

**BOROUGH OF SOUTH TOMS RIVER
REGULAR MEETING
March 27, 2017, 7:00 PM**

MOMENT OF SILENCE & FLAG SALUTE

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 December 4, 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:

	Handshy	Rolzhausen	Mosley	Murray	McCormack	Ross	Cradle
Present	x		x	x	x	x	x
Absent		x					

Councilman Ross motioned to excuse Councilman Rolzhausen due to work reasons.
2nd Motion:McCormack and full Council consent.

The Municipal Clerk opened the Public Comment portion of the agenda.

Louanne Kane, Ocean County Program Coordinator for Ocean County Health Department presented to the Council on how to help manage chronic conditions, including tools to help manage chronic pain, stress and other related aspects. They plan to organize a six week, once a week class, and more information is forthcoming as plans become finalized.

Councilwoman Mosley thanked Ms. Kane and voice her support and requested Council’s interest in hosting this course through a South Toms River organization. She will be the Council contact as plans become finalized.

The Municipal Clerk opened the Public Hearing for Statewide Roadside Assistance. Mr. Prasad of SRA was represented by Mr. Sanzone Esq, and Mr. Greg McGuckin represented the Borough as a Conflict Attorney. Mr. Sanzone stated his client (Mr. Prasad) was not present at the moment, and requested a few minutes before they start.

The Governing Body agreed and proceeded to the next portion of the Agenda.

The Municipal Clerk opened the Public Hearing (3rd Public Hearing).

Mayor Cradle stated that some bulkhead is in need of repair at Mathis Plaza, however the Borough plans for the continuation of work at Mathis for CDBG.

The Municipal Clerk requested for a motion to close the Public Hearing. Councilman Ross motioned to close; Seconded by Councilwoman Mosley

Resolution 2017-95 Approving the Solicitation of Bids For Mathis Veterans Memorial Park Neighborhood Facilities Improvements Under the FY 2017 Community Development Block Grant Program.

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

APPROVAL OF MINUTES

Resolution 2017-81 Approving the Minutes of February 13, 2017 and February 27, 2017

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

Councilman Ross asked the Borough Attorney if discussing the following Resolution in Executive Session was appropriate. With confirmation of the Borough Attorney, Councilman Ross requested this resolution be held until such discussion.

Out of Executive Session, no action was taken on Resolution 2017-96 Approving a Total Disabled Veteran Application for Nader Abdelmaseih. The Resolution will be placed on the April 10, 2017 Agenda.

The Municipal Clerk read the following Resolution by Title.

Council Handshy asked to table the Resolution to the end of the Agenda to receive the amount to be “matched” by the Borough.

The CFO stated that \$30,000 offsets the salary of a Police Officer, the remaining amount is charged to the grant.

Mayor Cradle: Does this answer your question, Greg?

Councilman Handshy: No. how much is the match?

CFO: The full salary is about \$130,000, however the grant supports the salary of the officer. We’ve been doing this grant for years; it’s a continuation.

Councilman Ross: We utilize it to offset the salary.

Mayor: The money is in the budget. Satisfied?

Councilman Handshy: yes, satisfied.

Resolution 2017-97 Authorizing the Application for the FY 2017 Safe & Secure Grant

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen				x

		Mosley	x			
		Murray	x			
	x	McCormack	x			
x		Ross	x			

Stephen Gallagher, CFO, addressed the Governing Body and public by introducing the budget. He stated that the Borough held three Budget Meetings that were open to the public. These meetings included the plan and Capital Plan. Appropriations in the budget are \$4,643,757.81; Revenue is \$601,000; Receipts for Delinquent Taxes are \$158,768; and Amount to be Raised by Taxation is \$3,280,390.06.

Disruption ensued between Mr. Prasad and the Police Department in the hallway, with Officer requesting Mr. Prasad leave the building.

The Municipal Clerk asked for the hallway door to be closed, as Mr. Prasad proceeded to raise his voice while using foul language.

Seeing no questions relating to the Budget, the Budget was introduced by Title.

Resolution 2017-100 Introduction of the 2017 Municipal Budget by Title Only

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

The Municipal Clerk asked for Redevelopment Counsel, Joe Baumann, to speak to the Governing Body regarding the Area of Redevelopment.

