

**BOROUGH OF SOUTH TOMS RIVER
REGULAR MEETING OF JUNE 17, 2013**

A Regular meeting of the Council of the Borough of South Toms River was held at the Borough Hall on Monday, June 17, 2013 at 7:03 p.m.

Moment of silence

Mayor Joseph Champagne observed the moment of silence.

Salute to flag

Mayor Joseph Champagne led the flag salute.

Notice of meeting

Rayna E. Harris, Temporary Deputy Clerk read the following statement: This meeting of the Mayor and Borough Council was called pursuant to the provisions of the Open Public Meetings Law. Notice of this meeting was sent to the Asbury Park Press on December 6, 2012; 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

Present: Councilmen: Oscar Cradle, Gregory Handshy, Edward Murray, Ernest Reevey, Marvin Sykes, and Donald Williams

Absent: None

Also Present: Mayor Joseph Champagne; Robert L. Tarver, Jr., Esq., Attorney; Chris A. Theodos, Engineer; Stephen Gallagher, Chief Financial Officer and Rayna E. Harris, Temporary Deputy Borough Clerk

Approval of the following minutes:

a) May 13, 2013 Caucus Meeting

Councilman Cradle made a motion to approve the above listed Minutes with corrections/additions and was seconded by Councilman Murray. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
	X	Murray	X			
		Reevey	X			
		Sykes	X			
		Williams	X			

b) May 13, 2013 Closed Session

Councilman Cradle made a motion to approve the above listed Minutes with corrections/additions and was seconded by Councilman Murray. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
	X	Murray	X			
		Reevey	X			
		Sykes	X			
		Williams	X			

c) May 20, 2013 Regular Meeting

Councilman Cradle made a motion to approve the above listed Minutes with corrections/additions and was seconded by Councilman Reevey. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
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X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

d) May 20, 2013 Closed Session

Councilman Cradle made a motion to approve the above listed Minutes with corrections/additions and was seconded by Councilman Reevey. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

Ordinances (Public Hearing)

a) #6-13 – Bond Ordinance

Ms. Harris read Ordinance 6-13 by title.

Councilman Cradle made a motion to open the public hearing on Ordinance 6-13 and was seconded by Councilman Reevey. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

Tom Rolzhausen, 420 Applegate Avenue: Questioned the purpose of the ordinance.

Stephen Gallagher, CFO, explained the items included in the bond ordinance.

Councilman Reevey made a motion to close the public hearing on Ordinance 6-13 and was seconded by Councilman Cradle. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Cradle	X			
		Handshy	X			
		Murray	X			
X		Reevey	X			
		Sykes	X			
		Williams	X			

Councilman Reevey made a motion to adopt Ordinance 6-13 on second reading and final adoption and the motion was seconded by Councilman Cradle. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Cradle	X			
		Handshy	X			
		Murray	X			
X		Reevey	X			
		Sykes	X			

		Williams	X			
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b) #7-13 – Bond Ordinance amending Bond Ordinance #3-12

Ms. Harris read Ordinance 7-13 by title.

Councilman Reevey made a motion to open the public hearing on Ordinance 7-13 and was seconded by Councilman Williams. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Cradle	X			
		Handshy	X			
		Murray	X			
X		Reevey	X			
		Sykes	X			
	X	Williams	X			

Stephen Gallagher, CFO, explained that this ordinance corrects an error in Ordinance 3-12 for the Capital Plan.

Councilman Reevey made a motion to close the public hearing on Ordinance 7-13 and was seconded by Councilman Cradle. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Cradle	X			
		Handshy	X			
		Murray	X			
X		Reevey	X			
		Sykes	X			
		Williams	X			

Councilman Cradle made a motion to adopt Ordinance 7-13 on second reading and final adoption and the motion was seconded by Councilman Reevey. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

c) #8-13 – Amend Chapter 26 “Land Development”

Ms. Harris read Ordinance 8-13 by title.

Councilman Cradle made a motion to open the public hearing on Ordinance 8-13 and was seconded by Councilman Reevey. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

Chris A. Theodos, Engineer explained that this ordinance needed to be referred to the Planning Board

before final adoption.

Tom Rolzhausen, 420 Applegate Avenue: Requested an explanation of this ordinance and if it is related to the Wawa development.

Mr. Theodos stated that this ordinance implements recommendations of the Master Plan and it is not directly related to the Wawa application that is currently in progress.

Barbara (insert last name), (insert house number) Dittmar Drive: Questioned the nature of the requested variances.

Councilman Handshy outlined the history and process leading to the proposal of this ordinance including the need for Pinelands certification.

