

**BOROUGH OF SOUTH TOMS RIVER  
MINUTES OF REGULAR CAUCUS MEETING  
FEBRUARY 10, 2014, 7:00 PM**

A regular meeting of the Council of the Borough of South Toms River was held at the Borough Hall on Monday, February 10, 2014 at 7:00 p.m.

**MOMENT OF SILENCE**

Mayor Joseph Champagne observed a moment of silence and led the Flag Salute.

**STATE OF PUBLIC NOTICE**

The Borough Clerk read the 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 14, 2013; 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:**

	Cradle	Gleason	Handshy	Mosley	Murray	Reevey	Champagne
Present	x	x	x				x
Absent				x	x	x	

**PRESENTATIONS:**

Students of the Month

Mayor Champagne spoke to attendees regarding Student of the Month recipients. As Mayor, I feel it is necessary to recognize our residents. This month is Valentines, and this month is about love. You're children are a product of love. Some children will be receive this recognition for the first time, and it is a great accomplishment. This really is a labor of love, a product of what you have done. We are recognizing both the children and parents, and it gives me such honor to recognize your work. Mayor Champagne then provided the Spelling B Champion award and Student of the Month certificates.

**PUBLIC COMMENTS**

Jeanine Baron of Streamliners, spoke to the Governing Body regarding the status of the records at Borough Hall, records management and potential next steps. She stated that the invitation to assess the business records was the result of decades of dereliction in duty. The borough has mostly boxes of records and non-records that are commingled, in addition to plans and drawings that haven't been properly filed or looked at in decades. She stated that the good news is that its in one place, and the bad news is that its in one place all mixed together in boxes and cabinets with no real rhyme or reason. In looking at the quantity, its 1,000 linear feet. That is, if we stack the pages on-top of one another, it would exceed three football fields in height. That is how much documentation the Borough has in the basement that have been unmanaged. Now, the overall condition in terms of "what does this mean" is that every transaction of the borough somehow has a record, becomes a public record and then becomes an asset of the borough. As elected officials, they are clerks and custodians of the records. Some records are archival and historical in nature and need to be preserved past any particular retention period of New Jersey Department of Archives and Records Management. That said, it is regulated by

state statute, including the OPRA law. There's a high sense of risk with regard to managing these files in this location and may impede business continuity. The case for business management is well made for the Borough here. There has been a strong lapse in records management which has brought us to the point we are now. In terms of what's next, we need to include the council and clerk as stakeholders to see what everyone is able to and willing to take-on. We would like to partner to discern those next steps. The next step is going through the boxes to determine what is in them; are they records, are they non records, then subsequently determine the record series according to DARM. What are the next steps? Are they to continue to be maintained on site or subject to disposition, and then we would apply disposition rules as they apply to NJ DARM retention schedules; and last but not least, what records would the borough want to scan, and help further protect the borough in the case of some natural disaster. There would be a final closeout and turnkey that allows borough staff the capability to preserve, protect and manage records. It would be helpful that all employees have learning tools and guidelines for being able to further disposition in a more effective way than what has been done in the past.

Mayor Champagne asked Ms. Baron if the borough personnel assisted you in addressing the records, would this reduce the cost in this project?

Ms. Baron stated yes. The tenure of existing employees would determine the impact of assistance, especially in determining what the borough considers records and non records, that which Streamliners would not be able to determine unilaterally. For those individuals with a level of expertise such as finance, and have a greater lense of what needs to be protect, vis a vie contracts for example. For instance, contracts may have passed their natural life retention period but it may be important for longevity, such as a roofing contract. It would assist if the borough has employees that have a level of expertise who would assist in making those determinations. We typically have meetings with the team during this process to make sure everyone is reading off the same page.

Mayor Champagne stated this has been a lingering issue. What i'm hearing from you, its not just managing the records, but also the location of the records may not be suitable. Is that correct? Flooding , fire hazard, etc. . Ms. Baron stated that the location also depends on the type of record. Lets say if they are purchase orders. If they are only purchase orders for the last five or so years, then it is not as the same as a historical file or contracts and licensing that would be impeded if there was a natural disaster.

