

MINUTES OF THE ANNUAL RE-ORGANIZATION
MEETING OF COUNCIL OF THE
BOROUGH OF SOUTH TOMS RIVER

The Annual Re-Organization Meeting of Council of the Borough of South Toms River was held at the Borough Hall on Tuesday, January 1, 2013 at 12:00 noon.

Those present were Mayor Champagne; Councilmen Cradle, Murray, Sykes, Williams.

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.

At this time, Clerk Silvestri administered the Oath of Office to Council-Elect Gregory Handshy and Ernest Reevey.

The following roll call was taken: PRESENT: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams.

A motion was made by Councilman Williams seconded by Councilman Sykes to appoint Robert Tarver, Esq. as Borough Attorney for the year 2013.

The following roll call was taken: FOR: Councilman Reevey, Sykes, Williams AGAINST: Murray, Handshy, ABSTAIN: Cradle

Record will reflect that the Mayor broke the tie with his affirmative vote.

Record will reflect that Solicitor Tarver took his place on the podium at this time.

A motion was made by Councilman Murray seconded by Councilman Cradle to approve the following resolutions:

1.

WHEREAS, the Borough Council of the Borough of South Toms River has reorganized on January 1, 2013,

WHEREAS, there is a need to establish a petty cash fund for the day to day operations of incidental costs of the Borough and,

WHEREAS, the Borough Council has reviewed and authorized an expenditure in the amount of \$200.00 to establish a petty cash fund for the Chief Financial Officer of the Borough of South Toms River, and

WHEREAS, these funds shall be operated and documented by the Chief Financial Officer of the Borough of South Toms River under the authority granted to her/him as the certified Chief Financial Officer of the Borough of South Toms River and

WHEREAS, these funds shall be utilized only for necessary expenditures for official business of the Borough of South Toms River and;

NOW, THEREFORE BE IT RESOLVED, this 1st day of January, 2013 that the Borough Council authorizes and re-establishes the Chief Financial Officer's petty cash fund for \$200.00 for the year.

2.

WHEREAS, the Borough Council of the Borough of South Toms River has reorganized on January 1, 2013 and,

WHEREAS, there is a need to establish a petty cash fund for the day to day operations of incidental costs of the Borough and,

WHEREAS, the Borough Council has reviewed and authorized an expenditure in the amount of \$100.00 to establish a petty cash fund for the South Toms River Police Dept. and,

WHEREAS, this fund shall be operated and documented by the Officer in charge and the Police Records Clerk of the Borough of South Toms River and,

WHEREAS, these funds shall be utilized only for necessary expenditures for official business of the Borough of South Toms River Police Dept.

NOW, THEREFORE BE IT RESOLVED, this 1st day of January, 2013 that the Borough Council authorizes and re-establishes the South Toms River Police Department's petty cash fund for \$100.00 for the year.

3.

WHEREAS, the Borough Council of the Borough of South Toms River has reorganized on January 1, 2013,

WHEREAS, there is a need to establish a petty cash fund for the day to day operations of incidental costs of the Borough, and

WHEREAS, the Borough Council has reviewed and authorized an expenditure in the amount of \$200.00 to establish a petty cash fund for the Borough of South Toms River Municipal Court, and

WHEREAS, this fund shall be operated and documented by the Municipal Court Administrator and the Deputy Court Administrator of the Borough of South Toms River, and

WHEREAS, these funds shall be utilized only for necessary expenditures for official business of the Borough of South Toms River Municipal Court.

NOW, THEREFORE, BE IT RESOLVED, this 1st day of January, 2013 that the Borough Council authorizes and re-establishes the Municipal Court's petty cash fund for \$200.00 for the year.

4.

WHEREAS, the Borough Council of the Borough of South Toms River has reorganized on January 1, 2013 and,

WHEREAS, there is a need to establish a change fund for the day to day operations of incidental costs of the Borough and,

WHEREAS, the Borough Council has reviewed and authorized an expenditure in the amount of \$100.00 to establish a change fund for the amount of \$100.00 for the South Toms River Tax Collector and,

WHEREAS, this fund shall be operated and documented by the Tax Collector of the Borough of South Toms River and,

WHEREAS, these funds shall be utilized only for necessary expenditures for official business of the Borough of South Toms River Tax Collector.

NOW, THEREFORE BE IT RESOLVED, this 1st day of January, 2013 that the Borough Council authorizes and re-establishes the Tax Collector's change fund for \$100.00 for the year.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

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

WHEREAS, the Borough of South Toms River is desirous of determining rates of interest charged for delinquent payment; and

WHEREAS, the taxpayer is given ten days grace period on each quarter.

THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of South Toms River as pursuant to N.J.S.A. 54:4-78 & Chapter 75 adopted March 1991 the rates of interest to be charged for the non-payment of taxes would be eight percent (8%) per annum on the first \$1500.00 of the delinquency & eighteen percent (18%) per annum on any amount in excess of \$1500.00. An additional six percent (6%) interest will be charged on any delinquency in excess of \$10,000.00, which is in arrears beyond December 31, 2013.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

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

WHEREAS, from time to time the Tax Assessor discovers an error in calculation, transposing, measurement or typographical errors in the Tax Assessments on the tax list after the time the County Board of Taxation has certified the tax rates for the year or a property becomes subject to a roll-back assessment; and

WHEREAS, the Governing Body of the Taxing District of the Borough of South Toms River is desirous that every taxpayer pays his fair share of taxes; and
WHEREAS, if the above discovered errors are not corrected or a roll-back assessment not applied, the taxpayers affected would not be paying their fair share of taxes; and
WHEREAS, the method for correcting such errors is to file a Petition of Appeal for the current tax year with the Ocean County Board of Taxation,
NOW, THEREFORE BE IT RESOLVED by the Mayor & Council of the Borough of South Toms River County of Ocean and State of New Jersey as follows:

1. That the Tax Assessor or Municipal Attorney is hereby authorized to act as the agent for the Taxing District during the year 2013 and file a Petition of Appeal or Complaint with the Ocean County Board of Taxation to correct such assessments to the proper value and that a copy of any Petition of Appeal or Complaint filed with the Ocean County Board of Taxation under this Resolution be filed with the Municipal Clerk.
2. That the Tax Assessor or Municipal Attorney is hereby authorized to execute stipulations of settlement on any Tax Appeal or Complaint filed by the Taxing or by a taxpayer in the tax year 2013.
3. That upon adoption of this resolution, the Clerk is hereby authorized and directed to forward a certified copy of it to the Ocean County Board of Taxations and Borough Tax Assessor.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Murray to approve a resolution authorizing the 2nd Monday of each month as the Regular Caucus Meeting of Council and the 3rd Monday of each month as the Regular Council Meetings of Council and each Tuesday of each month as Committee Meetings of Council for the year 2013. Meetings begin at 7:00 pm. Also, action may be taken at Caucus Meetings, if necessary. If a Regular Caucus Meeting or Regular Council Meeting falls on a holiday, then that meeting will be held on the following Tuesday.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Reevey for a resolution designating the Asbury Park Press and the South Toms River Website as the newspapers for the year 2013.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Murray for a resolution designating all Ocean County Banks and the State of NJ Cash Management Fund and any out of Town Banks for the highest interest on investments as the Official Banks for the year 2013.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Murray to approve a resolution authorizing any two of the four signatures for the signing of Borough Checks for the year 2013:

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|---------------------|-------------------------|
| Joseph Champagne | Mayor |
| Elizabeth Silvestri | Municipal Clerk |
| Steven Gallagher | Chief Financial Officer |
| Barbara Herr | Tax Collector |

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

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

WHEREAS, SECTION 8 of the Open Public Meetings Act, N.J.S.A. 10:4-12 permits the exclusion of the public from a meeting in certain circumstances; and
WHEREAS, this public body is of the opinion that such circumstances presently exist.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Toms River, County of Ocean, State of New Jersey, as follows:

1. The public shall be excluded from discussion and action upon the hereinafter-specified subject matter.
2. The general nature of the subject matter to be discussed is as follows:

DISCUSSION OF THE 2013 APPOINTMENTS AND COMMITTEE APPOINTMENTS

3. It is anticipated that the subject matter discussed may be made public immediately following this Closed Session.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

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

A motion was made by Councilman Reevey seconded by Councilman Williams to make the following 2013 Appointments:

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|------------------------------|---------------------------------|
| Borough Engineer: | Chris Theodos, Maser Consulting |
| Prosecutor: | John Ducey, Esq. |
| Alternate Prosecutor: | Bart Cook, Esq. |
| Auditor: | Suplee, Clooney & Company |
| Bonding Counselor: | John Hudak, Esq. |
| Public Defender: | Charles Tivenan, Esq. |
| Alternate Public Defender: | Louis Pintaro, Esq. |
| Special Litigation Attorney: | tabled |
| Labor Relations Attorney: | tabled |
| Zoning Officer: | tabled |
| Code Enforcer: | tabled |

Municipal Insurance Fund

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| Coordinator: | tabled |
| Alternate Coordinator: | Gregory Handshy |
| Commissioner: | Donald Williams |

Community Development Block Grant

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|-----------------|-----------------|
| Representative: | Chris Theodos |
| Alternate: | Donald Williams |

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|---------------------------------|---------------|
| Assessment Search Officer: | tabled |
| Tax Search Officer: | Barbara Herr |
| Cross-Acceptance Rep.: | tabled |
| Principal Public Works Manager: | Mark Vannella |
| Deputy Tax Collector: | tabled |

