Wittmann	- Present
Council Vice-President Sevastakis	- Present
Council President Maruca	- Present

**APPROVAL OF MINUTES**

A motion was made by Council Member Kubiell, seconded by Council Member Wittmann, and carried with Council Members Carr, Hill, Kubiell, Manforti, Sevastakis, Wittmann, and with Council President Maruca voting yes, to approve the Minutes of the **Regular Meeting of September 9, 2014**. 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 Kubiell, seconded by Council Member Sevastakis, and carried with Council Members Carr, Hill, Kubiell, Manforti, Sevastakis, Wittmann, and with Council President Maruca voting yes, to make the following honoring proclamations a part of the Minutes.

Mayor Kelaher and Council Members presented proclamation to Christopher Nolze and he described his illness.

**Township of Toms River  
Proclamation**

*WHEREAS, Trigeminal Neuralgia is a disorder characterized by episodes of intense facial pain and is also known as the Suicide Disease and often goes undiagnosed or misdiagnosed; and*

*WHEREAS, it is estimated that over 8 million people around the world suffer from Trigeminal Neuralgia; and*

*WHEREAS, Trigeminal Neuralgia does not have a cure and, therefore, makes it difficult for patients to keep working and maintain a high quality of life; and*

*WHEREAS, Trigeminal Neuralgia can cause pain 24/7 in some patients and typically affects ages 50 years and higher; even just a slight breeze or a wisp of hair touching against the affected side of the face can cause pain;*

*WHEREAS, Trigeminal Neuralgia may rarely affect ages 16 years to 19 years old, and in the specific case of **Christopher J. Nolze** it has affected both sides of his face.*

***NOW, THEREFORE,** We, Mayor Thomas F. Kelaher and Council President Maria L. Maruca, of the Township of Toms River, in the County of Ocean and State of New Jersey, with full concurrence of the Township Council, do hereby bring awareness to **Trigeminal Neuralgia** and declare October 7, 2014 as **Trigeminal Neuralgia Awareness Day in Toms River.***

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**Mayor Thomas F. Kelaher**

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**Maria L. Maruca  
Council President**

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**George E. Wittmann, Jr.**

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**Maurice B. Hill Jr.**

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**Alfonso Manforti**

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**Jeffrey L. Carr**

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**John C. Sevastakis**

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**Brian Kubiell**

Mayor Kelaher spoke regarding Breast Cancer Awareness Month. No one was present to receive proclamation.

# **Township of Toms River**

## **Proclamation**

### **October 2014 National Breast Cancer Awareness Month**

*WHEREAS, in 2014, an estimated 232,340 new cases of invasive breast cancer were expected to be diagnosed among US women, as well as an estimated 64,640 additional cases of in situ breast cancer; and*

*WHEREAS, about 39,620 women and 2,240 men are expected to die from breast cancer in 2014 in the United States. Only lung cancer accounts for more cancer deaths in women; and*

*WHEREAS, through research and advocacy, significant advances have been made in the fight against breast cancer, including an increase in five-year survival rates for localized breast cancer from 74 percent to 98 percent; and*

*WHEREAS, the 2.9 million breast cancer survivors in the U.S. today are a testament to courage, as well as to the importance of promoting awareness about breast cancer, providing information, funding research, following recommended screening guidelines, and offering treatment to those who are affected; and*

*WHEREAS, screening rates are declining, and a recent study reveals that among 1.5 million women over the age of 40 with health insurance, less than 50 percent received the recommended annual screening: and*

*WHEREAS, various organizations are spreading breast cancer awareness to both women and men through outreach, education, and screening programs, and have empowered women with the life-saving message of early detection and importance of having annual mammograms; and*

*WHEREAS, throughout the month of October, women are encouraged to make a renewed commitment to following recommended screening guidelines and to make a mammogram appointment.*

*NOW, THEREFORE, I, Thomas F. Kelaher, Mayor of the Township of Toms River, and the Toms River Township Council Members, in the County of Ocean and the State of New Jersey, hereby proclaim the month of October 2014 as **National Breast Cancer Awareness Month**. We urge all residents to take steps to take steps to get life -saving mammograms and educate themselves, their families, and their communities about breast cancer.*

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*Mayor Thomas F. Kelaher*

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*Maria L. Maruca  
Council Vice President*

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*Maurice B. Hill, Jr.*

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*Brian Kubiel*

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*Jeffrey Carr*

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*George E. Wittmann*

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*John C. Sevastakis*

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*Alfonso Manforti*

Mayor Kelaher and Council Members presented proclamation to Robert Yaiser from Toms River Bureau of Fire Prevention, and he spoke about fire prevention.

# **Township of Toms River Proclamation**

*WHEREAS, fire companies throughout Ocean County are preparing to begin October's "Fire Prevention Week"; and*

*WHEREAS, all citizens should be aware of and participate in fire prevention methods; and*

*WHEREAS, the week of October 5<sup>th</sup> through October 11<sup>th</sup> 2014 is designated Fire Prevention Week, and this year's theme is "Working Smoke Alarms Save Lives"; and*

*WHEREAS, Fire Prevention Week is observed to promote the prevention of fires due to the thousands of lives lost and damages to property caused each year by fire; and*

*WHEREAS, in honor of Fire Prevention Week, the Bureaus of Fire Prevention throughout our nation sponsor activities to promote fire prevention through educating the public; and*

*WHEREAS, the Mayor and the Township Council of the Township of Toms River wishes to acknowledge the importance of fire prevention and pay tribute to the efforts, expertise and dedication of all those involved with fire prevention; and*

*WHEREAS, citizens of Toms River Township are reminded that organizing an escape plan in case a fire occurs is important and that smoke detectors do save lives.*

*NOW, THEREFORE, We, Mayor Thomas F. Kelaher and Council President Maria L. Maruca, of the Township of Toms River, in the County of Ocean and State of New Jersey, with full concurrence of the Township Council, do hereby declare October 5<sup>th</sup> through October 11<sup>th</sup>, 2014 as National Fire Prevention Week and October as Fire Safety Month.*

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**Mayor Thomas F. Kelaher**

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**Maria L. Maruca  
Council President**

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**George E. Wittmann, Jr.**

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**Maurice B. Hill Jr.**

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**Alfonso Manforti**

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**Jeffrey L. Carr**

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**John C. Sevastakis**

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**Brian Kubiell**

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

**ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER,  
OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 321**

