

**BOROUGH OF SOUTH TOMS RIVER  
MINUTES OF REGULAR MEETING  
SEPTEMBER 12, 2016, 7:00 PM**

Mayor Oscar Cradle opened the meeting with a Moment of Silence, followed with the Flag Salute.

The Municipal Clerk read the following State of Public Notice:

This meeting of the Mayor and Borough Council was called pursuant to the provisions of the Open Public Meeting Law. Notice of this meeting was sent to the Asbury Park Press and published on January 1, 2016; in addition a copy of notice is posted on the bulletin board in the Municipal Building, and filed in the office of the Borough Clerk.

**ROLL CALL:**

	Gleason	Rolzhausen	Mosley	Murray	McCormack	Ross	Cradle
Present	X	X	X	X	X	X	X
Absent							

**PUBLIC COMMENT**

The Municipal Clerk stated that Ordinance 7-16 will not be introduced for Second Reading at the request of the Pinelands Commission in order for them with more time to review the Redevelopment Plan. The Municipal Clerk recognized the Borough's Redevelopment Counsel, Joe Baumann.

Joe Baumann: The plan does not involve the development of any land; no diversion. There was previous discussion of moving and building the ballfields and that is no longer the case. This change is based on the Landfill Advisory Committee. The Green Acres property will remain Green Acres. The Plan is the first step for zoning for the area. We have hopes that the redeveloper will improve the ballfields and that will be involved in negotiation. It doesn't determine today what will be done; that will take time. There are still hurdles to overcome. The plan will have limitation on density, traffic, zoning, heights, with conceptualls on what it could look like. It will be permitted to have residential but what density and whether apartments or townhomes, what they will look like, remains to be determined. This will be determined after our due diligence. We haven't completed our process with the Pinelands Commission. They have density limitations that trump what our requests may be. The Pinelands would like to add additional language and we will meet with them to discuss comments. Another issue is school children and PILOT programs. Redevelopment allows for PILOT for 1 to 30 years, and this is a process that requires legal team, financial advisory team. We began this process due to an unclosed landfill. Those left without proper closure. The borough takes this process seriously to properly close the landfill. Any discussion on abatements are too premature. We also ask that the Borough request the facts. There has been a lot of false or misleading information that is simply not true, and this is unfair to the Governing Body. Even a quick read concludes that there is no diversion of Green Acres. The Mayor and Council are available, and the Advisory members are also your neighbors. Transparency and public dialogue goes both ways.

Williard Layden, 407 Applegate Ave: The waste domain in the area, nothing has been mentioned about the water. Are you being environmentally friendly with the water?

Joe Baumann: The Engineers are reviewing this.

Municipal Clerk stated that the Engineers are studying the water flow and sampling.

Theresa Lettman: asked the meeting of the Landfill Advisory when they meet and if open to the public. Is the ordinance the August 16, 2016 version?

Mayor Cradle: We have met several times, recently just prior to the Land Use Board meetings. These meetings are open to the residents and they have been informed.

Municipal Clerk: the draft plan provided to you was the August 15, 2016 and is the most up-to-date version.

I understand why you believe the Pinelands Alliance is putting out misinformation. The Pinelands is not supporting the diversion of land and although you and Green Acres feel the diversion is only ballfields, the Pinelands Alliance believes it is the overall property were on the ROssi in 1977. The entire 40 acres was listed on the Rossi. The subdivision was not approved by the Pinelands Commission so this is our point of view.

Mayor Cradle: We went down to the Pinelands Commission, DEP, official state commissions. This is a work in process. I am not familiar with the Pinelands Alliance. The Pinelands Commission, I believe, as a State Agency, is the one who makes the official decision.

Laura Grams: 130 South Main St.: Who are the official redevelopers

Municipal Clerk: They are M&T and we believe they are located in Piscataway.

Dennis McWiggin, 435 Applegate Ave: The flyers said something will be done on Attison. Is anything being done on Attison and Applegate. Is anything being done there?

Mayor Cradle: That is not part of the project at all.

Barbara Lawrence, 157 Attison. How close are the buildings going to be to my property?

Councilman Rolzhausen: nothing is being done with the ballfield or Recreation Building. There will also be a 50ft setback and 100 ft buffer.

Andrew Matrano, 17 Lakeview Dr: Is the primary reason for this to cap the landfill or to reduce property taxes? Has there been any studies with comparable towns? When do we know the market value of the homes?

Councilman Ross: The primary reason for me to support this is to close the landfill at no expense to the taxpayer. Our engineers are studying this and spoken many times in public of other towns through the same process, and how impressed we have involved the public in decisions. Also, a lot of towns have similar landfills like ours and they have done nothing.

Joe Baumann: The discussions of the market value will be make later.

Don Williams, 122 Dittmar: There is a perp test to determine the flow and amount of standing water. He believes the water stays for a long time. Has this test been done? What will be the density

Joe Baumann: This is all part of the engineering process. The density also has yet to be determined.