Borough Attorney asked if this would have to go out for bid. Ms. Baron says yes, she believes it would have to go out for bid. Because Streamliners is not a commodity source, they are not on the State contracts list. Scanners and shredders are on the state contract list, and they would be a separate fee. That aspect of the project however, is down the road. First the Borough really needs to understand what it is they have and want to protect, rather than just scanning. Mr. Ryan, Borough Attorney, stated that there is a very limited staff, mainly part-time, and the Borough Clerk is the Custodian of records, and this is the Clerk's responsibility, and this is a monumental task given the amount of records.

Ms. Baron stated that each box of records would take twenty to seventy minutes of review. If there is a collection of contracts, you need to assess the records series and year, this would go fairly quickly depending on the content. However, if there is a need to asses what records are in boxes, there would

be time determining the record series and as such, would be seventy minutes. Ms. Baron provided a low, medium and high breakdown as to the cost, timeframe and overall scope of the project. The worst case scenario, she feels, would be that 70% would take seventy minutes and 30% would take twenty minutes. She feels seventy percent is commingled, and that doesn't take into consideration the plans and drawings.

Councilman Gleason asked Ms. Baron what she believes is historical. Mr. Baron stated that about 5 - 10 % would be most likely considered historical, and this is outside of resolutions, and normal course of business activities.

Mayor Champagne asked what the cost would be for this type of project. Ms. Baron stated that she gave ranges, low-end is probably \$100,000; high-end is around \$200,000. This is an undertaking; it is a commitment. It's all budget, scope and time. Providing staff to participate would limit the scope and assist with the budget but extends the time. The Borough will have to consider how to get the biggest bang for the buck. However, most importantly, it is protecting what is archival in nature and get back into compliance. It doesn't have to be at 100%. We may be able to determine what's most important first. Ms. Baron responded to Mayor Champagne's question as to the timeframe for this project, by stating a team would complete the project in 67 man days. For 2 individuals working as a pair, it would be 67 days. A database would also have to be established in addition to this, and catalog the records for NJ DARM statutes.

Mayor Champagne asked if there is an audit that is done for records. The Municipal Clerk stated that every municipality should conduct a records audit on a yearly basis. Mayor Champagne asked if this has been done in the past. The Municipal Clerk stated he is not sure of what has been done in the past, however looking at the status of the records currently, it doesn't look like it has been done. Mayor Champagne stated that this is something that must be addressed and hopes council will address and resolve this in the near future.

Councilman Handshy asked if the borough is in violation of anything right now? The Municipal Clerk stated that there is state statute mandating records management. Specifically, the poor state of the records would come more into play if there was OPRA requests, and the borough has the records but is unable to produce them; then the borough would be held liable. The Councilman further asked if scanning accompanies her proposed project. Ms. Baron stated that the Borough first has to understand what it has, and then will be able to determine what can be kept and scanned. The electronic folder can be developed in the future; at the sametime determining the template of records and how to maintain in the future. There have been some boroughs who have received burdensome OPRA requests due to them not being able to locate the requested files. Specially it also can have to do with personnel files. If the borough has not disposed of records, it doesnt mean its part of a legal hold. So if someone has a complaint five years after the tenure of the borough and someone wants to unearth their records, if the borough has already disposed of those records and there was something that came into question, the borough can show proof that this record has been disposed of. However, since the borough now has those records, the borough is now culpable to produce those records. So sometimes the risk of having those records is worse when there is no management to locate the files. The question then is, do you shutdown the borough for hours a day looking for records.

Ms. Baron thanked the Governing Body for their time and excused herself.