**(GAMES OF CHANCE) OF THE TOWNSHIP CODE TO ESTABLISH LICENSING PROCEDURES AND FEES FOR AMUSEMENT GAMES**

**WHEREAS**, at the general election held in November, 1959, New Jersey voters approved, in a statewide referendum, the Amusement Games Licensing Law, N.J.S.A. 5:8-78 to -120, permitting municipalities allow amusement games by local ordinance;

**WHEREAS**, under this law, amusement games are permitted (1) in municipalities that voted in favor of the Amusement Games Licensing Law; and (2) in recognized amusement parks, or in designated amusement or entertainment areas in seashore or other resort communities; and

**WHEREAS**, the Township of Toms River (then the Township of Dover) voted in favor of the Amusement Games Licensing Law; and

**WHEREAS**, the barrier island sections of the Township qualify as seashore or resort areas in which designated amusement or entertainment zones can be established; and

**WHEREAS**, in accordance with state law, the Township Council intends to establish an amusement/entertainment area in the barrier island section of Township and a licensing procedure so that arcades and other amusement game establishments can continue to operate lawfully:

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

1. Chapter 321 (Games of Chance) is hereby retitled as "Games of Chance and Amusement Games" and amended and supplemented as follows:

**§321-19. Amusement Games.**

- A. Amusement Area Defined. It is hereby determined, declared and found that this municipality constitutes a seashore resort with parts thereof customarily constituting an amusement or entertainment area according to the customary understanding of said terms in the community, and which said parts thereof are more particularly described as follows: the area immediately along the easterly side of State Highway 35 North between First and Sixth Avenues.
- B. License Required. It shall be unlawful for any person, firm or corporation to own or operate within this municipality any amusement game or games, as said terms are defined by said "Amusement Games Licensing Law" (Chapter 109, P.L. 1959), whether said game or games are of skill or chance, or both, and whether said game or games be played and operated with or without numbers or figures, without first having obtained a license to do so. Said license shall be issued pursuant to and subject to the provisions of "Amusement Games Licensing Law" (Chapter 109, P.L. 1959).
- C. Application for License.
  - 1. Each applicant for a license shall file with the Township Clerk a written application in such form as prescribed by and in accordance with the Amusement Games Licensing Law, as amended and supplemented, and the rules and regulations promulgated by the Amusement Games Control Commissioner of the State of New Jersey.
  - 2. The background and qualifications of each applicant shall be investigated following the filing of the application. A license shall only be issued if the applicant satisfies the criteria set forth in N.J.S.A. 5:8-103.

- D. License Term. Licenses issued pursuant to this section shall be valid for one year from January 1 through December 31 and must be renewed annually.
- E. License Fee. The annual fee for an amusement game license shall be \$650.
- F. Loud Noises; Amplifiers. No loud sounds or noise shall emanate from buildings where the aforesaid games are conducted, and all amplifiers must face inside the building so that the sound will not be heard outside of the building.
- G. Identification Card; Fee. Each applicant and applicant employee shall be fingerprinted, registered and issued identification cards under the rules and regulations promulgated by the Amusement Games Control Commissioner for each licensee and employee of said licensee. Any fees associated with the fingerprinting, registration, and issuance of identification cards are the responsibility of the applicant.
- H. Control and Supervision. The Mayor and Council of the Township of Toms River shall have and exercise control and supervision over all amusement games held, operated or conducted under such license, with all the powers authorized or granted to them under the Amusement Games Licensing Law, any and all amendments and supplements thereto, and the rules and regulations of the State Amusement Games Control Commissioner.
- I. Suspension/Revocation. Licenses are subject to suspension or revocation, or both, for violations any of the provisions of this chapter, the Amusement Games Licensing Law, the rules and regulations promulgated by the State Amusement Games Control Commissioner, or the terms of licenses issued pursuant to this chapter.
- J. Hearing. Pursuant to N.J.S.A. 5:8-104 and N.J.S.A. 5:8-106, no licensee shall be denied without a hearing being held before the Township Council, or its designee, on due notice to the applicant or licensee.
- K. Violations and Penalties. Any person or entity violating this section, or the terms and conditions of any license issued pursuant hereto, shall be subject to the maximum fines and penalties established under N.J.S.A. 40:49-5 and N.J.S.A. 40:69A-29, and any subsequent amendments to those statutes. Each and every day a violation of this Chapter persists shall constitute a separate violation.

2. All other provisions of Chapter 321 remain in full force and effect.

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

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

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

A motion was made by Council Member Hill, seconded by Council Member Wittmann, and carried with Council Members Carr, Hill, Kubiel, Manforti, Wittmann Sevastakis, and with Council President Maruca 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 September 9, 2014 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 October 14, 2014 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.

J. MARK MUTTER  
TOWNSHIP CLERK

APPROVED AS TO FORM:

KENNETH B. FITZSIMMONS  
TOWNSHIP ATTORNEY  
MUNICIPAL BUILDING  
33 WASHINGTON STREET  
TOMS RIVER, NJ 08753

This ordinance title and purpose, together with notice, shall be published in the Asbury Park Press in the issue of Friday, September 26, 2014.

Ordinance was adopted on first reading with Council Members Carr, Hill, Kubiell, Manforti, Wittmann, Sevastakis, and with Council President Maruca voting yes.

### CONSENT AGENDA

Council President Maruca 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 Kubiell, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubiell, Manforti, Sevastakis, Wittmann and Council President Maruca voting yes, to approve all the following items listed on the Consent Agenda, except item **B and C**, which were done separately.