Melissa Harris, 50 Double Trouble: How done a deal is this? Previously, a land swap was discussed. You spent the money to pay for the new hall. You may not of been happy but you didn't have the

Joe Baumann. We've separated out the project. The only relationship is if the landfill is expense, then we can sell that and payoff the debt of the municipal building. However, we still expect to get money from the sale.

Councilman Murray: we had major issues with the previous building in the Police Department and we had to do something. It was not a question of being happy with the previous situation. We either dump money into the old building, or move into a new building.

Joe Baumann: If you worked in the condition, you may feel differently. It flooded regularly, wasn't ADA compliant, possible mold and health issues. I would disagree that they need a safe place.

Municipal Clerk: provided statistical data based on national housing policy from the National Multifamily Housing Council, stating that "apartments put much less of a burden on local school systems than single family homes." He also stated a quote from NMHC state read "only 16 percent of apartment households (and 7 percent of condo households) have school-age children.

Michelle McNulty, 113 Dittmar: Who did we buy the land off of? Are the developers Jewish? It matters when it comes to schooling.

Municipal Clerk: The religion has nothing to do with this issue. We do not ask for religious affiliation on any applications. That is discrimination and is highly illegal.

Michelle McNulty, 113 Dittmar: It is a fact that they have 10 children. I work and deal with them all week long. You can call it what you want, but I have the right to my own opinion.

Craig Moyer, 133 Dittmar Dr: You don't know what will be built, townhomes or units. With additional expected 1,000, the traffic pattern may be a mess. What types of provisions are being addressed? Will there be a public vote?

Joe Baumann: Nothing can be built by the Developer without the Borough's authorization. The traffic study will provide us with pattern.

Municipal Clerk: The public has been involved in the process, including the advisory group. However, the form of Government does not provide for mandated public referendum.

Greg Handshy, 420 Applegate. Last time I checked, we have over 20 foreclosed homes and we don't need any new homes. Our taxes have gone up and services have gone down. I don't believe all of the blocks qualify for being in Need of Redevelopment; maybe the dump site but not the rest. It seems to be a matter of convenience. I would rather another ratable for income for our Town, similar to what we did when I was the Chair of the Environmental Commission and Councilman. We can rezone the new area, possibly for renewal energy. We were also able to get Pinelands Certified as one of the last towns in Ocean County.

Gigi Esparza, 8 Red Maple Ct: Do you know the cost of the landfill? The school has a 7 million deficit.

Councilman Ross: We don't know the cost as of right now. We are going through studies and preliminary data so we can determine the best process.

Councilman Murray: I have the same traffic concern. I understand where everyone is coming from. I'm taking a wait-to-see approach. There are positives and negative. The pro is it is being capped; a new DPW building, ballfields. I'm looking at things that will be positive for the town, but we are not at that point yet.

Municipal Clerk: The engineers are coming up with an estimate based on the options of closure; just as you (directed to Ms. Esparza) wouldn't make a decision on improvements to your school before receiving an engineer's estimate.

Joe Baumann. There are many things that can happen to abandon the project. The developer can conclude that the cost is too great to build anything. We can determine that the access could be too bad to proceed. We have a long way to go, with many legislative steps. The first step is the plan, and the rest is still a long process. This is part of our due diligence. Our plan may have several amendments as we proceed.

Elaina Febrez, 432 Applegate Ave: What is the immediate need to cap the landfill. Why all of a sudden the rush? What steps are you taking to see something other than townhomes?

Councilman Ross: There is no rush. We've been talking about this issue for a long time, and personally, we can not afford to kick the can down the road any longer.

Councilman Rolzhausen: Why wouldn't the public not want us to look into this if we have the ability to have someone else pay for the closure of the landfill? If we don't go ahead, get a directive from the NJDEP to immediately close it, it gets paid by your tax dollars. We have the ability to do this without your tax dollars. You won't have to hire 20 cops. You will see a benefit.

Steve Dicenza, 170 Attison Ave: Once approved, it is locked-in? we don't know what it will be sold for. The cleaning of roads will cost more. We need to know about the plans and cost before we approve the plan.

Santo Dibenedetto 175 Attison Ave. I'm on the Advisory Committee. We need people like you to come to these meetings. There will be different information as we go. We have 4 regular attending and want more people to attend. The Council has listened; the developer has listened but we need more people involved.

Mayor Cradle: The next advisory meeting is September 19th

Seeing no other comments, Councilwoman Mosley motioned to close Public Comment; seconded by Councilman Ross and full Council consent.

Anna Polozzo, 12 Citadel: Thank you all for taking the time to have this conversation before it's a done deal. It's good to know what may or may not come down the pipe. For those who don't know, I am the Council Liaison to the Board of Education and I receive a lot of online complaints. The most recent is the state of the elementary school and I brought that to the Board of Ed. They hired a contractor to do the work, completed by August. Due to supply issues, it was delayed. The contractor didn't keep the place

secure enough and it was addressed. A lot of progress was made over the last few days. Now, the fencing is secure but not completely safe. The good news is the concrete slabs are going in and will be safe and beautiful soon. The district expects it to be complete by October 3, 2016.

