

**BOROUGH OF SOUTH TOMS RIVER
MINUTES OF THE REGULAR MEETING
AUGUST 28, 2017, 7:00 PM**

Mayor Cradle opened the Meeting of the Borough Council with a Moment of Silence, followed by the Salute to the Flag.

The Municipal Clerk read the following meeting 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		

Mayor Cradle appointed Toni Ellison as a Class IV Member to the Land Use Board, with a term expiring on December 31, 2019. He further thanked her for her response to an motorcycle accident on Dover Road.

PUBLIC HEARING: Big Rod’s Results Mercantile License

The Borough Administrator asked for Rod Taylor to step forward.

The Borough Attorney asked Mr. Hailey to raise his right hand and swore him in for the Public Hearing. Mr. McKenna proceeded to do the same for the Code Enforcement Officer, James Richardson.

The Borough Administrator read the infractions found and listed by the Code Enforcement Officer. He asked if anything has changed with these charges relating to the mercantile and/or property..

Mr. Richardson stated that nothing has changed at this time.

Mr. Hailey: I’ve never sold cars from there. All cars that were asked to be removed have been. All cars are registered and insured with the State of New Jersey. I’ve never sold a care there.

Borough Administrator: We have a packet with your Facebook advertisements and 11 new photos.

Mr. Ross: Just because you haven’t sold a car doesn’t mean you aren’t selling them there.

Mr. Hailey: I have a lot in Lakewood where my license is issued. If you contact me and I asked you to meet me in South Toms River, that doesn’t mean I’m selling them there. The cars need work.

Mr. Ross: Why haven’t you mentioned the Lakewood address on Facebook?

Mr. Hailey: I don’t have to.

Borough Administrator: Read another advertisement with the advertisement stating the South Toms River address.

Code Officer: I content that he is selling cars at this location.

Mr. Hailey: Can you prove that or is it an allegation?

Mr. Ross: It's up to us to determine that.

Mr. Handshy: Do the cars have For Sale signs on them?

Mr. Hailey: They do not. I've been here since December and you can tell from Facebook that I've never sold a car there.

Mr. Murray: Reading this, it tells me you are selling cars at 65 Flint Road. You shouldn't have this address listed. It says South Toms River and nothing about Lakewood.

Mr. Hailey: That's just the way you are interpreting it. I can't make you understand that I'm not selling cars. These Cars are \$700-\$1,000 and are in need of fixing. The cars here are being worked on. The cars are for sale; no, you can't buy them here, but you can contact me and if you desire to see i, then you can come and look at it. You can purchase it in Lakewood.

Sergeant Kosh: (after being sworn-in by Mr. McKenna): With all due respect to Mr. Hailey, we've had at least three occasions where we've pulled over cars coming from his property, where car are unregistered and all three stated to us that they just purchased the vehicles from Mr. Hailey on Flint Road, and thought they were properly registered. This is what we are being told by people buying the vehicles.

Mr. Hailey: Do you have proof of that?

Sgt. Kosh: They are on bodycam. It will take some research to find it for you.

Mr. Hailey: Then until proven, I don't know how to go about that.

Mr. Handshy: When you repair the cars, why don't you bring them to Lakewood?

Mr. Hailey: I absolutely do.

Mr. Handshy: Then why advertise for South Toms River.

Mr. Hailey: You might assume I'm advertising prior to. At the time I advertise the amount, I may not put the work into ti. The car might not make it back to Lakewood. The car is here, this is where it is. If you would like to examine it, cool. I'll otw it to Lakewood and sign the paperwork there. So they are not being advertised prior to the work.

Mr. Ross: Mr. Richardson, have you seen any cars still unregistered?

Mr. Richardson: I've not seen any cars recently.

The Borough Administrator opened the floor up for any public comments. Seeing none, the public comment portion was closed.

Mr. Hailey: At the beginning, MR. Richardson said nothing changed, however having just stated the cars are now registered, I guess he withdrew his initial statement. The first summons, I got a warning and summons, and within 14 days of that , I got my mercantile revoked. I've noticed ever since I've been noticed, Johnny Muffler and other businesses are not being ticketed and have cars unregistered. Admittedly, at first, I did have cars unregistered. But after that warning, I've gotten rid of these cars and the cars on my property are properly registered. What am I doing that I don't have permission and the other businesses are allowed to have unregistered vehicles?

Borough Administrator: The laws and ordinances are the same for a mercantile license. Other businesses do not have a public hearing for their mercantile license. If you have requested tickets, warnings of other businesses, you would have answers as to who is compliant or not.

Mr. McKenna: What became of the last Court date?

Mr. Hailey: This is it. I plead not guilty and I'm now here.

Borough Administrator: Call the Court Administrator, Monday through Thursday, 5:30pm-8:30pm.

Mr. Ross: Mr. Richardson, has there been anymore complaints from people in town?

Mr. Richardson: I've had complaints. Also, having unregistered vehicles at your establishment is not an illegal business. It's illegal to have them there but it's not an illegal business.

Mr. Cradle: The problem we have is we have a letter stating no cars are being sold at your location on 65 Flin Road, and yet it's being advertised on facebook, and you give the 65 Flint Road address ; that is a problem. This is about your mercantile license; not about the summons.

