

**BOROUGH OF SOUTH TOMS RIVER
REGULAR MEETING
SEPTEMBER 16, 2013, 7:00 PM
MINUTES**

1. MOMENT OF SILENCE & FLAG SALUTE

2. 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 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.

3. ROLL CALL:

| | | | | | | | |
|---------|--------|---------|--------|--------|-------|----------|-----------|
| | Cradle | Handshy | Murray | Reevey | Sykes | Williams | Champagne |
| Present | x | x | x | x | x | x | x |
| Absent | | | | | | | |

4. PRESENTATIONS: NONE

5. PUBLIC COMMENTS

6. APPROVAL OF MINUTES

September 9, 2013 & Closed Session

| MOTION | SECOND | NAME | YEAS | NAYS | ABSTAIN | ABSENT |
|--------|--------|----------|------|------|---------|--------|
| x | | Cradle | X | | | |
| | | Handshy | X | | | |
| | | Murray | X | | | |
| | x | Reevey | X | | | |
| | | Sykes | X | | | |
| | | Williams | X | | | |

7. INTRODUCTION OF ORDINANCES: NONE

8. RESOLUTIONS

**Resolution 2013-184 Resolution Authorizing Adjustments to 3rd and 4th
Quarter Tax Levy and Refunds for Tax Overpayments
resulting from Ocean County Tax Appeal judgements**

**BOROUGH OF SOUTH TOMS RIVER
RESOLUTION 2013-184**

RESOLUTION AUTHORIZING ADJUSTMENTS TO 3RD AND 4TH QUARTER TAX LEVY
AND REFUNDS FOR TAX OVERPAYMENTS RESULTING FROM OCEAN COUNTY
TAX APPEAL JUDGMENTS

WHEREAS, the County of Ocean has rendered judgments on appeals made by taxpayers regarding the property assessment of various properties and,

WHEREAS, there are several properties which had their property assessments reduced by the County of Ocean resulting in a reduction in the total taxes to be paid to the Borough of South Toms River for the year 2013, and,

WHEREAS, proper procedures require that an adjustment to the tax levy be made to the fourth quarter taxes and if necessary, third quarter taxes for reductions in

property assessments which lower total taxes and do not result in the overpayment of taxes for the year, and tax refunds if tax levy reductions result in an overpayment of total taxes due for the year

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Borough of South Toms River, County of Ocean that it does hereby authorize the Tax Collector and the Chief Financial Officer to apply said tax reductions to the 3rd and 4th quarter taxes and refunds of tax overpayments as per the attached worksheet after the 45 day period for the appeal of the Judgments rendered by the County Board of Taxation has passed.

BE IT FURTHER RESOLVED that a copy of the within resolution be forwarded to the following:

1. Tax Collector
2. Chief Financial Officer
3. Township Auditor

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Borough of South Toms River Governing Body at their meeting held on **September 16, 2013**.*

Joseph A. Kostecki
Borough Clerk

| MOTION | SECOND | NAME | YEAS | NAYS | ABSTAIN | ABSENT |
|--------|--------|----------|------|------|---------|--------|
| | x | Cradle | X | | | |
| | | Handshy | X | | | |
| x | | Murray | X | | | |
| | | Reevey | X | | | |
| | | Sykes | X | | | |
| | | Williams | X | | | |

Resolution 2013-185 Resolution providing for the adoption of a **Corrective Action Plan** for recommendations stated in the report of the Audit year ended December 31, 2012.

**BOROUGH OF SOUTH TOMS RIVER
COUNTY OF OCEAN
RESOLUTION 2013-185**

RESOLUTION PROVIDING FOR THE ADOPTION OF A CORRECTIVE ACTION PLAN FOR RECOMMENDATIONS STATED IN THE REPORT OF THE AUDIT YEAR ENDED DECEMBER 31, 2012.

WHEREAS, The Division of Local Government Services promulgates that a corrective action plan be formulated to address recommendations reported in the annual report of the audit on the financial statements; and

WHEREAS, The Chief Financial Officer has prepared this plan for the Borough of South Toms River, County of Ocean, State of New Jersey, that the corrective action plan prepared by the Chief Financial Officer be and is hereby accepted.