### RESOLUTION

SEPTEMBER 23, 2014

*WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO A DAV EXEMPTION BEING GRANTED AND;*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
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<b>LEE, JOHN &amp; SUSAN</b>	<b>706.08</b>	<b>138</b>	<b>2014/1</b>	<b>1334.20</b>
			<b>2014/2</b>	<b>1334.20</b>
			<b>2014/3</b>	<b>1477.87</b>
<b>REISER, MARTIN</b>	<b>233.33</b>	<b>25</b>	<b>2014/1</b>	<b>1082.08</b>
			<b>2014/2</b>	<b>1082.08</b>
			<b>2014/3</b>	<b>1043.18</b>
<b>TOTALS:</b>				<b>73753.61</b>

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

Approved as to content:

*RESOLUTION  
SEPTEMBER 23, 2014*

*WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; AND;*

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

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

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

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

<i>NAME</i>	<i>BLOCK</i>	<i>LOT</i>	<i>Qual,Year</i>	<i>Amount</i>
<b>BARON, CAROL L.</b>	<b>724.51</b>	<b>6</b>	<b>2014/3</b>	<b>1300.09</b>
<b>BARON, CAROL L.</b>	<b>943.01</b>	<b>55</b>	<b>2014/3</b>	<b>1817.94</b>
<b>BOVE, VINCENT</b>	<b>1108.21</b>	<b>1</b>	<b>2014/3</b>	<b>176.20</b>
<b>GUNNELLO, JOHN E. &amp; CARRIE</b>	<b>1028</b>	<b>13</b>	<b>2014/3</b>	<b>4669.68</b>
<b>QUATSE, PAMELA</b>	<b>192.04</b>	<b>39</b>	<b>2014/3</b>	<b>375.37</b>
<b>Totals:</b>				<b>8339.28</b>

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

*RESOLUTION  
SEPTEMBER 23, 2014*

*WHEREAS, an overpayment of taxes has appeared on the following properties for the year (s) indicated; DUE TO A NEW JERSEY STATE TAX APPEAL, AND;*

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

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



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

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

NAME	BLOCK	LOT	Qual, Year	Amount
<b>MARINI, LORAIN, @ MCKIRDY &amp; RISKIN, PA.</b>	<b>1022</b>	<b>1</b>	<b>2009/4</b>	<b>5797.03</b>
			<b>2010/4</b>	<b>6426.45</b>
			<b>2011/4</b>	<b>16055.41</b>
			<b>2012/4</b>	<b>17013.14</b>
<b>SAFE BET, LLC @ THE IRWIN LAW FIRM</b>	<b>609.01</b>	<b>11</b>	<b>2012/4</b>	<b>3952.50</b>
			<b>2013/4</b>	<b>4917.50</b>
<b>TOTALS;</b>				<b>54162.03</b>

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

Approved as to content:

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

**SEPTEMBER 23, 2014**

WHEREAS, bids were invited on August 27, 2014 for the Supply of Polyliners;  
and

WHEREAS, bids were received, as follows:

Interboro Packaging Corp.  
114 Bracken Road  
Montgomery, NY 12549

Scoles Floorshine Industries  
PO Box 2303  
Farmingdale, NJ 07727

Central Poly Corporation  
2400 Bedle Place  
PO Box 4097  
Linden, NJ 07036

All American Poly  
40 Turner Place  
Piscataway, NJ 08854

WHEREAS, the bids have been reviewed by Parks, Buildings & Grounds, Records Management and Animal Shelter, and it is their recommendation that contracts be awarded, as follows:

**Central Poly Corporation** - Item Nos. 1 and 10.

**Interboro Packaging Corp** - Item Nos.: 2, 3, 4, 5, 6, 7, 8, and 9.

**All American Poly** – Item No. 11.

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

1. It hereby awards open-ended contracts for the Supply of Polyliners, as follows:

**Central Poly Corporation** - Item Nos. 1 and 10.

**Interboro Packaging Corp** - Item Nos.: 2, 3, 4, 5, 6, 7, 8, and 9.

**All American Poly** – Item No. 11.

Term of Contract: September 25, 2014 through September 24, 2015. These shall be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The awards of these contracts are subject to all other terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Office of Emergency Management
- f) Recreation Department
- g) Parks, Buildings & Grounds
- h) Aforementioned Bidders

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to Interboro Packaging Corp., Central Poly Corporation, and All American Poly, are contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: September 23, 2014

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
TOMS RIVER, OCEAN COUNTY, NEW JERSEY,  
AUTHORIZING AWARD OF AN OPEN-ENDED CONTRACT TO  
V.E. RALPH & SONS, AND INTERBORO PACKAGING CORP.,  
FOR THE SUPPLY OF FIRST AID SUPPLIES**

**SEPTEMBER 23, 2014**

WHEREAS, bids were invited on August 27, 2014 for the Supply of First Aid Supplies; and

WHEREAS, bids were received, as follows:

Interboro Packaging Corp.

114 Bracken Road  
Montgomery, NY 12549

V.E. Ralph & Son  
320 Schuyler Avenue  
Kearny, N.J. 07032

WHEREAS, the bids have been reviewed by the Purchasing Division and Paul Daley, Office of Emergency Management, and it is their recommendation that contracts be awarded, as follows:

**V.E. Ralph & Son, Inc. - Item Nos.:** 1 through 123, 125, 127 through 134, 136 through 170, 172 through 180, and 183 through 196.

**Interboro Packaging Corp - Item No.:** 124.

Interboro Packaging Corp. bid only eight items and while they were lowest on all eight, they put minimum orders on seven of those items. Therefore, those seven items (#160, 161, 162, 163, 164, 165, and 167), must be rejected as non-responsive.

Item Nos.: 126, 135, 171, 181 and 182 received no bids and shall be quoted as needed.

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

1. It hereby awards open-ended contracts for the Supply of First Aid Supplies, as follows:

**V.E. Ralph & Son, Inc. - Item Nos.:** 1 through 123, 125, 127 through 134, 136 through 170, 172 through 180, and 183 through 196.

**Interboro Packaging Corp - Item No.:** 124.

Interboro Packaging Corp. bid only eight items and while they were lowest on all eight, they put minimum orders on seven of those items. Therefore, those seven items (#160, 161, 162, 163, 164, 165, and 167), must be rejected as non-responsive.

Item Nos.: 126, 135, 171, 181 and 182 received no bids and shall be quoted as needed.