The following roll call was taken: FOR: Councilman Cradle (with the exception of Code Enforcer and Borough Engineer), Handshy, Murray (with the exception of Code Enforcer), Reevey, Sykes, Williams

Mayor Champagne stated, "Regarding the Council President, the Council has the authority to nominate and there were two (2) nominations – One is Mr. Murray and the other is Mr. Reevey and we will have the deciding vote. I, as the Mayor, do not have the authority to nominate a Council President. It is the Council Members who have that authority and it is my understanding that these are the nominations that are on the table right now. So, Council will proceed as far as determining who will be the Council President. In the event they do not elect

one then the Mayor, according to statute and local ordinance, does have the authority to appoint a Council President.”

Solicitor Tarver stated, “Madam Clerk, what they have determined is that within their Executive Session that this is the procedure that needs to be followed. What I would suggest is that we, on the record in Open Session, take a roll with regard to the individual nominations if Council desires to do so. Otherwise, Council could place what they determined in Executive Session on the record with regard to the vote and we don’t have to go over the idea of an individual vote.”

Councilman Murray stated, “I would like to have it out.”

Councilman Cradle stated, “Yes, I second that.”

Solicitor Tarver stated, “So, Madam Clerk, there were two (2) nominations. The first was Mr. Murray, the second was Mr. Reevey. If you would call on each of these individuals.”

The following roll call was taken with regard to Councilman Murray’s nomination for Council President: FOR: Councilmen Cradle, Handshy, Murray AGAINST: Reevey, Sykes, Williams

Clerk Silvestri inquired if the Mayor was going to break the tie with his vote.

Solicitor Tarver stated, “Because it is a variable election of two (2) nominees, what you would need to do is call the next one first.”

The following roll call was taken with regard to Councilman Reevey’s nomination for Council President: FOR: Councilmen Reevey, Sykes, Williams AGAINST: Cradle, Handshy, Murray

Mayor Champagne stated, “Regarding the procedure it says, ‘if Council fails to elect the Council President, the Mayor does have the authority to appoint a Council President’. And, at this point, I am exercising my role and function as Mayor under the ordinance and also under the State statute, to appoint Mr. Reevey as Council President.”

A motion was made by Councilman Cradle seconded by Councilman Murray to appoint Jennifer Carr as Clerk/Typist temporarily as soon as the Borough Code can be amended to reflect the position in the Borough’s Ordinances.

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Reevey to make the following appointments for the year 2013:

School Crossing Guards:

- a) Mary Edwards
- b) Lillian Fash
- c) Carol Williams
- d) Frank Onello
- e) Marie Czarnik
- f) Don Adams

Police Specials (Class D):

- a) Brian Corvinus
- b) Anthony Giacinti
- c) Jason Prior

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Murray to make the following appointments for the year 2013:

Police Special (Class I):

- a) Dr. Douglas Ripley

Police Chaplain:

- a) Dr. Douglas Ripley
Alternate: b) James Kearney

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

A motion was made by Councilman Cradle seconded by Councilman Murray to make the following appointments for the year 2013:

Sewerage Authority:

- a) Gregory Handshy

Medical: Ocean Bay Occupational Medical

OEM/CERT Coordinator:

- a) Kevin McCormack

Deputy Coordinators:

- a) Daniel DeCross, Jr.
b) William Gleason

Stormwater Management Coordinator:

- a) Oscar Cradle

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams

Public Comments:

Sandford Ross, 16 Hummel Drive – By and large, I agree with your appointments. They all seem to make sense. I have a couple of questions...Regarding your appointment of Attorney, Mr. Tarver, I am impressed with his knowledge, is also the one with potentially highest amount of dollars for that post. I'm curious about the reason you picked him. Not that I'm a fan of picking the lowest. I know that's not always the right way to go. I'm curious what was your reason for picking him. The same question regarding your choice of Council President. The Councilman who has served in the position for, at least, the past year and has done a good job and you chose, with all due respect to Mr. Reevey, the newest and least experienced up there. He's essentially the CEO of the town in your absence. I realize it's your choice to pick, I'm just wondering why. Regarding the appointment to the Sewerage Authority, nothing against Mr. Handshy, Mr. Britton has been very ably running that authority for quite some time, especially in the absence of the previous Chairman. Failing to appoint a Code Enforcer today, there is no one in that position at least until the Caucus Meeting.

At this time Mayor Champagne gave his annual statement saying that the Governing Body needs to do the work that the residents voted us to do. Work in the best interest of the residents. Need to learn to agree and disagree. Need to work for the good of the Borough. The list of accomplishments speaks for itself. In 2013, we will accomplish even more. God bless all of us.

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

The following roll call was taken: FOR: Councilman Cradle, Handshy, Murray, Reevey, Sykes, Williams.

Approved: