

MINUTES OF A REGULAR CAUCUS
MEETING OF COUNCIL OF THE
BOROUGH OF SOUTH TOMS RIVER

A Regular Caucus Meeting of Council of the Borough of South Toms River was held at the Borough Hall on Monday, July 9, 2012 at 7:00 pm.

Those present were Mayor Champagne; Councilmen Cradle, McCormack, Ross, Sykes, Williams. Also present Solicitor Ryan.

Absent: Councilman Murray

Notice of this meeting was given to the Asbury Park Press on December 16, 2011 and notices were posted on the bulletin boards in the Clerk's Office and Meeting Room on said date.

Mayor Champagne went over the agenda for the meeting of July 16, 2012, which is as follows: Moment of silence, Salute to flag, Notice of meeting, Roll call, Approval of the following minutes:, Ordinances, Resolutions, Permission, Reading & approval of vouchers for payment, Other business, Monthly reports, Correspondence, Public Comments, Executive Session, Adjournment

A motion was made by Councilman McCormack seconded by Councilman Ross to table the Sub-Code Agreement with Beachwood Borough at this time so the Council may review.

The following roll call was taken: FOR: Councilman Cradle, McCormack, Ross, Sykes, Williams ABSENT: Murray

A discussion was held regarding the deplorable state of some of the vacant properties in the Borough and how to handle the clean-up of the properties.

A discussion was held regarding the renovations that are required for the Municipal Court.

Public Comments:

Ernest Hemmann, 8 Dartmouth Drive – Are we going to do this and that for the Court?

Greg Handshy, 439 Applegate Avenue – Setting up a community service program. Violators to perform community service duties

Mayor appoints Ernest Reevey as an alternate to the Environmental Commission.

Joe Rodriguez, 134 Attison Avenue – School does not have nets on the basketball hoops. There was an incident last week involving a Public Works employee, namely Kent Mulford and I wanted to inform the Governing Body about it. I had a mattress and box spring out for bulk pickup. I also had a window. He yelled at me that he wasn't going to pick up anything from my business and I wasn't throwing out anything from my business. I'm a plumber so I would have had toilets out, but I didn't.

A motion was made by Councilman McCormack seconded by Councilman Ross to enter into Closed Session for personnel matters.

The following roll call was taken: FOR: Councilman Cradle, McCormack, Ross, Sykes, Williams ABSENT: Murray

A motion was made by Councilman Ross seconded by Councilman Cradle to enter into Open Session.

The following roll call was taken: FOR: Councilman Cradle, McCormack, Ross, Sykes, Williams ABSENT: Murray

When the Council came back into Open Session, the Mayor stated that matters discussed in Closed Session will be made public when they are resolved.

A motion was made by Councilman Ross seconded by Councilman Cradle to adjourn this meeting.

The following roll call was taken: FOR: Councilman Cradle, McCormack, Ross, Sykes, Williams ABSENT: Murray

Approved:

Joseph M. Champagne, Jr., Mayor

Elizabeth Silvestri, Clerk

MINUTES OF A REGULAR
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A Regular Meeting of Council of the Borough of South Toms River was held at the Borough Hall on Monday, July 16, 2012 at 7:00 pm.

Those present were Mayor Champagne; Councilmen McCormack, Murray, Ross, Williams. Also present Solicitor Ryan.

Absent: Councilmen Cradle, Sykes

Notice of this meeting was given to the Asbury Park Press on December 16, 2011 and notices were posted on the bulletin boards in the Clerk's Office and Meeting Room on said date.

A motion was made by Councilman McCormack seconded by Councilman Ross to approve the June 4, 2012 Closed Meeting Minutes.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman Ross seconded by Councilman McCormack to approve the June 11, 2012 Caucus Meeting Minutes and the June 11, 2012 Closed Session Minutes.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman McCormack seconded by Councilman Williams to approve the June 18, 2012 Regular Meeting Minutes and the June 18, 2012 Closed Session Minutes.

The following roll call was taken: FOR: Councilman McCormack, Williams ABSTAIN: Murray, Ross ABSENT: Cradle, Sykes

A motion was made by Councilman Ross seconded by Councilman Murray to approve the following resolution:

WHEREAS, the Tax Collector is requesting permission to continue to participate in the electronic exchange of information with Signature Information Solutions.