Donny Greco 133 Attison: Thank you for my stop sign. When this is built, can you build a sound wall? Trump is building a wall, can you?

**ORDINANCES**

Ordinance 8-16 Ordinance of the Municipal Council of the Borough of South Toms River, County of Ocean, State of New Jersey, Adopting the Model Indemnification Ordinance (First Reading)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
x		Mosley	x			
	x	Murray	x			
		McCormack	x			
		Ross	x			

**RESOLUTIONS**

Resolution 2016-159 Approval of August Minutes

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	x	Gleason	x			
x		Rolzhausen	x			
		Mosley	x			
		Murray	x			
		McCormack	x			
		Ross	x			

Resolution 2016-160 Authorizing the Cooperative Agreement with the Board of Chosen Freeholders of the County of Ocean for the 2017 Community Development Block Grant (CDBG)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
		Mosley	x			
	x	Murray	x			
x		McCormack	x			
		Ross	x			

Resolution 2016-161 A Resolution to Affirm the Borough of South Toms River’s Civil Rights Policy with Respect to All Officers, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public That Come Into Contact with Municipal Employees, Officials and Volunteers.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
x		Rolzhausen	x			
	x	Mosley	x			
		Murray	x			
		McCormack	x			
		Ross	x			

Resolution 2016-162 Approving the hiring of Thomas Pascucci as Public Works Laborer at \$16.50

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			

		Mosley	x			
	x	Murray	x			
x		McCormack	x			
		Ross	x			

Resolution 2016-163 Approving the use of Mathis Veteran Memorial for Wedding Ceremony (Jocelyn Garcia)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
x		Mosley	x			
	x	Murray	x			
		McCormack			x	
		Ross	x			

Resolution 2016-164 Authorizing an Executive Session for the purposes of contract negotiation

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen				
x		Mosley				
	x	Murray				
		McCormack				
		Ross				

Resolution 2016-165 Approving amendments to the South Toms River Borough Personnel Policies and Procedures

The Municipal Clerk stated changes were to the Borough Attendance/Late Policy and Drug & Alcohol Policy as follows:

**DRUG/ALCOHOL POLICY:**page 8: Amendment: (September 2016): Employees who enter into the Municipality’s Employee Assistance Program shall enter into the program at the direction of the Borough. The Borough may pay for the initial cost of the program. Drug/Alcohol screenings for Return-To-Duty shall be covered by the employee, and said screening shall be at the Borough’s designated testing facility. Said employee shall be allowed to return to duty after proof of successful screening. Employees shall continue to be subject to the Drug and Alcohol Policy.

Attendance Policy: (page 19)

All employees are expected to be at work and ready to assume their duties at the beginning of the scheduled workday. Lateness and absence will be tolerated only in emergencies or when the supervisor gives prior approval. All absences must be reported to the supervisor prior to the start of the normal workday. The normal working hours for administrative departments are 9:00 AM to 4:00 PM. The working hours for other departments are established by departmental procedures and bargaining unit agreements.

All employees shall abide by the Fair Labor Standards Act (FLSA). As such, employee shall be considered late 8 minutes past the scheduled start time. The FLSA faqs can be seen here: <https://www.dol.gov/whd/regs/compliance/whdfs53.htm>

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
	x	Mosley	x			
		Murray	x			
x		McCormack	x			
		Ross	x			

Resolution 2016-166 Approving amendments to the South Toms River Borough Emergency Action Plan

*The only changes were the location of the new Municipal Complex*

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
		Mosley	x			
x		Murray	x			

	x	McCormack	x			
		Ross	x			

Resolution 2016-168 Authorizing an Agreement with American Fidelity to Provide Employee Flexible Spending Accounts Effective January 1, 2017

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
	x	Rolzhausen	x			
		Mosley	x			
		Murray	x			
		McCormack	x			
x		Ross	x			

Resolution 2016-169 Authorizing Integra Realty Resources for Appraisal Services of Block 5, Lot 4 under 40A:11-3

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Gleason	x			
		Rolzhausen	x			
		Mosley	x			
	x	Murray	x			
		McCormack	x			
		Ross	x			

Resolution 2016-170 Approving an Off-Premise Raffle License Application Number 2016-2 for Manitou Park Fire Company

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
		Mosley	x			
x		Murray	x			
	x	McCormack	x			
		Ross	x			

**BILL LIST**

Resolution 2016-171 Approving the September Bill List in the amount of \$960,432.39

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Rolzhausen	x			
x		Mosley	x			
	x	Murray	x			
		McCormack	x			
		Ross	x			

Motion to Adjourn: 1st: Mosley;2nd: Murray

**ADJOURNMENT @ 8:47pm**

Respectfully submitted,

\_\_\_\_\_  
Municipal Clerk

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Mayor Oscar Cradle