Term of Contract: September 11, 2014 through September 10, 2015. These shall be open-ended contracts with funds being encumbered each time an order is placed, contingent upon the availability of funds in the appropriate municipal budget. The awards of these contracts are subject to all other terms and conditions of the bid specifications. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Purchasing Division
- b) Chief Financial Officer
- c) Township Attorney
- d) Police Department
- e) Office of Emergency Management
- f) Recreation Department
- g) Parks, Buildings & Grounds
- h) Aforementioned Bidders

## CERTIFICATION

**THIS IS TO CERTIFY** that the funds for the open-ended contracts awarded to V.E. Ralph & Son, Inc., and Interboro Packaging Corp., are contingent upon the availability of funds in the appropriate municipal budget.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: September 23, 2014

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING,  
CHANGE ORDER NO. 1 – FINAL (DECREASE IN CONTRACT IN THE AMOUNT OF  
\$78,359.37), RELEASING PERFORMANCE BOND, ACCEPTANCE OF  
MAINTENANCE BOND, AND AUTHORIZING  
FINAL PAYMENT AND RELEASE OF RETAINAGE TO CONTRACTOR, EARLE  
ASPHALT COMPANY, IN THE AMOUNT OF \$920,755.29,  
FOR THE CLOSEOUT OF THE 2013 TOWNSHIP WIDE ROAD  
PAVING AND DRAINAGE PROJECT**

**SEPTEMBER 23, 2014**

WHEREAS, resolution of the Township Council October 8, 2013, awarded a contract to Earle Asphalt Company, as low bidder meeting all the specifications, for the 2013 Township Wide Road Paving and Drainage Project, in the amount not to exceed \$2,387,913.00; and

WHEREAS, the contractor retained for the 2013 Township Wide Road Paving and Drainage Project, has submitted the required documents in connection with the closeout of this project; and

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

a) Contractor's Application for Payment including Release of Retainage in the amount of \$29,901.15, final payment to contractor in the amount of \$890,854.14, for a total payment to contractor of \$920,755.29.

b) Change Order No. 1 - Final, executed by the contractor for a reduction of \$533,439.45, and an extra amount of \$455,080.08, for a total decrease of \$78,359.37.

c) Original Maintenance Bond No. 82334204M with Earle Asphalt Company, as Principal and Federal Insurance Company, as Surety.

WHEREAS, Change Order 1 – Final – to the contract with Earle Asphalt Company, to wit:

**DESCRIPTION OF CHANGE:**

Reduction of various contract quantities.

**REDUCTIONS:**

<u>Item No.</u>	<u>Description</u>	<u>Amount</u>
4	Reset Manhole Rings, Valve Boxes	\$ 14,553.00
5	Convert Inlet to "ECO" Casting	\$ 52,536.00
7	Striping – 30" Long Crosswalk	\$ 3,573.00
8	Striping-6" Single White Line	\$ 787.10
9	Striping-24"x15' White Stop Bar	\$ 9,096.05

10	Remove & Dispose 4" Thick Concrete s/w & Apron	\$ 445.05
11	Provide & Install 4" Thick Concrete s/w	\$ 173,528.06
13	Remove & Dispose of Concrete Curb	\$ 11.12
14	Provide & Install 6"x8"x18" Concrete Curb	\$ 60,833.22
15	Provide & Install 4" ADA Compliant Detectable War	\$ 76,440.00
16	Restoration	\$ 55.35
17	Police Traffic Directors	\$ 11,004.00
18	NJDOT Asphalt Index Budget	\$ 53,617.50
19	NJDOT Fuel Index Budget	\$ 76,960.00
<b>TOTAL REDUCTION:</b>		<b>\$ 533,439.45</b>

**EXTRAS:**

1	Variable Milling 0"-2"	\$ 5,330.76
2	Milling 2"	\$ 54,002.06
3	FABC Surface Crse.	\$385,068.82
6	Striping – 4" Single White or Yellow Line	\$ 10,223.40
12	Provide & Install 4" Thick Concrete ADA Apron	\$ 455.04
<b>TOTAL EXTRA:</b>		<b>\$455,080.08</b>

	<b><u>ADDITIONAL</u></b>	<b><u>REDUCTION</u></b>
Total Reduction This C.O.	X	(\$533,439.45)
Total Extras This C.O.	\$455,080.08	X
Total Supplementary This C.O.	X	X
Total This C.O.	\$455,080.08	(\$533,439.45)
Previous Change Orders	X	X
Total Change Orders to Date:	\$455,080.08	(\$533,439.45)
Total Change in Contract		(\$ 78,359.37)
ORIGINAL CONTRACT BID PRICE:	\$2,387,913.00	
NEW CONTRACT PRICE:	\$2,309,553.63	

be and the same is hereby ratified and confirmed;

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

1. It hereby authorizes the appropriate Township Officials of the Township of Toms River to take whatever action is necessary to process the aforesaid documentation, to close out the 2013 Township Wide Road Paving and Drainage Project, approval of Change Order No. 1 – Final, Release of Performance Bond, Acceptance of Maintenance Bond, and authorize final payment and release of retainage to Earle Asphalt Company, in the amount of \$920,755.29. Funds in the amount of \$920,755.29, are available in Account No. X-04- -213-001. The certification of funds available statement with respect to this resolution is on file in the Office of the Township Clerk.

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

- a) Chief Financial Officer
- b) Engineering Division
- c) Township Attorney
- d) Purchasing Division
- e) Earle Asphalt Company  
PO Box 556  
Farmingdale, NJ 07727

## **CERTIFICATION**

**THIS IS TO CERTIFY** that the funds for payment to Earle Asphalt Company, in the amount of \$920,755.29, are available in Account No. X-04- -213-001.

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

CHRISTINE MANOLIO  
CHIEF FINANCIAL OFFICER

Dated: September 23, 2014

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

**SEPTEMBER 23, 2014**

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

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

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

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

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

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

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

- a) Mayor Thomas F. Kelaher
- b) Paul Shives, Business Administrator
- c) Christine Manolio, Chief Financial Officer
- d) Carl Dileo, Acting Tax Collector
- e) Kenneth B. Fitzsimmons, Township Attorney
- f) John Winton, Housing & Property Maintenance
- g) Craig Ambrosio, Director, Parks, Buildings & Grounds

**SCHEDULE "A"**

**CERTIFICATION OF COSTS**

	<b><u>BLOCK</u></b>	<b><u>LOT</u></b>	<b><u>PROPERTY ADDRESS</u></b>	<b><u>TOTAL</u></b>
1.	535.03	1	432 Lakehurst Road	\$1004.25
2.	444.10	5	890 Harrison Road	\$711.50
3.	1084.10	3	587 Huckleberry Lane	\$817.49
4.	1501.15	23	1095 Fairview Drive	\$857.88
5.	1502.17	1	813 Ross Street	\$1004.25
6.	540.05	12	1083 Mulberry Place	\$418.75
7.	705.02	7	211 Marom Drive	\$5762.40