Mr. Theodos noted that after the adoption of this ordinance the zoning maps and Master Plan will be submitted for approval.

Councilman Reevey made a motion to close the public hearing on Ordinance 8-13 and was seconded by Councilman Handshy. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Cradle	X			
	X	Handshy	X			
		Murray	X			
X		Reevey	X			
		Sykes	X			
		Williams	X			

Councilman Cradle made a motion to table Ordinance 8-13 and was seconded by Councilman Reevey. Motion carried on the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

Resolutions

- a) Lucky Spirits – Liquor License

Councilman Cradle moved to approve the following Resolution Lucky Spirits – Liquor License and was seconded by Councilman Murray. Motion carried by the following roll call vote.

**BOROUGH OF SOUTH TOMS RIVER
RESOLUTION**

WHEREAS, the Borough of South Toms River has received liquor license renewal applications for the year 2013; and

WHEREAS, the Division of Alcoholic Beverage Control requires all existing licenses to be renewed by the Issuing municipality; and

WHEREAS, the Borough of South Toms River has received renewal application for a license in the name of KARAN (ONE) Inc., for the premises known as 306 Atlantic City Boulevard, trading under the name of Lucky Spirits, license No. 1529-44-001-005; and

WHEREAS, the Borough of South Toms River held a hearing to renew said license on

WHEREAS, the Borough of South Toms River received no objection to the renewal application; and

WHEREAS, the Borough of South Toms River has reviewed the application for renewal and determined it to be in order;

NOW, THEREFORE, BE IT RESOLVED THIS 17th day of June, 2013 that the applicant's request for a one year renewal of its previously issued liquor license be and hereby is approved.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
	X	Murray	X			
		Reevey	X			
		Sykes	X			
		Williams	X			

b) River Café – Liquor License

Councilman Cradle moved to approve the following Resolution River Café – Liquor License and was seconded by Councilman Reevey. Motion carried by the following roll call vote.

**BOROUGH OF SOUTH TOMS RIVER
RESOLUTION**

WHEREAS, the Borough of South Toms River has received liquor license renewal applications for the year 2013; and

WHEREAS, the Division of Alcoholic Beverage Control requires all existing licenses to be renewed by the issuing municipality; and

WHEREAS, the Borough of South Toms River has received renewal application for a license in the name of Stop Inn Inc., for the premises known as foot of Crabbe Road, trading under the name of River Cafe, license No. 1529-33-002-006; and

WHEREAS, the Borough of South Toms River held a hearing to renew said license on 2013; and

WHEREAS, the Borough of South Toms River received no objection to the renewal application; and

WHEREAS, the Borough of South Toms River has reviewed the application for renewal and determined it to be in order;

NOW, THEREFORE, BE IT RESOLVED THIS 17th day of June, 2013 that the applicant's request for a one year renewal of its previously issued liquor license be and hereby is approved.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

c) Groundswipers Rod & Gun Club – Liquor License

No action was taken on this resolution.

d) Tax Resolutions

No Tax Resolutions were submitted.

e) Salary Resolution – Camp STR

Councilman Cradle moved to approve the following Resolution Salary Resolution – Camp STR and was seconded by Councilman Murray. Motion carried by the following roll call vote.

**BOROUGH OF SOUTH TOMS RIVER
RESOLUTION**

WHEREAS, the Borough of South Toms River, through the Recreation Commission, has authorized the hiring of adult staff members for the STRRC 2013 Summer Camp and the STRRC Teen Summer Program; and

WHEREAS, the Borough wishes to establish salary and wages for said employees;

NOW, THEREFORE BE IT RESOLVED the following individuals be and they are hereby appointed to the positions set forth below and at the salaries set forth herein;

1. Director-Leigh Ann Niers, approx 35 hours/week, \$24.00/hour.
2. Teacher/Counselor-Tamara Bright, approx 35 hours/week, \$18.35/hour.
3. Teacher/Counselor – Michael Cousins, approx 35 hours/week, \$18.35/hour.
4. Teacher/Counselor – Sara Brandt, approx 35 hours/week, \$18.35/hour.
5. Teacher/Counselor – Nicole Letts, approx 35 hours/week, \$18.35/hour.
6. Teacher/Counselor – Susan Barrett-Wragge, approx 35/hs/wk, \$18.35/hr.
7. Teacher/Counselor - Krista Dickinson, approx 35/hrs/wk, \$18.35/hour.
8. Teacher/Counselor – Chelsea Carballo, approx 35 hrs/wk, \$11.00/hr.
9. Teacher/Counselor – Kile Wurst, approx 35/hrs/wk, \$11.00/hr.
10. Teacher/Counselor – Steve Brandt, approx 35/hrs/wk, \$11.00/hr.
11. Teacher/Counselor – Camille Mussari, approx 15/hrs/wk, \$18.35/hr.
12. Teacher/Counselor-Sherry Niers, approx 15/hrs/wk, \$18.35/hr.
13. Teacher/Counselor – Carol Cousins, approx/15/hr/wk, \$18.35/hr.
14. Sub. Teacher/Counselor-Geoff Niers, approx. 7/hs/wk, \$18.35/hr.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to;