NOW, THEREFORE BE IT RESOLVED, That the Governing Body of the Borough of South Toms River, County of Ocean, State of New Jersey, that the corrective action plan prepared by the Chief Financial Officer be and is hereby accepted.

BE IT FURTHER RESOLVED, That two copies of this resolution be forwarded to the Director of the Division of Local Government Services upon its adoption.

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Borough of South Toms River Governing Body at their meeting held on **September 16, 2013**.*

Joseph A. Kostecki
Borough Clerk

| MOTION | SECOND | NAME | YEAS | NAYS | ABSTAIN | ABSENT |
|--------|--------|----------|------|------|---------|--------|
| x | | Cradle | X | | | |
| | | Handshy | X | | | |
| | x | Murray | X | | | |
| | | Reevey | X | | | |
| | | Sykes | X | | | |
| | | Williams | X | | | |

Resolution 2013-187 Authorizing the Administrator to endorse a contract with Heritage Business Systems Inc for the purchase of an office copier

RESOLUTION 2013-187

**RESOLUTION OF THE BOROUGH OF SOUTH TOMS RIVER,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE ADMINISTRATOR TO ENDORSE A
CONTRACT WITH HERITAGE BUSINESS SYSTEMS INC FOR THE PURCHASE OF
AN OFFICE COPIER**

WHEREAS, there is a need to provide office equipment for the completion of general office work for the residents of the Borough of South Toms River; and

WHEREAS, the Borough of South Toms River has communicated with suppliers of copiers, printers and document management solutions to ensure a fair purchase price; and

WHEREAS, the Borough of South Toms River, recognizes that the purchase of a Canon C2230, at a price of \$5,936.00, is in accordance with NJSA 40A:11 and therefore under the Bid Threshold.

BE IT RESOLVED by the Council of the Borough of South Toms River, County of Ocean, State of New Jersey that the Purchasing Agent is hereby authorized to endorse a contract with Heritage Business Systems Inc., 1263 Glen Ave Ste 290, Moorestown, NJ, for the purchase of one (1) Canon C2230 at a price of \$5,936.00. The cost of the printer is provided under a State Contract price and through a State authorized dealer. The cost includes the outright purchase, with the supply of toner and which also includes repairs of existing laser printers. The service/supply program provides all black and white copies at \$.0085 per copy and all full color copies are billed at \$.06 on an actual usage basis, done post monthly and includes all service, parts and toners; Canon contract #A51144.

CERTIFICATION

I, Joseph A. Kostecki, Acting Municipal Clerk, of the Borough of South Toms River, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Regular meeting held on the 16th day of September, 2013, in the Borough Hall, 144 Mill Street, South Toms River, New Jersey.

Joseph A. Kostecki
Acting Municipal Clerk

| MOTION | SECOND | NAME | YEAS | NAYS | ABSTAIN | ABSENT |
|--------|--------|----------|------|------|---------|--------|
| x | | Cradle | X | | | |
| | | Handshy | X | | | |
| | x | Murray | X | | | |
| | | Reevey | X | | | |
| | | Sykes | X | | | |
| | | Williams | X | | | |

9. CONSENT AGENDA/PERMISSION

None

10. VOUCHERS

Resolution 2013-188 Approval of September 16, 2013 Bill List

RESOLUTION 2013-188

RESOLUTION AUTHORIZING PAYMENT OF BILL LIST

WHEREAS, the Borough Council of the Borough of South Toms River, in the County of Ocean and State of New Jersey, has carefully examined all vouchers presented to the Borough Clerk for payment of claims;

NOW, THEREFORE, BE IT RESOLVED by the aforesaid Borough Council that the approved vouchers be approved.

CERTIFICATION

I, Joseph A. Kostecki, Deputy Municipal Clerk, of the Borough of South Toms River, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Regular meeting held on the 16th day of September, 2013, in the Borough Hall, 144 Mill Street, South Toms River, New Jersey.