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, APPROVING AN AGREEMENT BETWEEN THE TOWNSHIP AND TEAMSTERS LOCAL 97 OF NEW JERSEY, FOR A NEW FOUR-YEAR CONTRACT FOR CROSSING GUARDS, EFFECTIVE RETROACTIVELY TO JANUARY 1, 2014 THROUGH DECEMBER 31, 2017, AND AUTHORIZING THE MAYOR TO EXECUTE AND THE TOWNSHIP CLERK TO ATTEST TO THE AGREEMENT**

**SEPTEMBER 23, 2014**

**WHEREAS**, the collective negotiations agreement between the Township of Toms River and Teamsters Local 97 of New Jersey (Crossing Guards), as previously amended and extended, expired on December 31, 2013; and

**WHEREAS**, the parties have negotiated a successor agreement, attached as Schedule "A" to this resolution; and

**WHEREAS**, this new agreement is effective retroactively from January 1, 2014, and continues through December 31, 2017;

**WHEREAS**, the terms of this new agreement are mutually beneficial to both parties:

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

1. The collective negotiations agreement between the Township of Toms River and Teamsters Local 97 of New Jersey, attached as Schedule "A" to this resolution, is hereby approved.

2. The Mayor is hereby authorized to execute and the Township Clerk to attest to the attached agreement.

3. A certified copy of this resolution and the fully-executed agreement shall remain on file in the Office of Township Clerk.

4. The Township Clerk shall provide a certified copy of this resolution and the fully-executed agreement to the following parties:

- a. Business Administrator
- b. Director of Human Resources
- c. Township Attorney
- d. Chief Financial Officer
- e. Police Department
- f. Pat Guaschino, Teamsters Local 97  
485 Chestnut Street  
Union, New Jersey 07083

**SCHEDULE A**

**“SEE ATTACHMENTS”**

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, AUTHORIZING AN AGREEMENT BETWEEN THE TOWNSHIP OF TOMS RIVER AND THE AUTUMN RIDGE AT TOMS RIVER CONDOMINIUM ASSOCIATION PURSUANT TO THE MUNICIPAL SERVICES ACT, N.J.S.A. 40:67-23.1 TO -23.8**

**SEPTEMBER 23, 2014**

WHEREAS, the Autumn Ridge at Toms River condominium Association (“Autumn Ridge”) is a qualified private community under the Municipal Services Act (“MSA”), N.J.S.A. 40:67-23.1 to -23.8, managed and operated by Homes for all; and

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

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

WHEREAS, Autumn Ridge has requested and consented to Township-provided solid waste collection:

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

1. The Mayor is hereby authorized to execute and the Township Clerk to attest to the agreement, attached as Schedule “A” to this resolution, between the Township and Autumn Ridge for the collection of solid waste and recyclable materials.

2. A fully-executed copy of this agreement shall remain on file in the office of the Township Clerk.

3. The Township Clerk shall provide a certified copy of this resolution and a copy of the fully-executed agreement to the following parties:

- a. Business Administrator
- b. Chief Financial Officer
- c. Director of Public Works
- d. Township Attorney
- e. Autumn Ridge at Toms River Condominium Association  
c/o Homes for All  
7 Hyers Street  
Toms River, NJ 08753



## SCHEDULE A

### SOLID WASTE COLLECTION AGREEMENT

This Solid Waste Collection Agreement ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2014, between the Township of Toms River ("Township" or "Toms River"), a municipal corporation established and operating under the laws of the State of New Jersey, with offices located at 33 Washington Street, Toms River, New Jersey, 08753, and Autumn Ridge at Toms River Condominium Association ("Autumn Ridge"), c/o Homes for All, 7 Hyers Street, Toms River, New Jersey, 08753 ("Homes for All"), for the purpose of arranging for the collection and disposal of solid waste and recyclable materials.

#### RECITALS

**WHEREAS**, Autumn Ridge is a qualified private community under the Municipal Services Act ("MSA"), N.J.S.A. 40:67-23.01 to -23.8, managed and operated by Homes for All; and

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

**WHEREAS**, the Township has determined that it is more efficient and cost-effective to directly provide solid waste collection to Autumn Ridge, rather than reimburse the costs of those services; and

**WHEREAS**, Autumn Ridge and Homes for All agree with the Township's determination and have requested and consented to Township-provided solid waste collection:

The parties hereby agree as follows:

**1. Services and Materials Provided.** The Toms River Township Department of Public Works ("DPW") will provide the following services and materials to Autumn Ridge:

- a. Regular collections of household solid waste once weekly and single stream recyclable materials on a twice-per month basis. Collection days will be compatible with existing DPW routes on mutually-agreed upon dates.
- b. One recycling container and one trash container (95 gal.) are required for each of the association's 49 units. The association shall purchase these containers from the Township, in one bulk order at the cost established by ordinance of \$100 per container.
- c. DPW will coordinate delivery of containers to specific addresses within the community, with assistance of the Association.

**2. Cost.** Unless otherwise stated, the Township will provide services listed in the preceding paragraph at no cost to Autumn Ridge.

**3. Prohibited Materials.** The Township shall not collect construction or demolition debris, hazardous materials, and any other debris prohibited by ordinance.

**4. Insurance Required.** Pursuant to N.J.S.A. 40:67-23.4, Autumn Ridge must submit a current valid insurance policy or rider, naming the Township, and its employees, agents, assigns, and successors as insured parties, in the amount of \$300,000/\$1,000,000. A current insurance policy or rider must be submitted annually and is subject to review and approval by the Toms River Township Division of Law.

**5. Proper Authority.** Both parties represent that this agreement has been approved in accordance with each other's applicable rules and procedures and has been executed by persons with the proper authority to do so.

6. **Severability.** Should any part of this Agreement be invalidated by a court of competent jurisdiction, that part shall be severed and the balance of the Agreement shall remain in full force and effect.

7. **Counterparts.** This Agreement may be signed in counterparts and shall be binding as if all parties executed the original thereof. A facsimile or electronically-transmitted signature shall have the same effect as an original signature.

8. **Governing Law.** This Agreement shall be governed by the laws of the State of New Jersey. Any disputes arising out of or related to this Agreement shall be venued in the Superior Court of New Jersey, Law Division, Ocean County vicinage.