WHEREAS, the Borough of South Toms River will be receiving \$200.00.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of South Toms River that the Tax Collector be given permission to continue electronic exchange with Signature Information Solutions.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman Ross seconded by Councilman McCormack to approve the following resolution:

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF SOUTH TOMS RIVER, OCEAN COUNTY, NEW JERSEY, SUPPORTING ASSEMBLY BILL NO. 2939 AND SENATE BILL NO. 1957, WHICH, IF ENACTED, WOULD PROVIDE A CREDIT AGAINST NEW JERSEY GROSS INCOME TAX FOR CERTAIN TOLLS PAID VIA E-Z PASS ELECTRONIC TOLL SYSTEM

WHEREAS, the New Jersey Turnpike Authority increased the tolls on the Garden State Parkway by 100% in January, 2012; and

WHEREAS, Ocean County has two (2) major toll barriers, Barnegat and Toms River; and

WHEREAS, of the twenty-three (23) exit ramp tolls in the Garden State Parkway, eleven (11) exit tolls are located in Ocean and Monmouth Counties; and

WHEREAS, eight (8) of the top ten (10) toll revenue generators, based on E-Z Pass data, are Ocean and Monmouth County towns; and

WHEREAS, Toms River area residents are, based on E-Z Pass data, the largest toll revenue generators on the Garden State Parkway; and

WHEREAS, fifty-five percent (55%) of the residents of Ocean County commute outside of Ocean County due to severe state restrictions on commercial development in Ocean County; and

WHEREAS, the State of New Jersey and New Jersey Department of Transportation have failed to adequately address the transportation needs of Ocean County, which is the fastest growing county in the state; and

WHEREAS, Route 9, the major north-south state highway in South Toms River and Ocean County is only a two (2) lane highway, and has not been improved in over 75 years, and is inadequate to handle the traffic volume and increased population growth in the area; and

WHEREAS, the new toll increases place an unfair burden on the residents of South Toms River and Ocean County; and

WHEREAS, there is currently pending in the Legislature, Assembly Bill No. 2939 and Senate Bill No. 1957, which, if enacted, would provide a credit against New Jersey gross income tax for certain tolls paid via E-Z Pass electronic toll system.

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

1. It strongly supports Assembly Bill No. 2939 and Senate Bill No. 1957, which, if enacted, would provide a credit against New Jersey gross income tax for certain tolls via the E-Z- Pass electronic toll system.
2. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:
 - a) Governor Christopher Christie
 - b) 9th, 10th, 12th and 30th District Legislators
 - c) Ocean County Board of Chosen Freeholders
 - d) All Ocean County Municipalities
 - e) James S. Simpson, Commissioner, State of New Jersey, Department of Transportation
 - f) New Jersey Turnpike Authority

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman McCormack seconded by Councilman Murray to approve the following resolution:

WHEREAS, the Borough of South Toms River and its Governing Body support recreational programs and activities for its youth through the Recreation Commission and other civic organizations and;

WHEREAS, the Borough of South Toms River and its Governing Body wish to take advantage of all resources available to further the successful operation of the programs that provide a positive environment for the youth in the community specifically including the Recreation Commission Summer Camp;

NOW, THEREFORE BE IT RESOLVED the Borough of South Toms River and its Governing Body wish to accept and receive the United States Environmental Protection Agency grant in the amount of \$2906.00 issued in conjunction with the Ocean County College and the Barnegat Bay Partnership to support the South Toms River Summer Recreation Program's Barnegat Bay Week and;

NOW, THEREFORE BE IT ALSO RESOLVED the Borough of South Toms River and its Governing Body in order to facilitate the process of accepting the above referenced grant wish to authorize Councilman Sandford Ross Jr. to execute any documents relating to this specific grant;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to;

1. The South Toms River Recreation Commission
2. Elizabeth Silvestri, STR Borough Clerk
3. Steven Gallagher, STR CFO

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman McCormack seconded by Councilman Ross to approve the following resolution:

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT TO BAY HEAD INVESTMENTS, INC., BERLIN, NJ, FOR THE PURCHASE OF A NEW EMERGENCY VEHICLE, PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40A:11-1, et. seq.

WHEREAS, the Borough Council previously authorized the solicitation of bids for the purchase of a new emergency vehicle, which is funded pursuant to fiscal year 2012 Capital Budget; and

WHEREAS, one bid was received from Bay Head Investments, Inc., of Berlin, NJ, in a base bid in the amount of \$139,978.00; and

WHEREAS, the Borough Engineer has determined that the base bid of Bay Head Investments, Inc. is within the Engineer's estimate for this purchase and recommends the award of the project to Bay Head Investments, Inc., in the amount of \$139,978.00; and

WHEREAS, the Borough Attorney has reviewed the bid submission of Bay Head Investments, Inc. and is of the opinion that the same complies with the Local Public Contracts Law; and

WHEREAS, the Borough Council is desirous of awarding the bid to Bay Head Investments, Inc. contingent upon certification as to the availability of funds by the Chief Financial Officer.