John Marsden of J&S Computer Works addressed the Governing Body to discuss the current state of the time clock and security cameras at the Public Works building. He stated he was approached to address certain aspects in the town that were not working. The timeclock at public works is not working, a camera system that is not working. He has already assisted in fixing the camera system in borough hall without charging the town. As a resident, he lent his services to help the town, since the other gentleman previously hired was not reachable. Mr. Marsden provided reasonable numbers to fix the clock and cameras at public works. that will encompass the impound yard and the garage. Since there previously was an inquiry on theft of fuel, there borough should do their best to catch it. If there was a theft of hours, this will catch it. The Borough should address these soon.

Borough Attorney asked if he has a business registration, and Mr. Marsden answered yes he does and will provide it to our finance office. The pricing proposal included legitimate signage needed to be posted at locations with a camera. The phrase previously mentioned at a borough meeting of “smile your on camera” doesn’t hold any legal weight. The one aspect in question was the timeclock. currently, it is running on a computer with a fingerprint. The item being proposed to the town is a cloud based time clock. The clerk or whomever can see the hours at any location or time of day. It will save time and it will not be able to be tampered with since its cloud-based. The machine has a lifetime warranty. The system at the garage was going to be reworked. The cables at public works have been pulled and made it so that they are ripped. The DVR and conduit will be well hidden and protected. The Town Clerk will have all the login information. In response to Councilman Handshy’s statement of “there’s got to be a way to have live video surveillance”. Mr. Marsden stated that the current equipment at town hall is able to do that. He further mentioned that the current proposal for public works has that ability as well.

Mayor Champagne thanked Mr. Marsden for his presentation.

Seeing no other public comments, public comment was closed.

### **APPROVAL OF MINUTES**

The Municipal Clerk stated the following minutes were distributed to the Governing Body for their review: January 13, 2014 and Executive Session, January 27, 2014 and Executive Session, and January 31, 2014 and Executive Session

### **APPROVAL OF MINUTES**

#### **ORDINANCES**

The Boro Clerk stated that the following ordinances will be up for second and first readings, with Ordinance 2-1 having a slight amendment to effective dates.

Amending Ord.	2-14 so as to correct legal form and effective dates.
Ordinance 2-14	Establishing Home offices (Second reading)
Ordinance 3-14	Allowance of Special Events (Second reading)
Ordinance 4-14	Taxi/Autocab/Limousine (Second reading)
Ordinance 5-14	Pawn Shop (Second reading)
Ordinance 6-14	Billiard Parlors (Second reading)

Ordinance 7-14                      Amending and Supplementing Chapter 6 to Prohibit the Possession and Consumption of Alcoholic Beverages by Underage Persons on Private Property (First reading)

Mr. Ryan states that ordinance 7-14 is comparable to all other municipalities. Specifically, the underage drinking allows restriction of underage drinking on public land; this would restrict on private property as well, consistent with state law.

## **RESOLUTIONS**

**The Borough Clerk reviewed the following resolutions, stating the following resolution is in accordance and at the request of, the County JIF.**

Resolution 2014-74      Resolution to Adopt Notice of Tort Claim Form

Resolution 2014-              Approving a Professional Services contract with Guy Ryan for Borough Attorney

Resolution 2014-              Opposing the privatization of Toll Collection Services on the New Jersey Turnpike and Garden State Parkway

Councilman Handshy stated he would like to pass this resolution since it will be up for consideration at the State in the very near future.

The Mayor asked for a brief recess, with all council in favor, there was a brief recess.

Out of recess, the Borough Clerk continued with the review of resolutions.

Resolution 2014-              Authorizing Disposal of Surplus Property

The Borough Clerk stated the Surplus, which is the vehicles located at the Public Works facility, should be auctioned off by the end of March, which will clear out a lot of area on this land.

Resolution 2014-              Authorizing the execution of a Schedule C Agreement with Ocean County Road Department

The borough clerk stated this is the same Schedule C agreement as previous years, with the same amount of money allocated as the previous year; no increase.