*Autumn Ridge Condominium Association:*

By: \_\_\_\_\_

Dated: \_\_\_\_\_  
*Township of Toms River*

Attest:

\_\_\_\_\_  
J. MARK MUTTER  
Township Clerk

\_\_\_\_\_  
THOMAS F. KELAHER  
Mayor

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

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

**September 23, 2014**

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

1. It hereby authorizes the sale at public auction of the following abandoned and/or unclaimed motor vehicles pursuant to the provisions of N.J.S.A. 39:10A-1 et seq., on Wednesday, October 8, 2014 at 10:00 A.M. at Accurate Automotive, 14 James Street, Toms River, N.J. and 11:00 A.M. at Priced Rite Towing, 24 Germania Station Road, Toms River, N.J 08755.

**Vehicles For Auction with Titles:**

**ACCURATE AUTOMOTIVE**  
14 James Street  
Toms River, NJ 08753  
October 8, 2014 at 10:00 A.M.

<b>YEAR</b>	<b>MAKE</b>	<b>VIN #</b>
2006	Ford	1FTFR12256NB73146

**PRICED-RITE TOWING**  
24 Germania Station Road  
Toms River, NJ 08755  
October 8, 2014 at 11:00 A.M.

<b>YEAR</b>	<b>MAKE</b>	<b>VIN #</b>
2010	Mercury	3MEHM0JGXAR655396

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

- a) Attorney
- b) Chief of Police Mitch Little
- c) Chief Financial Officer
- d) Accurate Automotive  
14 James Street  
Toms River, NJ 08753
- e) Priced-Rite Towing  
24 Germania Station Road  
Toms River, NJ 08755

## LEGAL NOTICE

### TOWNSHIP OF TOMS RIVER

#### PUBLIC SALE

**TAKE NOTICE** that the undersigned shall expose for sale in accordance with R.S. 39:10A-1, at public auction on **WEDNESDAY, October 8, 2014 at 10:00 a.m. at Accurate Automotive, 14 James Street, Toms River, 08753, and at 11:00 a.m. at Priced-Rite Towing, 24 Germania Station Road, Toms River, New Jersey 08755**, the below described motor vehicle(s) which came into the possession of the Township of Toms River Police Department through abandonment or failure to claim same within 30 days. The public auction will take place at the above indicated date, time and location(s). The motor vehicle(s) may be examined at the indicated location(s) Monday through Friday, 9:00 a.m. to 5:00 p.m.

All vehicle(s) listed have clear title. Failure to inspect said vehicle(s) will not be considered as cause for any claim for adjustment whatsoever. **ALL SALES WILL BE FINAL.** Cash or check will be required at the time of the sale when the sale is completed. Vehicle(s) must be removed from the premises at the purchaser's expense within 48 hours of sale date. Opening bids start at tow expense.

#### Vehicles For Auction with Titles:

##### **ACCURATE AUTOMOTIVE**

14 James Street  
Toms River, NJ 08753  
October 8, 2014 at 10:00 A.M.

<u>YEAR</u>	<u>MAKE</u>	<u>VIN #</u>
2006	Ford	1FTFR12256NB73146

##### **PRICED-RITE TOWING**

24 Germania Station Road  
Toms River, NJ 08755  
October 8, 2014 at 11:00 A.M.

<u>YEAR</u>	<u>MAKE</u>	<u>VIN #</u>
2010	Mercury	3MEHM0JGXAR655396

**RESOLUTION AUTHORIZING RAFFLE EVENT SCHEDULED FOR SUNDAY  
OCTOBER 12 & 26, 2014  
TO TOMS RIVER ELKS LODGE #1875**

**SEPTEMBER 23, 2014**

WHEREAS, the Township of Toms River has adopted an Ordinance Amending and Supplementing Chapter 321 (Games of Chance) of the “Code of the Township of Toms River, New Jersey”; and

WHEREAS, the ordinance provides for permitting the conducting of Games of Chance on Sunday provided that same is authorized by the Governing body, pursuant to N.J.A.C. 13:47-8.8; and

WHEREAS, Toms River Elks Lodge #1875 has applied to hold their on premise 50/50 raffle events for October 12 & 26, 2014 (Sunday), and to conducted their on premise raffle events, due to prior scheduling, has been on the calendar of events for the year 2014; and

WHEREAS, the Toms River Elks Lodge #1875 on premise 50/50 raffles cannot be rescheduled due to conflicts;

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

1. It hereby approves of the Toms River Elks Lodge #1875 On Premise 50/50 raffles scheduled for October 12 & 26, 2014.

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

- a) Mayor
- b) Attorney
- c) Township Clerk
- d) Business Administrator
- e) Township Council
- f) Michael Mastronardy, Chief of Police  
Toms River Elks Lodge #1875  
600 Washington Street  
Toms River, NJ 08753

**RESOLUTION AUTHORIZING RAFFLE EVENT SCHEDULED  
FOR SUNDAY NOVEMBER 23, 2014  
PLEASANT PLAINS VOL. FIRE DEPT.**

**SEPTEMBER 23, 2014**

WHEREAS, the Township of Toms River has adopted an Ordinance Amending and Supplementing Chapter 321 (Games of Chance) of the “Code of the Township of Toms River, New Jersey”; and

WHEREAS, the ordinance provides for permitting the conducting of Games of Chance on Sunday provided that same is authorized by the Governing body, pursuant to N.J.A.C. 13:47-8.8; and

WHEREAS, Pleasant Plains Vol. Fire Dept. has applied to hold their on premise merchandise and 50/50 raffle event for November 23, 2014 (Sunday), and to conducted their on premise raffle event, due to prior scheduling, has been on the calendar of events for the year 2014; and

WHEREAS, the Pleasant Plains Vol. Fire Dept. on premise merchandise and 50/50 raffle event cannot be rescheduled due to conflicts;

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

1. It hereby approves of Pleasant Plains Vol. Fire Dept. on premise merchandise and 50/50 raffle scheduled for November 23, 2014.

