

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, September 10, 2012 at 7:00 pm.

Those present were Mayor Champagne; Councilmen McCormack (arrived around 7:30 pm), Ross, Sykes, Williams. Also present Solicitor Ryan.

Absent: Councilmen Cradle, 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 September 17, 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

At this time, Mayor Champagne introduced Attorney Daniel Simmons as a motivational speaker for the children, but there were no children in attendance.

A discussion was held regarding a letter from the Engineer dated August 31, 2012 regarding the Underground Storage Tanks at the Borough Garage and Police Department.

A motion was made by Councilman Ross seconded by Councilman Sykes authorizing the Engineer to proceed with soliciting quotes for the removal of the Underground Storage Tanks.

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

A discussion was held regarding the 2013 DOT grant for resurfacing, repairs and the placement of handicapped ramps on Applegate Avenue for a ½ mile stretch.

Public Comments:

Greg Handshy, 439 Applegate Avenue – Last Saturday. Thanked Councilman Ross for operating the front-end loader. William Gleason. Suggested rolled curbing for Applegate Avenue.

William Gleason, 19 Long Drive – Met today with Amanda.

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

The following roll call was taken: FOR: Councilman McCormack, Ross, Sykes, Williams ABSENT: Cradle, 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 Sykes seconded by Councilman Williams authorizing the Engineer to consult with the Police Chief to see where to put speed humps and Stop signs.

Mayor Champagne stated, "I had a chance to speak with Patricia Reevey and she indicated that she would be willing to update the Borough's website for us without charge at least for the first couple of months and because I think there's a dire need for us to revamp our website. We did establish the website and the gentleman who established the website did train some of our employees, but those employees are very busy and cannot update the website as we go along. The website has been sitting there due to lack of man- or woman-power to work on the website. Patricia Reevey was kind enough to agree to update our website free of charge for a couple of months just to get us started. In the meantime, we can look for someone to be assigned, specifically, to deal with the website for pay, obviously. I would like a motion authorizing Patricia Reevey's volunteering to update the Borough's website."

Solicitor Ryan stated, "I hate to be the bearer of bad news, but you can't have an employee that you pay volunteer."

William Gleason, 19 Long Drive, stated, "I can volunteer. I've been doing it for years. I manage ten (10) websites."

Councilman Ross inquired, "Can the employee volunteer even if it is an unrelated task?"

Solicitor Ryan stated, "If she just does it, it's probably not the worst thing. But you shouldn't have formal action. The theory is that the U.S. Department of Labor thinks you're forcing someone to do something for free in exchange for getting paid for their other job and that people would be compelled to volunteer to keep their jobs. You shouldn't take formal action authorizing her to do it."

William Gleason, 19 Long Drive, stated, "Why not have me do it? I'll volunteer and do it for free."

Mayor Champagne stated that there would be no formal action taken on the aforementioned matter tonight.

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

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

Approved:

Joseph M. Champagne, Jr., Mayor

Elizabeth Silvestri, Clerk

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

A Regular Meeting of Council of the Borough of South Toms River was held at the Borough Hall on Monday, September 17, 2012 at 7:00 pm.

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

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 August 13, 2012 Caucus Meeting Minutes and the August 13, 2012 Closed Session Minutes.

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

A motion was made by Councilman Cradle seconded by Councilman Ross to approve the August 20, 2012 Regular Meeting Minutes and the August 20, 2012 Closed Session Minutes.

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

A motion was made by Councilman Cradle seconded by Councilman Ross to approve the following Tax Resolutions (2):

1.

WJEREAS, the Tax Collector has requested authorization to cancel taxes on Block 9 Lot 18 assessed to Donald and Judy Wedding in the amount of \$1,749.00 due to a totally disabled veteran's exemption, and

WHEREAS, it is the desire of the Mayor and Council to authorize the cancellation of taxes on the property owned by Donald & Judy Wedding as a disabled veteran in accordance with the request of the Tax Collector.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council do hereby authorize the Tax Collector of the Borough of South Toms River to cancel taxes on Block 9 Lot 18, assessed to Donald & Judy Wedding as a disabled veteran, for 2012 in the amount of \$1,749.00.

2.

WHEREAS, an overpayment of Taxes for the Fourth Quarter of 2012 exist on Block 9 Lot 16.03 commonly known as 94 South Main Street in the amount of \$467.02.

WHEREAS, the overpayment was made by a County Board Judgment.

THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of South Toms River that a check in the amount of \$467.02 be issued to the owners, Choice Quality Inv/ Pine Tree Villa, 124 Second Avenue, South Toms River, NJ 08757.