Resolution 2014-              Approving the 2014 Safety Contract with Ocean County Municipal Joint Insurance Fund

The Borough Clerk stated that the JIF is requesting new laws to abide by, including establishing a Safety Committee, and appointing a Safety Coordinator/Training Administrator

Resolution 2014              Establishing a Safety Committee

Resolution 2014              Authorizing an Agreement with the South Toms River First Aid Squad  
Robert Krohn, Chief of the First Aid Squad asked the Governing Body to consider the proposed

agreement. He stated this was discussed in 2009 with Mayor Keene, approved but never signed, “a lot like other documents around here apparently.” Basically, this agreement follows the same donation as done every year, but with small increases of \$1,000 for the first year and \$500 the next few years. It re-introduces a line item that previously was first aid equipment. They would like this included back into the budget and be title First Aid Miscellaneous to be used in more general terms such as medical supplies or vehicle equipment. With this equipment, the First Aid would be willing to supply the Police Department with medical supplies.

Mayor Champagne stated that the agreement includes snow and ice removal. Chief Krohn stated that the Borough does provide snow and ice removal, however the other night the First Aid Squad had to get a private contractor to come and plow because by the time the Borough made it to the First Aid building, there was already a significant amount of snow which created a fall hazard and was a safety aspect.

Councilman Gleason stated that the agreement should not include shoveling of the sidewalk. The Councilman also asked for confirmation that this agreement was addressed in 2009. Chief Krohn stated this was supposed to happen, however the only document produced was a document authorizing to create the document and no other document exists or no longer exists.

Chief Krohn states that the removed \$10,000 budget was removed in 2009. He states that they are up to 127 dispatches alone this year, which has tremendously increased over the past few years, however the budget has maintained the same. He feels that is why the previously removed budget needs to be added. this budget request, he states, is less than a full-time employee. Governor Codey removed the First Aid training budget and therefore the squad is stuck funding these training programs.

Mayor Champagne stated that Chief Krohn should be at the upcoming budget meeting and this should be part of the discussion.

Resolution 2014	Approving 2 Coin Tosses for Manitou Park Vol Fire Company No. 1
Resolution 2014	Tax Lien Redemptions
Resolution 2014	Recognizing February as Black History Month
Resolution 2014	Recognizing Read Across America

## **NEW BUSINESS**

The Borough Clerk stated the the Borough has been in discussion with Barnegat Township to entertain possible Shared Services for Winter Services and general public works assistance. The Borough has obtained three truckloads of salt from Barnegat to ensure road safety for borough residents. The Borough clerk also worked with Suffolk to ensure proper storage of the salt which will save money since the storage is in town and provided free of charge. Rather than the public works having to make trips to Barnegat to fill up the trucks after each salting run, the storage was provided in-town and at free of

charge. This coordination was essential especially since the County and many, many municipalities were without salt due to a statewide shortage of salt.

Councilman Cradle thanked the Borough Clerk for his work in ensuring the salt and facilitating the storage of the salt as well. Councilman Handshy and Mayor Champagne also expressed their appreciation to the Clerk.

The Borough Clerk stated that the Borough should consider signing up for a notification service called Nixle. This service would be free to the borough if used by the police or fire, and would be able to send residents emails and text messages relating to weather conditions or other emergency notifications

Intersection Study of CR 530, Dover Road and Chamberlain Street

Councilman Handshy stated that this study is in combination with the previously requested study done earlier this year.

Mayor Champagne asked if there was going to be an evaluation on the street sweeper with regard to surplus. The Boro Clerk stated that the streetsweeper will be part of a future auction, and the borough can set the minimum bid for an auction. The minimum bid will be based on scrap quotes.

#### **EXECUTIVE SESSION**

Resolution 2014-

Approving the Governing Body to go into Closed Session for the purpose of discussion Personnel and Collective Bargaining

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Cradle	x			
	x	Gleason	x			
		Handshy	x			
		Mosley				
		Murray				
		Reevey				

The Governing Body motioned to end Executive Session and enter back into public session with unanimous consent.

With unanimous consent, the Governing Body adjourned at 8:45pm

Respectfully submitted by Municipal Clerk

Approved

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Joseph M. Champagne, Mayor

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Joseph A. Kostecki, RMC  
Municipal Clerk