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

- g) Mayor
- h) Attorney
- i) Township Clerk
- j) Business Administrator
- k) Township Council
- l) Michael Mastronardy, Chief of Police  
Pleasant Plains Vol. Fire Dept.  
40 Clayton Ave  
Toms River, NJ 08753

**RESOLUTION AMENDING BUDGET REVENUES AND APPROPRIATIONS FOR FY2013 EMERGENCY MANAGEMENT AGENCY ASSISTANCE GRANT**

**SEPTEMBER 23, 2014**

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 Ocean County Sheriff's Office, FY2013 Emergency Management Agency Assistance (EMAA) Grant and wishes to amend its 2014 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 2014 Budget the sum of \$15,000.00 which is now available as revenue from:

Miscellaneous Revenues -

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

FY2013 Emergency Management Agency Assistance Grant.....\$15,000.00 pursuant to the provisions of the Statute, and

BE IT FURTHER RESOLVED that a like sum of \$15,000.00 is 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:

FY2013 Emergency Management Agency Assistance Grant.....\$15,000.00

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

A) Division of Local Government Services (2 copies)

- B) Chief Financial Officer
- C) Township Auditor
- D) Grant Manager
- E) Emergency Management

Approved as to Content:

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TOMS RIVER, OCEAN COUNTY, NEW JERSEY, RELEASING MAINTENANCE GUARANTEES FOR MAJOR SITE PLAN KNOWN AS BRIDGE STORAGE OF TOMS RIVER, BLOCK 1077, LOT 3 (3200 ROUTE 37 EAST)**

**SEPTEMBER 23, 2014**

WHEREAS, the Township Engineer has reported to the Township Council with respect to a Major Site Plan entitled Bridge Storage of Toms River, Block 1077, Lot 3 (3200 Route 37 East) that all improvements presently under a maintenance bond have been maintained in accordance with Township standards.

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) Maintenance Cash Bond in the amount of \$15,700.00 currently on deposit in account #4-14-0-2-101 is hereby released with applicable interest;

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

- a. Engineer
- b. Finance Department
- c. Township Attorney
- d. Bridge Storage, LLC  
760 Opatut Court  
Toms River, NJ 08753  
Attn: Martin J. Morrison

**RESOLUTION AUTHORIZING THE RENEWAL OF POCKET LIQUOR LICENSE 1507-44-047-002 ISSUED TO 3 TIMES LLC PURSUANT TO NJABC SPECIAL RULING**

**September 23, 2014**

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and

WHEREAS, Michael I. Halfacre, Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-44-047-002 for the 2014-2015 license term, pursuant to the provisions of N.J.S.A. 33:1-12.39; and

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

1. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

**1507-44-047-002  
3 Times LLC  
952 Lakewood Rd**

**Toms River, NJ 08753  
(POCKET)**

2. The license referred to in the preceding paragraphs shall be executed for and on behalf of this Municipality by the Clerk of the Township with an effective date of July 1, 2014.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
P. O. Box 087  
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) 3 Times LLC  
952 Lakewood Rd  
Toms River, NJ 08753

Eric McCullough, Esquire, on behalf of Simon Property Inc., spoke regarding transfer application and background investigation. He also spoke number of licenses currently owned by Simon Property in New Jersey, potential conflict of interest by trustee in this matter,

PSA Perry Kelly, Toms River Police Department, spoke regarding his background investigation of John Rulli of Simon Property.

Terry Brady, Esquire, on behalf of the objector was present and spoke regarding the investigation by the Police Department, number of licenses issue, restaurant use, conflict of interest by the trustee in this matter, and fingerprinting of Mr. Rulli.

Perry Kelly, read July 21, 2014 repost regarding fingerprinting of Mr. Rulli by law enforcement in Indiana.

Chief Little explained the fingerprint procedure.

Township Attorney Fitzsimmons explained the type of liquor license application involved. Discussion regarding imposing condition on any transfer to indicate exceptions regarding number of licenses.

Township Clerk notice issue was met regarding background investigation and to leave it to the Council sound discretion.

Township Attorney Fitzsimmons agrees, but says even assuming conflict issue does exist – that is a matter for the Superior Court – not the Council Members.

Discussion ensued regarding the number of licenses held. Discussion by Council.

A motion was made by Council Member Sevastakis, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubiak, Manforti, Sevastakis, Wittmann, and with Council Members Maruca to transfer this Resolution with conditions, that when out of pocket is activated regarding number of licenses to indicate the exceptions regarding number of licenses for this specific license.

**RESOLUTION AUTHORIZING THE PERSON-TO PERSON TRANSFER OF  
PLENARY RETAIL CONSUMPTION LIQUOR LICENSE  
1507-33-042-006 FROM ARCADIA GROUP  
INC. TO SIMON PROPERTY GROUP INC.**

(IN POCKET)

**September 23, 2014**

WHEREAS, an application has been filed for **PERSON-TO-PERSON TRANSFER** for Plenary Retail Consumption License Number **1507-33-042-006**, heretofore issued to Arcadia Group Inc., 1201 Hooper Ave Toms River, NJ 08753 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 Consumption Liquor License Number 1507-33-042-006 from **Arcadia Group Inc. To Simon Property Group, Inc.** The License will be placed **IN POCKET**, with a mailing address of: Simon Property Group, Inc. 1201 Hooper Avenue, Toms River, New Jersey, 08753. The transfer is effective June 30, 2014, nunc pro tunc.

2. The following condition is attached to the transfer: When application is made to activate this license, now in pocket, this plenary retail consumption license can only be utilized by a person or entity eligible to hold more than two (2) plenary retail consumption licenses pursuant to the terms of Title 33 of the Revised Statutes of the State of New Jersey.

3. 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) Simon Property Group Inc.  
1201 Hooper Ave  
Toms River, NJ 08753

A motion was made by Council Member Sevastakis, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubiak, Manforti, Sevastakis, Wittmann, and with Council Members Maruca voting yes, to approve the following Resolution.

**RESOLUTION AUTHORIZING THE RENEWAL OF  
POCKET LIQUOR LICENSE 1507-33-042-006  
ISSUED TO SIMON PROPERTY GROUP INC.  
PURSUANT TO NJABC SPECIAL RULING  
(IN POCKET)  
September 23, 2014**

WHEREAS, the liquor license holder listed below has made application for the renewal of his respective license and has paid the necessary fee for his renewal; and

WHEREAS, the aforesaid application and other proceedings relative to said application and license are in regular and proper form; and



WHEREAS, Michael I. Halfacre, Director, of the State of New Jersey Alcoholic Beverage Control, has authorized the Township of Toms River to consider the renewal application for Plenary Retail Consumption License Number 1507-33-042-006 for the 2014-2015 license term, pursuant to the provisions of N.J.S.A. 33:1-12.39; and

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

1. The Plenary Retail Consumption Liquor License is hereby granted to the following applicant, which is presently the holder of the license:

**1507-33-042-006**  
**Simon Property Group Inc.**  
**1201 Hooper Ave**  
**Toms River, NJ 08753**  
**(POCKET)**

2. The license referred to in the preceding paragraphs shall be executed for and on behalf of this Municipality by the Clerk of the Township with an effective date of July 1, 2014.