1. South Toms River Recreation Commission
2. Elizabeth Silvestri, Borough Clerk
3. Steven Gallagher, CFO

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
	X	Murray	X			
		Reevey	X			
		Sykes	X			
		Williams	X			

f) Supporting S-1896/A-1503 – Sharing the Burden of Property Assessment Appeal

Councilman Reevey moved to table the following Resolution Supporting S-1896/A-1503 – Sharing the Burden of Property Assessment Appeal and was seconded by Councilman Williams. Motion carried by the following roll call vote.

**BOROUGH OF SOUTH TOMS RIVER
RESOLUTION**

RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN,
STATE OF NEW JERSEY, SUPPORTING S-1896/A-1503 SHARING THE BURDEN OF
PROPERTY ASSESSMENT APPEAL REFUNDS

WHEREAS, when the County Tax Board Appeals are granted, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes municipal, school,

county and any special districts tax; and

WHEREAS, the Municipal Tax Collector makes the adjustment from the appeal as a credit on the 4th quarter tax bill resulting in the municipality's fund balance for the preceding year diminish, if not completely deplete; and

WHEREAS, a League of Municipalities survey measured the extent to which residents have filed and won tax appeals in 2010; and

WHEREAS, one hundred fifty (150) municipalities, representing both large and small municipalities in all 21 counties, that participated in the survey reported property tax value declines of more than \$87,900,000 which resulted from 19,788 tax appeals filed in 2010; and

WHEREAS, those responding to the survey indicated that 13,760 appeals were filed in 2009, compared to 19,788 in 2010, representing an increase of 43.7%; and

WHEREAS, a municipality often experiences an increase in tax appeals because it has conducted a revaluation; however, only 5 of the 150 municipalities which participated in the survey indicated that their 2010 appeals resulted from revaluations; and

WHEREAS, as a way of comparison, 23 of the participating municipalities conducted revaluations in 2009, when fewer tax appeals were presented to the County Tax Boards; and

WHEREAS, the 2010 spike in appeals should be attributed to the economic down-turn, which lowered property values and placed increased stress on the income of homeowners throughout the Garden State; and

WHEREAS, the survey also indicated that in 2010, the various County Tax Boards have granted average property value reductions of close to \$5,000 per appeal; and

WHEREAS, fifty-six percent of those responding indicated that the successful tax appeals would have an impact on fund balances and place additional pressures on local officials during 2011; and

WHEREAS, successful tax appeals have a three-fold negative impact on municipal budgets. First, the municipality, as the collector of taxes for the school district, county and special districts, must fund the full cost of the legal defense of the assessment. Second, since State law guarantees to the County and the School District 100% of their levies, the municipality bears the full cost of any reimbursements resulting from the appeal (as well as the full burden for any uncollected taxes). Third, the end result will be a further decline in the property tax base used to support municipalities, county governments and school systems; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public; and

WHEREAS, Senator Bucco, Assemblyman Carroll and Assemblyman Bucco, District 25, have recently introduced S-1896/A-1503, which requires fire districts, school districts and county governments to share in the burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of South Toms River, County of Ocean, State of New Jersey, urges the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to Governor Chris Christie, all members of the New Jersey State Legislature, all Ocean County Mayors and the New Jersey State League of Municipalities.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Cradle	X			
		Handshy		X		

		Murray	X			
X		Reevey	X			
		Sykes	X			
	X	Williams	X			

Refunds

There were no refunds.

Permissions

Councilman Cradle to authorize the Engineer to prepare bid documents and go to bid for the Renovation of Applegate Avenue and was seconded by Councilman Murray. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy			X	
	X	Murray	X			
		Reevey	X			
		Sykes	X			
		Williams	X			

Mayor Champagne requested that the Engineer with the Chief of Police identify locations for speed hump installations and submit their recommendations to Council for approval.

There were no objections.

Councilman Reevey to authorize the Engineer to prepare bid documents and go to bid for the resurfacing of the Public Works driveway without construction of the platform and was seconded by Councilman Williams. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
	X	Murray	X			
		Reevey	X			
		Sykes	X			
		Williams	X			

Resignation

Mayor Champagne accepted the resignation of the receptionist as of June 14, 2013.