The hearing came to an end with no further comments.

PUBLIC COMMENT

Jason Glogolich, 418 Applegate, expressed his opinion to change the Section 2 pickup to Option B.

Donald Worth, 10 Parkway Blvd, thanked the Council for sending the survey. He stated that he placed the original request a few years ago. He further stated that trash piles high due to the 11 day gap in pickup due to the holiday schedule.

Councilman Rolzhausen thanked Mr. Worth for making this request, and further asked that Mr. Worth stay so he can see the Council decision for the said Section 2 Survey.

Toni Ellison, 3 Easy St, stated that the motorcyclist who sustained injuries in last week’s accident is expected to recover.

Councilman Murray motioned to close the Public Comment, Seconded by Councilman Ross, and full Council consent.

Resolution 2017-178 Authorizing a Change to the Section 2 Garbage Collection, Adding Trash collection on Wednesday the 22nd, establishing Trash & Recycling picked-up on the same day, and with Trash Pickup not to be on Monday 27th.

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

EXECUTIVE SESSION

Resolution 2017-168 Authorizing an Executive Session for the Purposes of Contract Negotiations and Attorney-Client Privilege Discussion of Personnel Manual-Drug & Alcohol Testing

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

RESOLUTIONS

Resolution 2017-165 Authorizing the Mayor and Administrator to Submit a Grant Application for the Ocean County History Partnership Program (CHPP)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	X			
X		Rolzhausen	X			

		Mosley	X			
		Murray	X			
		McCormack				X
	X	Ross	X			

Resolution 2017-169 Authorizing the Revocation of Big Rod’s Results Mercantile License

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

Resolution 2017-170 Authorizing Contract Change Order # 7 to Extend the Project Term of Streetscape to November 30, 2017

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

Resolution 2017-172 Awarding the Public Bid to Chuck’s Ice Cream and Authorizing the Mayor to Sign and Clerk to Attest to the Agreement of the Mathis Veterans Memorial Park Mobile Food Concession Vendor

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

Resolution 2017-174 Authorizing the Renewal of the Driving While Intoxicated Enforcement Program FY 2017/18 Shared Service Agreement

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

Resolution 2017-176 Authorizing the Renewal of the FY 2017/18 Shared Service Agreement for the Drug Recognition Expert Callout Program

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

Resolution 2017-177 Certifying the Review of the 2017 Best Practices Checklist

This was pushed to be revisited once the paperwork and Checklist was reviewed.

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

No official action taken on 2017-177

CONSENT AGENDA

Resolution 2017-171 Authorizing the Release of Performance Bond for blk 2 lot 31, known as 61 Flint Rd in the South Toms River Tax Roll

Resolution 2017-175 Authorizing Adjustments to 3rd and 4th Quarter Tax Levy and Refunds for Tax Overpayments Resulting From Ocean County Tax Appeal Judgements

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

Resolution 2017-179 Appointing Michael Schneidt as Sergeant to the South Toms River Police Department

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

Steve Gallagher: As in the past, it's typical to review the Best Practices Checklist during this time. The last payment from the State is determined on how we respond to the questionnaire. To receive the full amount, we must achieve at least 80%, and we have.

NEW BUSINESS

The Borough Administrator stated the application deadline for the 2017 DOT Grant is coming up in September and the Governing Body needs to consider projects. He asked whether they would like to apply for funding to improve Crabbe Rd or the Brook Forest outfalls.

Councilman Ross expressed his interest to focus on the outfalls for infrastructure. The Governing Body expressed their agreement with this application.

The Borough Administrator stated that there will be a presentation from a website redesign company at the next Caucus meeting.

BILL LIST

The Governing Body and public reviewed the Bill List.

Resolution 2017-179B Authorizing Approval of the August 2017 Bill List

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

COUNCIL & LIAISON REPORTS

Handshy: The OEM Backpack Extravaganza was great. The Resident Advisory Board held a meeting on Tue, August 22, 7pm – 9pm. A presentation was held by a representative of the Redeveloper of the Dover Road Redevelopment Plan to address potential amendments to the Plan.

Rolzhausen: The Community Advisory Board meeting was well attended and very informative. We are working to address bills relating to the Wawa Land Use Board case to see what the Borough is responsible for.

Murray: I participated in PBA negotiations, which are moving along. We started negotiations prior to the expiration of the contract. The Backpack Extravaganza was well attended and thanked Councilman Ross for organizing it.

Ross: The Backpack Extravaganza was great. They handed out 80 backpacks to kids and was able to showcase the Fire Company's new truck, which everyone enjoyed. He further thanked all First Responders for their work. He also added that the PBA Contract negotiations have been proceeding nicely, and doesn't remember when the negotiations commenced this early from the expiration of the contract.

Cradle: Stated everyone had a lot of fun with the new fire truck and showcasing its new ladder truck. We had a nice Resident Advisory Board. Everyone asked great questions and was very respectful. He

expressed pleasure of all those in attendance, producing a productive session for the Borough. The Mayor further thanked all those who came out in support of Tanya Mosley's car wash fundraiser.

ADJOURNMENT @10:04pm

1st: Rolzhausen 2nd: Mosley

Respectfully Submitted:

Borough Clerk

Mayor Oscar Cradle