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

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

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, SUPPORTING THE PASSAGE OF S1502/A392 ALSO KNOWN AS "PEGGY'S LAW"

WHEREAS, S1502/A392, introduced in Legislature 2012 to require mandatory reporting to local law enforcement of suspected abuse or exploitation of an elderly person; and

WHEREAS, currently, the law provides that other persons may report this information to the ombudsman; and

WHEREAS, the proposed legislation also requires that the administrator of elder care facilities shall annually provide all caretakers, social workers, physicians, registered or licensed practical nurses or other professionals employed at the facility with a notice concerning the reporting of suspected abuse or exploitation of an institutionalized elderly person; and

WHEREAS, the Governing Body of the Borough of South Toms River believes it is in the best interests of the citizens of the Borough and all of New Jersey to support the passage of this legislation.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of South Toms River, County of Ocean, State of New Jersey, does hereby support the passage of New Jersey Legislature Bills S1502/A392, which enacts "Peggy's Law" in order to require the mandatory reporting of suspected abuse or exploitation of elderly individuals; and

BE IT FURTHER RESOLVED that the Municipal Clerk is hereby directed to send certified copies of this resolution, upon passage, to Governor Chris Christie, State Assembly Members, David W. Wolfe and James Holzapfel, the Ocean County Board of Chosen Freeholders, Ocean County Board of Health, All Ocean County Mayors, the New Jersey State League of Municipalities and the New Jersey Conference of Mayors.

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

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

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE BOROUGH ENGINEER TO PURSUE CERTIFICATION OF THE BOROUGH'S MASTER PLAN AND LAND USE ORDINANCES FROM THE PINELANDS COMMISSION OF THE STATE OF NEW JERSEY.

WHEREAS, the Land Use Board of the Borough of South Toms River is currently in the process of conducting a periodic re-examination of the Borough's master plan and land use ordinances pursuant to N.J.S.A. 40:55D-89; and

WHEREAS, one of the optional elements of the master plan is a conservation plan element providing for the preservation, conservation and utilization of natural resources including, to the extent appropriate, open space, water supply, forests, endangered and threatened species, wildlife and other resources, pursuant to N.J.S.A.40:55D-28(b)(8); and

WHEREAS, there are approximately 360 acres in South Toms River located in the Pinelands Comprehensive Management Plan Area; and

WHEREAS, Chapter 26 of the Borough Code contains Articles V and VII which relate to requirements of the Pinelands Commission; and

WHEREAS, the aforementioned Articles of the Borough Code were adopted years ago and now have become outdated as a result of amendments to regulations promulgated by the Pinelands Commission; and

WHEREAS, the Borough Engineer has made a recommendation that the Borough Code should be amended to conform to current regulations of the Pinelands Commission and that the Borough Zoning Map should be amended so that it clearly delineates the portion of the Borough which is included in the Pinelands Comprehensive Management Plan; and WHEREAS, the governing body is desirous of pursuing certification of the Borough's Master Plan and Land Use Ordinances from the Pinelands Commission.

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. The Borough shall pursue certification of the Borough's Master Plan and Land Use Ordinances from the Pinelands Commission of the State of New Jersey.
2. The Borough Clerk, the Borough Engineer and the Mayor are authorized to execute any and all documents necessary to effect the purpose of this Resolution.
3. A certified copy of this Resolution shall be sent to:
 - A. Borough Engineer
 - B. Chairperson, South Toms River Land Use Board
 - C. Borough Attorney

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

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

WHEREAS, the Borough of South Toms River wishes to implement the "Fair and Open" Process for the solicitation of professional services for the year 2013; and

WHEREAS, the request for proposals with respect to such services shall be published at least 10 days prior to the receipt of such proposals; and

WHEREAS, the Borough of South Toms River wishes to utilize the specifications attached hereto as Exhibit A with respect to such proposals.

NOW, THEREFORE, BE IT RESOLVED this 17th day of September, 2012 that the Borough Clerk be and she is hereby authorized to advertise for requests for proposals pursuant to the Fair and Open Process in accordance with the bid specifications set forth herein.

BE IT FURTHER RESOLVED that notice of this request for proposals shall be published once in the Asbury Park Press.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the following:

1. All professionals who have previously submitted proposals to the Borough of South Toms River for the year 2012.

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

A motion was made by Councilman Cradle seconded by Councilman Ross for a resolution authorizing the Public Bidding for proposals for the professional services of a private collection agency to collect Municipal Court debt.

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

At this time, CFO Gallagher went over the 2012 Best Practices Check List.