Joseph A. Kostecki
Acting Municipal Clerk

Prior to the vote, Mr. Sandy Ross asked to wait on \$6,500 payment on the recreation building until completion of project.

Councilman Murray asked for clarification on police car maintenance payment, and Mr. Gallagher stated this was from two bill lists.

| MOTION | SECOND | NAME | YEAS | NAYS | ABSTAIN | ABSENT |
|--------|--------|----------|------|------|---------|--------|
| | | Cradle | X | | | |
| | | Handshy | X | | | |
| | | Murray | X | | | |
| x | | Reevey | X | | | |
| | | Sykes | X | | | |
| | x | Williams | X | | | |

11. OLD BUSINESS

Mayor Champagne ask Borough Clerk to provide updates on IT Infrastructure upgrades. Mr. Kostecki stated that Comcast is being installed in Borough Hall and Public Works garage, and confirmed that the phone bill will be lower because of the new installation.

Mayor Champagne stated we are approaching the one year event since Sandy caused horrific devastation and the Borough would like to honor those who were called to service to assist. The date to honor these people will be on October 24 at 6:30pm. He further asked for people to submit names for recognition. This event will be well attended. Mr. Kostecki confirmed this event will be honoring those who assisted in Superstorm Sandy, and further requested that people submit names for recognition.

Mayor Champagne stated Mathis Plaza has become a home for Submarine Vets, with yearly events honoring them and the passing of their comrades. The Borough feels it would be appropriate to dedicate this location to them, and therefore proposes changes the name to Mathis Memorial Park in honor of them.

The Borough Clerk asked the Detective Myer to update the Council on the security system. He states that 3 quotes were obtained. ECS, Computer Repair, and ADT. Although ADT was lowest, they did not have the complete job and did not have a panic button and does not have an alarm system. Computer Repair is local and is the second lowest, and provides the complete job.

Councilman Handshy asked why to install the security system after all of the years. Det. Myer was asked to look into this by Councilman Sykes due to situations that have occurred and to protect the police and employees. Mr. Handshy asked how many instances have occurred. Det. Myer stated he couldn't provide a number but there have been a number of instances.

12. NEW BUSINESS

Mayor Champagne asked for an update on Robocall. The Clerk stated this was another fashion to provide information to residents via messages on their phones. The cost would be based on the length of the message. Some companies have monthly or per usage costs. The fees ranges from 2 cents to 6 cents per contact.

Mayor Champagne asked CFO, Mr. Gallagher to provide an update. The recommendations by the Audit was for the Clerk's office records be accessible. This recommendation was due to the Municipal Clerk being out on sick leave. The rest provides a full and positive audit.

Mayor Champagne asked the Municipal Attorney to provide information regarding the update of the Borough's employment manual. Mr. Tarver stated the last portion to add was the Information Technology and proposed opt-out. The proposed updates should be delivered within the next few days. Councilman Handshy stated there was a committee formed to look at the update and the Committee was not involved in this discussion and to be advised by the Borough Council. Mr. Tarver stated that he was asked to provide a draft for the committee to review and the committee was to go over the recommendations. Mayor Champagne stated the recommendations will be sent to the committee for review. Mr. Reevey requested setting up a meeting. Councilman Murray stated he doesn't feel the need to have committees since he feels they are not involved in the purpose of meetings.

13. MONTHLY COMMITTEE & LIAISON REPORTS

Councilman Cradle stated he will be attending a Recycling PProfessional's class. The Borough will pay for the class but they do not pay for his certification. He also provided copies of the recycling calendar out to the council and public and asked for recommendations, input, and to look for mistakes to ensure a complete and correct calendar.

Councilman Handshy spoke on the previous Caucus meeting, and to discuss personnel matters. Mr. Tarver stated that Executive Session would be a more appropriate time to discuss personnel matters in-depth, however discussing procedure is fine outside of the Executive Session. Mr. Handshy contends that the prior Caucus meeting was out of order due to By-laws mandating Agenda be complete by Thursday, and nothing was to be added subsequently to that. Councilman Murray confirmed with Mr. Handshy stating nothing was provided with compliance with the By-law.