Mr. Joe Baumann stepped forward to address the Council and provide a brief explanation of the Resolution expected to be entertained by the Governing Body. He provided a review on what steps have been taken as related to the property and Study of Determination for an Area of Redevelopment, and included what the subsequent steps. The Study was prepared to determine if the Area does fit the criteria as an Area of Redevelopment, and in-fact it does under the law. Two important aspects are 1: this is non-condemnation and Eminent Domain will not be used. 2: this is the 1st step as part of a long process.

There was additional interruption in the hallway, and the Municipal Clerk momentarily left the dais to address police matters in the hallway relating to Mr. Prasad.

Councilman Ross: Can you please clarify what the parcel is commonly known as?

Baumann: It is commonly known as the Clayton block. The Borough would still need to adopt zoning, and designate the redeveloper. There are several more steps and meetings before the Council and Land Use Board.

The Municipal Clerk asked if there were any questions from the public. Seeing no other questions

Resolution 2017-99 Resolution to designate the area as a Non-Condemnation Redevelopment Area.

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

The Governing Body revisited the Public Hearing for Statewide Roadside Assistance.

Mr. Greg McGuckin, Conflict Counsel on behalf of the Borough, stated that the owner, Neal Prasad, is no longer in the building due to a dispute with the Police Department.

Mr. Sanzone, Counsel for Mr. Prasad, agreed with Mr. McGuckin, confirming the dispute and is requesting a short recess of the matter to present his case. There’s a possibility to settle this short of litigation, and Mr. Prasad may be willing to enter into a consent order to vacate the building and move to a new location outside the Borough within a six month period. We are in the process and due to this, we ask for a brief adjournment until the next meeting on April 10, 2017.

Mr. McGuckin stated it is possible to have an agreement before next meeting. I don’t believe we should go further without his client present, and he is outside the building.

Mr. Sanzone asked the process regarding the appeal, procedural-wise.

The Municipal Clerk stated that the Governing Body would make a determination at the conclusion of the Public Hearing, and confirmed to Mr. Sanzone that the vote would be simple majority.

Resolution 2017-102 Authorizing an Executive Session for the purpose of attorney-client privilege, pending lawsuit and employees.

RESOLUTIONS

Resolution 2017-98 Authorizing the Shared Services Agreement for 2016/17 Driving While Intoxicated Enforcement Program

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

Resolution 2017-101 Approving a Special Event Application for 2017 Food Trucks on the Waterfront

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

BILL LIST

Resolution 2017-104 Approving the March Bill List in the amount of \$619,949.26

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

Resolution 2017-105 Authorizing the Execution of a Memorandum of Understanding for the Department of Public Works Contract

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

COUNCIL AND LIAISONS REPORTS

HANDSHY: 2/28 Redevelopment Subcommittee meeting; 3/2 Clean Communities Class and Budget; /4 Municipal Budget for Elected Officials; 3/9 Clean Communities Class; 3/10 Recycling Coordinators Meeting; 3/17 Meeting with Mayor and Freeholder Haines to discuss education program on Housing and Abandoned properties, and plans to participate in Auxiliary Coast Guard clean-up.

MCCORMACK: no report

MURRAY: Held contract negotiations with the PBA; attended Budget Meetings.

MOSLEY: asking others to participate with the County Health Department relating to previous presentation. She is working with Louanne on dates. Further information is forthcoming.

ROSS: Held negotiations with Negotiations Committee, and approved the DPW contract. The PBA contract negotiations is forthcoming. The Optimist Club has their Scholarship Application deadline on March 31, 2017. Visit STROptimist.org. The Recreation Commision has its Summer Camp starting in July, with expected 60-65 kids. Flyers are coming out soon, and registration is in late April and early May.

MAYOR CRADLE: Baseball Opening Day is April 22nd. We plan on a Police vs. Elected Officials/Administration following the parade, and it should be a lot of fun.

The Municipal Clerk opened up for Public Comment again.

Beverly Morris, 398 Dover Road asked about a possible sidewalk on Attison, in addition to the feasibility of adding garbage pick-up twice a week during the summer.

The Mayor stated that the DPW Committee will review her request.

NEW BUSINESS

The Mayor asked the Municipal Clerk to briefly introduce the Curbing Repair Program.

On the Borough smartphone app, we are asking residents to utilize the "Report It" feature to send us pictures and locations of curbing in need of repair or replacement. The Borough will be compiling a list and will work with our engineers to establish a replacement and repair schedule based on available funding.

ADJOURNMENT @ 9:25 PM.

Submitted Respectfully,

Municipal Clerk

Mayor Oscar Cradle