After CFO Gallagher went over the 2012 Best Practices Check List, the Mayor 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 Ross seconded by Councilman Cradle to approve the following resolution:

RESOLUTION

CERTIFYING REVIEW OF THE 2012 BEST PRACTICES CHECK LIST

WHEREAS, the Borough of South Toms River is required by statute to complete the Best Practices Check List as instituted by the Division of Local Government Services; and

WHEREAS, the Best Practices Check List is a constructive way to encourage municipalities to consider and embrace a range of best practices that will help improve financial accountability and transparency; and

WHEREAS, the Check List has been certified by the Chief Financial Officer and a copy thereof has been received by each member of the Governing Body; and

WHEREAS, the members of the Governing Body have personally reviewed the Local Government Best Practices Check List.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of South Toms River, hereby certifies that they have reviewed and discussed the checklist at a public workshop meeting held on September 17, 2012; and

BE IT FURTHER RESOLVED that certified copies of this resolution are to be provided to the following:

1. Division of Local Government Services
2. Director of Finance
3. Township Auditor

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

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

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SETTLEMENT OF LITIGATION WITH SECOND BAPTIST CHURCH OF TOMS RIVER, NEW JERSEY.

WHEREAS, by Resolution dated August 21, 2006, the Borough of South Toms River, after having previously advertised pursuant to N.J.S.A. 40A:12-13(b) the sale, at public auction, by way of sealed bids, of certain real property commonly known as Lot 5 in Block 16 as shown on the official tax maps of the Borough of South Toms River, awarded said bid to the only bidder, an adjoining property owner, namely, the Second Baptist Church of Toms River in the amount of \$45,000.00;

WHEREAS, the Second Baptist Church on or about August 14, 2006 did submit a check in the full payment of the bid amount of \$45,000.00 to the Borough of South Toms River;

WHEREAS, the Borough has been unable to convey clear and marketable title to Lot 5 in Block 16 and therefore cannot complete the sale of said property to the Second Baptist Church of Toms River;

WHEREAS, the Second Baptist Church of Toms River has instituted a civil action entitled Second Baptist Church of Toms River, a non profit corporation of the State of New Jersey, Plaintiff v. Borough of South Toms River, a Municipal Corporation of the State of New Jersey, Defendant in the Superior Court of New Jersey, Chancery Division, Ocean County, bearing Docket Number OCN-C-177-12, seeking either specific performance of the bid awarded or the return of the \$45,000.00;

WHEREAS, the Borough of South Toms River cannot convey good and marketable title as a result of a title defect in Lot 5 in Block 16 and, therefore, cannot specifically perform the transfer of the property;

WHEREAS, the governing body of the Borough of South Toms River is of the position that it would be a waste of tax payer dollars to continue to contest this litigation and that it is in the public interest to settle this matter by returning the \$45,000.00 payment to the Second Baptist Church of Toms River;

WHEREAS, the Chief Financial Officer has certified the availability of funds in the capital budget;

WHEREAS, the Borough of South Toms River intends to attempt to clear the title defects to Lot 5 in Block 16 and thereafter re-advertise the property for sale, in the event the same is not needed for public use;

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. Settlement of the litigation entitled Second Baptist Church of Toms River v. Borough of South Toms River, Docket Number OCN-C-177-12 is hereby authorized in the amount of \$45,000.00, without interest and without attorney fees or costs.
2. The Borough Attorney, the Borough Clerk, the Mayor and the Chief Financial Officer are authorized to execute any and all documents necessary to carry out the purpose of this Resolution and the settlement of the action.
3. A certified copy of this Resolution shall be sent to the Borough Attorney and Michael J. Fasano, attorney for Second Baptist Church of Toms River.

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

A motion was made by Councilman Murray seconded by Councilman McCormack granting permission for the Municipal Alliance to hold a Candy Sale as a fundraiser at All American Deli on Saturday, September 29, 2012 from 8:30 am to 3:00 pm.

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

A motion was made by Councilman Ross seconded by Councilman Murray to approve the September voucher list in the amount of \$695,560.68 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 Cradle, McCormack (with an abstention on the items for OEM), Murray, Ross, Sykes, Williams

Ernest Hemmann, Code Enforcer, stated that there are three (3) properties in the Borough that are in deplorable conditions. They are 204 Ardmore Avenue, 4 Easy Street and 107 Fairway Drive. Letters from the Borough have gone out to each of them and no action has been taken on the part of the property owners. 204 Ardmore Avenue is in the worst shape of them all.

Record will reflect that the Clerk is authorized to notify the Public Works Department clean up 204 Ardmore Avenue.

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

Record will reflect that Councilman Sykes left the meeting at 7:55 pm, due to an emergency.

Public Comments:

Greg Handshy, 439 Applegate Avenue – Getting property back. Thank you everyone.

Steve Gallagher, CFO – Inquired when would the work on the Miller property would be completed.

A motion was made by Councilman Ross seconded by Councilman McCormack authorizing the Engineer to submit the DOT Grant application for Applegate Avenue, Deauville Avenue and Charles Avenue.

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

A motion was made by Councilman Murray seconded by Councilman McCormack to enter into Executive Session.

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

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 McCormack to stop having the Clerk record Closed Session.

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

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

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

Approved:

Joseph M. Champagne, Jr., Mayor

Elizabeth Silvestri, Clerk