NOW, THEREFORE, BE IS RESOLVED by the Borough Council of the Borough of South Toms River, County of Ocean, State of New Jersey, as follows:

1. That a contract for the purchase of a new emergency vehicle is hereby awarded to Bay Head Investments, Inc. of Berlin, NJ, in the amount of \$139,978.00 on the basis of its bid dated July 10, 2012, the specifications, general conditions and other contract documents pursuant to N.J.S.A. 40A:11-1, et. seq.
2. That the Mayor is authorized to execute and the Clerk to attest to the proposed form of contract aforesaid.
3. That the contract to be entered into with such bidder shall include the mandatory affirmative action language set forth in P.L. 1975, c. 127.
4. That the Mayor and Clerk are authorized to execute any and all documents necessary to effect the purposes of this resolution.
5. That the award of the contract aforesaid shall be conditioned upon the certification of availability of funds by the Chief Financial Officer.
6. A certified copy of this Resolution shall be sent to Bay Head Investments, Inc. and the Borough Engineer.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman Ross seconded by Councilman McCormack for a resolution authorizing the Mayor and Clerk to execute a Shared Services Agreement between the Borough and the Township of Berkeley for street signs.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman Ross seconded by Councilman Murray to approve a Sub Code agreement between the Borough of South Toms River and the Borough of Beachwood, subject to the terms of the agreement being the same.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman McCormack seconded by Councilman Murray to table a proposal for the services of a collection agency to collect overdue court fees.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

After the Mayor read the title of Bond Ordinance #3-12, "BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$609,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$338,550 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COSTS FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF SOUTH TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY", he then opened the floor to the public.

As there were no comments, the Mayor then closed the floor to the public.

A motion was made by Councilman McCormack seconded by Councilman Murray to re-adopt the following Bond Ordinance #3-12:

THE BOROUGH OF SOUTH TOMS RIVER
IN THE COUNTY OF OCEAN
PUBLIC NOTICE

BOND ORDINANCE STATEMENTS AND SUMMARY

The bond ordinance, the summary of terms of which are included herein, has been finally adopted by the Governing Body of the Borough of South Toms River, in the County of Ocean, State of New Jersey, on July 16, 2012 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk's office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title:	BOND ORDINANCE PROVIDING FOR VARIOUS GENERAL IMPROVEMENTS, APPROPRIATING \$609,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$338,550 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COSTS FOR SAID IMPROVEMENTS AUTHORIZED TO BE UNDERTAKEN IN AND BY THE BOROUGH OF SOUTH TOMS RIVER, IN THE COUNTY OF OCEAN, NEW JERSEY
Purpose(s):	1. Refunding of Emergency resolution for Robotic Garbage Truck, 2. Brookforest Drive Storm water Improvements, 3. Recreation Building Parking Lot Phase II, 4. Rt. 166 Gas Station Remediation, 5. Municipal Underground Storage Tank Removal, 6. Miscellaneous Road Paving, Drainage, Park and Sidewalk Improvements, 7. Borough Phone System and Computer Equipment, 8. First Aid Emergency Equipment, 9. Equipment for the Borough Clerk's Office, 10. Fire Department Equipment, and 11. Remediation/CAP of Borough Landfill, all of the forgoing to include all costs, improvements, equipment and/or appurtenances necessary therefore and related thereto.
Appropriation:	\$609,000
Bonds/Notes	
Authorized:	\$338,550
Section 20 Costs:	\$120,000
Useful Life:	8.35 Years

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

A motion was made by Councilman Ross seconded by Councilman Murray to approve the July voucher list in the amount of \$225,290.64 in accordance with the certification provided by the Chief Financial Officer and attested to by the Chief Financial Officer.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

Monthly reports were given by each Councilman in their respective departments.

Public Comments:

Molly Beeh, 450 Applegate Avenue – There is no sign on Applegate Avenue.

Mary Lunny, 112 Attison Avenue – Thank you to the First Aid Squad and the Police Department for saving the baby when it was choking on formula.

Robert Tisch, 2 Tolly Court – Councilmen are supposed to be community leaders. One of the Councilmen was having a family gathering and they were shooting off fireworks.

Greg Handshy, 439 Applegate Avenue – The Environmental Commission is changing the date of the August meeting meet with Frank Cipriani and the Gatherer Institute. We're going to have a little get-together with them. We're interested in starting a "Green Team" with the younger residents of the town and Frank is very interested in that. At the same time that they're back there with the Gatherer Institute, they're going to document any plants and animals that are indigenous to the area and might be endangered for our Environmental Resource Inventory. This inventory would be expensive to have an Engineer do. We're trying to tackle what we can do to save the Borough some money.

A motion was made by Councilman McCormack seconded by Councilman Ross to enter into Executive Session for Personnel matters.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

When the Council came back into Open Session, the Mayor stated that matter discussed in Closed Session will be made public when they are resolved.

A motion was made by Councilman Murray seconded by Councilman Ross to adjourn this meeting.

The following roll call was taken: FOR: Councilman McCormack, Murray, Ross, Williams ABSENT: Cradle, Sykes

Approved:

Joseph M. Champagne, Jr., Mayor

Elizabeth Silvestri, Clerk