3. The Township Clerk shall forthwith report to the Division of Alcoholic Beverage Control of the State of New Jersey, and to the State Tax Department, the issuance of this license as soon as this license is issued.

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

- a) Department of Police
- b) Chief Financial Officer
- c) Attorney
- d) State of New Jersey  
Division of Alcoholic Beverage Control  
P. O. Box 087  
Trenton, NJ 08625-0087
- e) State Tax Dept.
- f) Simon Property Group Inc  
1201 Hooper Ave  
Toms River, NJ 08753

## REPORTS

A motion was made by Council Member Kubiel, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubiel, Manforti, Sevastakis, Wittmann, and with Council President Maruca voting yes, to approve the following Reports.

- 1. **In-Season Beach Badge Weekly Report- week #11 (Final)- \$9,882.00**
- 2. **In-Season Pool Badge Weekly Report- week #12 (Final) - \$2,896.00**
- 3. **Permits & Inspections Office- August 2014- \$315,781.00**

## APPROVAL OF BILLS

Council President Maruca asked for a report on the bills.

The Bill List, dated **September 18, 2014**, was approved on motion by Council Member Kubiel, seconded by Council Member Manforti, and carried with Council Members Carr, Hill, Kubiel, Manforti, Sevastakis, Wittmann, and with Council President Maruca voting yes. The following respective exceptions to their votes were noted as abstentions to this vote:

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

Purchase Order 14-04558, payable to Saint Barbara Greek Orthodox Church in the amount of \$75.00.

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

Purchase Order 14-04823, payable to Board of Education-Toms River Schools in the amount of \$10,065,289.08.

Purchase Order 14-04465, payable to Ocean County Board of Health in the amount of \$4,007.00.

Purchase Order 14-04819, payable to Saint Luke's Church in the amount of \$504.00.

Purchase Order 14-04819, payable to Toms River School in the amount of \$756.00.

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

Purchase Order 14-03446, payable to Board of Fire Commissioners-District 2 in the amount of \$724,000.00.

Purchase Order 14-03446, payable to Board of Fire Commissioners-District 1 in the amount of \$1,076,636.54.

Purchase Order 14-00979 and 14-04338, payable to Robert Cimer, Veterinarian, in the amount of \$2,717.00.

## **ELECTED OFFICIALS COMMENTS**

Mayor Kelaher and Council Members Carr, Manforti, Hill, Kubiell, Wittmann and Maruca had no comments.

Council Member Sevastakis spoke regarding Saint Barbara's Greek Orthodox Church Festival upcoming...

## **PUBLIC COMMENTS**

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

Pat Klaslo, spoke regarding Ortleigh Beach Voters and Taxpayers Association recent meeting on September 20, 2014, regarding Bay Blvd re-construction plans.

Arnold Taranto spoke regarding parking conditions and bicycle drivers.

No further comments from the public appearing, a motion was made by Council Member Kubiell, seconded by Council Member Carr and carried to enter into a private Executive Session at 7:30 PM.

A motion was made by Council Member Kubiell, seconded by Council Member Carr, and carried, to adopt the following resolution, which was read into the record by the Township Clerk:

## **R E S O L U T I O N**

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, Public Law 1975, permits the exclusion of the public from a meeting in certain circumstances to discuss matters requiring confidentiality and/or of a privileged nature; and

WHEREAS, the Township Council is of the opinion that such circumstances presently exist;

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

1. The Township Council will now conduct a private Executive Session.
2. The general nature of the subject matter to be discussed and/or acted upon is as follows:

Matters of Personnel  
Matters in Litigation  
Attorney Client Privilege  
Land Acquisitions

3. The following specific topics were announced.

1. September 9, 2014 Executive Session Minutes
2. Personnel
3. Toms River Investment, LLC – Status – Contract Negotiations
4. Dover Summit Litigation-Status
5. Zoning Board of Adjustment vacancy

4. It is anticipated that deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Council that the public interest will no longer be served by such confidentiality.

The foregoing resolution was approved on the following roll call vote:

Council Member Carr	Yes
Council Member Hill	Yes
Council Member Kubiell	Yes
Council Member Manforti	Yes
Council Member Wittmann	Yes
Council Vice-President Sevastakis	Yes
Council President Maruca	Yes

The Council reconvened the public portion at 7:45PM, with Council Members Carr, Manforti, Kubiell, Wittmann, Hill and Maruca present, and Council Member Sevastakis absent.

A motion was made by Council Member Kubiell, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubiell, Manforti, Wittmann, and Council President Maruca voting yes, and with Member Sevastakis absent, to approve the following Resolution.

#### **RESOLUTION APPROVING EXECUTIVE SESSION MINUTES**

WHEREAS, the attached Executive Session Minutes have been reviewed as to form and accuracy;

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

1. The following Executive Session Minutes are approved:

**September 9, 2014**

2. The Township Clerk shall maintain same as an official record.

A motion was made by Council Member Kubiel, seconded by Council Member Carr, and carried with Council Members Carr, Hill, Kubiel, Manforti, Wittmann, and Council President Maruca voting yes, and with Member Sevastakis absent, to approve the following Resolution.

**RESOLUTION APPOINTING MEMBERS OF**

**THE BOARD OF ADJUSTMENT**

**SEPTEMBER 23, 2014**

**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 following person be and is hereby appointed as a member of the Toms River Township Board of Adjustment, as follows:

**Regular Member**

Anne M. Hammill-Pasqua  
141 Newington Lane  
Toms River, NJ 08755

(unexpired term of Daryl Clark  
who resigned)  
Term is to 12/31/16

2. Ms. Hammill Pasqua's term as Alternate 2 to 12/31/2014 is declared vacant.
3. The Township Clerk shall send a certified copy of this Resolution to each of the following:
  - a. Office of the Township Council
  - b. Office of the Mayor
  - c. Township Attorney
  - d. Board of Adjustment
  - e. Each appointee listed above, who shall present themselves before the Township Clerk and take the Oath of Office

No other business appearing, the meeting was adjourned at 7:48 P. M., with Council Members Carr, Hill, Kubiel, Manforti, Wittmann, and Council President Maruca voting yes, and with Council Member Sevastakis absent.

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MARIA L. MARUCA, COUNCIL PRESIDENT

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J. MARK MUTTER, TOWNSHIP CLERK