Mr. Tarver states that once the Council decides to proceed with actions they have waived any determination that it is improper or there is a defect. Once they voted, they took official action, that is binding action, and there is nothing illegal regarding with the referred actions.

Councilman Handshy states he believes taking action on agenda items in Caucus meetings, and which were not provided by Thursday of the meeting, should be only done so on emergency items.

Councilman Cradle expressed that he felt that everything is legal is not right and believes the actions and procedures taken during the caucus meeting was not right.

Councilman Murray reported that he met with Detective Myer for security cameras. The Block house is being completed with paint and electricity.

Mayor Champagne expressed his appreciation for the swift work done by the Engineer installing the speed humps. He received a lot of positive comments, and especially by a 3rd grader who expressed her thanks to make the street safer. Also, Applegate Avenue will be repaved in the near future. He expressed thanks to all council members who have made progress in South Toms River. As

the Borough receives complaints, it places the borough in a chance to improve the town. He also expressed sympathy to a resident who recently had a fire

Councilman Reevey attended a recycling meeting, and informed the public not to inform plastic such a shrink wraps, that jams in their machines. He is continuing the process for Public Works hiring. Inserts are available at the Borough Clerk's office.

Councilman Sykes states the relationship with the Police Department is going well.

Councilman Williams states he was walking with his Grandson and expressed concern about a section of Dover Road (Route 530) that is overgrown and. This property is owned by the Garden State Parkway and they will be looking into this, in addition to fixing the broken lights.

14. PUBLIC COMMENTS

Tom Walshausen , 420 Applegate Avenue states he is surprised that the Police Department doesn't already have the security system and is in favor of the new system. Also, he would like to see a four-way stop at Chamberlain and Applegate. Mayor Champagne is speaking with the Borough engineer and police chief for consideration. He also is pleased with the newly installed speed humps. Councilman Handshy states that he is in favor and recognizes the need to improve this intersection. Mr. Walshausen wanted confirmation for the need of robocalls that the use of the robocalls for the use of information purposes only and not political.

Seeing no other comments, the Council retired to closed session

15. EXECUTIVE SESSION

Resolution R2013-186 Approving the Governing Body to go into Closed Session for the purpose of discussion Tax Appeals litigation and personnel

**BOROUGH OF SOUTH TOMS RIVER
RESOLUTION 2013-186
EXECUTIVE SESSION**

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-7, et seq., commonly known as the "Sunshine Law", requires that Borough Council meetings be open to the public except for the discussion of certain subjects; and

WHEREAS, the "Sunshine Law" requires that a closed session be authorized by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of South Toms River that the following portion of this meeting shall be closed to the public; and

BE IT FURTHER RESOLVED that the meeting shall be resumed at the end of closed session; and

BE IT FURTHER RESOLVED that the subjects to be discussed and the time of public release of the minutes of the closed session are indicated below:

SUBJECT MATTER

Attorney-Client Privilege

TIME WHEN AND THE CIRCUMSTANCES UNDER WHICH THE SUBJECT MATTER

CAN BE DISCLOSED:

Upon authorization by the Borough Attorney

Joseph M. Champagne

Attest:

I, Joseph Kostecki, Acting Municipal Clerk of the Borough of South Toms River, do hereby certify that the foregoing resolution was duly adopted by the Council of the Borough of South Toms River at a duly held meeting on September 9, 2013.

Acting Municipal Clerk

| MOTION | SECOND | NAME | YEAS | NAYS | ABSTAIN | ABSENT |
|--------|--------|----------|------|------|---------|--------|
| x | | Cradle | X | | | |
| | | Handshy | X | | | |
| | | Murray | X | | | |
| | x | Reevey | X | | | |
| | | Sykes | X | | | |
| | | Williams | X | | | |

Out of Closed session, the Governing Body adjourned at 9:45pm

Respectfully submitted by Acting Municipal Clerk

Approved

Joseph M. Champagne, Mayor

Joseph A. Kostecki, Acting Clerk