Reading & approval of vouchers for payment

Mayor Champagne opened the meeting to public comments on the June bill and voucher list. There were no public comments. Councilman Murray questioned two items on the bill list relating to Police Department expenses for vehicle oil changes and maintenance.

Councilman Williams moved to approve the June bill and voucher list in the amount of \$222,654.19 and was seconded by Councilman Reevey. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Cradle	X			
		Handshy	X			
		Murray		X		
	X	Reevey	X			
		Sykes	X			
X		Williams	X			

Appointment

Councilman Williams moved to appoint Stephen Gallagher to the position of Tax Collector at a salary of \$10,000.00 per year and to remain as the Chief Financial Officer at a salary of \$35,000.00. The motion was seconded by Councilman Sykes. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Cradle		X		
		Handshy		X		
		Murray		X		
		Reevey	X			
	X	Sykes	X			
X		Williams	X			
		Champagne	X			

Other Business

Mayor Champagne noted the receipt of a Notice of Claim against the Police Department.

Monthly Reports

Monthly reports were given by the Councilmen.

Correspondence

There was no correspondence.

Public Comments

Barbara (insert last name), (insert house number) Dittmar Drive: Inquired about the posting, advertisement, of the position that was filled by Mrs. Reevey, the notice given by the person vacating the position and the posting of the Tax Collector position. She also voiced her concern with the hours of operation for the code enforcement officer.

Robert Tarver, Borough Attorney explained that general nature of the realignment of staff due to resignations and medical leaves of absence and stated that there is no conflict of interest. He noted that the Council voted on the hiring at the last meeting.

Tom Rolzhausen, 420 Applegate Avenue: Questioned the appearance of a conflict of interest. He also questioned the recent purchase Police vehicles.

Mayor Champagne and Councilman Williams noted that the selection was discussed in closed session.

Unidentified speaker: Inquired about the T & R resolution relating to stray cats and renewed her request to have a resolution on the next agenda. She referenced the similar resolutions/ordinances in place in Berkley and Eatontown.

Councilman Cradle agreed to work with her on writing the grant.

Kevin Cain, 175 Addison Avenue: questioned the code enforcement in town and noted the hazardous unkempt swimming pools.

William E. Gleason, 19 Long Drive:

Executive Session

In public Councilman Cradle moved to enter Executive Session and was seconded by Councilman Reevey. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

In public Councilman Cradle moved to return to the normal order of business and was seconded by Councilman Sykes. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
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X		Cradle	X			
		Handshy	X			
		Murray	X			
		Reevey	X			
	X	Sykes	X			
		Williams	X			

Presentation

Representatives from the Child Evangelism Fellowship introduced themselves to the Governing Body and stated that their vision is to reach children with the good news message. They gave a brief overview of the organization's activities.

Councilman Cradle moved to appoint Rayna E. Harris as Temporary Deputy Borough Clerk and was seconded by Councilman Reevey. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

Councilman Cradle moved to appoint Patricia McGill as the Court Administrator and was seconded by Councilman Williams. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
		Reevey	X			
		Sykes	X			
	X	Williams	X			

Councilman Cradle moved to authorize the advertisement for the position of receptionist and was seconded by Councilman Williams. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
		Reevey	X			
		Sykes	X			
	X	Williams	X			

Councilman Sykes moved to temporarily extend the hours of Patricia Reevey to allow proper coverage of the Borough offices and was seconded by Councilman Williams. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Cradle	X			
		Handshy	X			
		Murray		X		
		Reevey			X	
X		Sykes	X			
	X	Williams	X			

Mayor Champagne requested to use the Borough seal to create promotional merchandise and explore the cost options.

Councilman Williams moved to authorize the exploration of the cost to create promotional merchandise

with the Borough seal and was seconded by Councilman Cradle. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Cradle	X			
		Handshy	X			
		Murray		X		
		Reevey	X			
		Sykes	X			
X		Williams	X			

Councilman Cradle moved to grant Borough personnel to enter onto private property to perform FEMA related clean-up as authorized by the Borough and was seconded by Councilman Reevey. Motion carried by the following roll call vote.

MOTION	SECON D	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Cradle	X			
		Handshy	X			
		Murray	X			
	X	Reevey	X			
		Sykes	X			
		Williams	X			

Adjournment

Councilman Cradle made a motion to adjourn and was seconded by Councilman Reevey. Motion was carried at 10:05 p.m.

CERTIFICATION

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment. N.J. Court Rules, 1969 R. 1:4-4 (2005).

Joseph A. Kostecki
Acting Municipal Clerk