

**BOROUGH OF SOUTH TOMS RIVER
CAUCUS MEETING
JULY 27, 2015, 7:00 PM**

Mayor Cradle opened the meeting with a Moment of Silence for former Councilman William H. West who recently passed away; followed by the Flag Salute.

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 November 15, 2014; 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:

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

Council Member Mosley was noted in attendance just after roll call.

APPOINTMENTS:

Borough Clerk stated the following Consultant Selection Committee is assigned to review RFPs under Federal Grant projects.

Mayor Cradle appointed the following to a Consultant Selection Committee.

1: Councilman Ross 2: Councilwoman Mosley 3: Councilman Murray

PUBLIC COMMENTS

The Borough Clerk opened the Public Comment portion. Seeing no questions or comments from the public, Councilman Ross motioned to close Public Comment, seconded by Councilman Gleason and full Council consent.

EXECUTIVE SESSION

Resolution 2015-193 Authorizing Executive Session for the purposes of Attorney-Client privilege, personnel, Land Acquisition and Contract Negotiations

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Gleason	X			
		Handshy	X			
		Mosley	X			
		Murray				X
		Reevey	X			
X		Ross	X			

Councilwoman Mosley motioned to enter back into public session, seconded by Councilman Gleason, and unanimous Council consent.

APPROVAL OF MINUTES

Resolution 2015-159 Approving the minutes of June 8 Caucus Meeting and Executive Session; June 22, 2015 Regular Meeting

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

ORDINANCES

The Borough Attorney stated that Ordinance 9-15 was reintroduced for First Reading due to substantial changes to the content.

ORDINANCE 9-15

ORDINANCE OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY DESIGNATING JOSEPH KOSTECKI TO SERVE AS QUALIFIED PURCHASING AGENT FOR THE BOROUGH OF SOUTH TOMS RIVER

WHEREAS, the Borough Clerk/Administrator, Joseph Kostecki possesses a Qualified Purchasing Agent certificate pursuant to N.J.S.A. 40A:11-9; and

WHEREAS, the Borough is desirous of taking advantage of the supplemental authority confirmed by N.J.S.A. 40A:11-3 and 40A:11-4.3 to authorize the award of bids at a higher threshold for a contracting unit which employs a Qualified Purchasing Agent; and

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of South Toms River, in the County of Ocean, New Jersey, as follows:

1. Joseph Kostecki, MPA, RMC, QPA, CMR, is hereby designated to serve as the Qualified Purchasing Agent for the Borough of South Toms River.

2. Joseph Kostecki, MPA, RMC, QPA, CMR, shall be and hereby is assigned the authority, responsibility and accountability for the purchasing activity of the Borough of South Toms River, to prepare public advertising for bids for the provision and performance of goods and/or services on the behalf of the Borough of South Toms River and to award contracts permitted pursuant to N.J.S.A. 40A:11-3 in the name of the Borough of South Toms River, and to conduct any activities as may be necessary or appropriate for the purchasing function of the Borough of South Toms River as its contracting agent.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Borough Council of the Borough of South Toms River, in the County of Ocean, and State of New Jersey on the 27th day of July, 2015, and will be considered for second reading and final passage at a meeting of said governing body to be held on the 24th of August, 2015 at 7pm at the Borough Hall, 144 Mill Street, South Toms River, New Jersey, at which any person desiring to be heard upon the same will be given an opportunity to do so.

Joseph A. Kostecki, RMC
Municipal Clerk

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

Ordinance 10-15 Authorizing the Ground Lease of a Portion of the Land Commonly Known as Block 20, Lot 1.02 to the South Toms River Sewerage Authority (2nd Reading)

The Municipal Clerk opened up the Public Hearing for Second Reading before consideration for final passage.

10-15

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE BOROUGH OF SOUTH TOMS RIVER, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE GROUND LEASE OF A PORTION OF THE LAND COMMONLY KNOWN AS BLOCK 20, LOT 1.02 TO THE SOUTH TOMS RIVER SEWERAGE AUTHORITY

WHEREAS, the Borough of South Toms River (the “Borough”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Borough is the owner of the land commonly known as Block 20, Lot 1.02 on the Borough tax maps (“Property”) currently improved with recreational athletic fields; and

WHEREAS, the South Toms River Sewerage Authority (“Authority”) seeks to ground lease a portion of the Property from the Borough for the purposes of constructing a garage in furtherance of the Authority’s public activities; and

WHEREAS, the Borough is authorized under *N.J.S.A.* 40A:12-14 of the Local Lands and Buildings Law, *N.J.S.A.* 40A:12-1 *et seq.* (“Local Buildings Law”) to lease real property not needed for public use to a public body for nominal or other consideration; and

WHEREAS, the municipal council of the Borough (“Municipal Council”) desires to accommodate the Authority’s needs and approve the entering of a long term ground lease of a portion of the Property (to be located in the southern portion of the parcel off Drake Lane) for nominal consideration as authorized by the Local Buildings Law.

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the Borough of South Toms River, in the County of Ocean, New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Municipal Council hereby authorizes and approves the Borough's entering of a long term ground lease with the Authority for a portion of the Property. The ground lease shall be for a term of 50 years for nominal consideration. The Mayor and Borough Clerk are hereby authorized to execute the ground lease in a form as approved by the Borough's counsel.

Section 3. A copy of this Ordinance shall be available for public inspection at the offices of the Borough Clerk.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.

CERTIFICATION

I, Joseph Kostecki, Borough Clerk of the Borough of South Toms River, Ocean County, New Jersey, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Municipal Council at a meeting held on the 27th day of July, 2015.

Joseph Kostecki, MPA, RMC, CMR
Municipal Clerk

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

RESOLUTIONS

Resolution 2015-185 Increasing the Bid Threshold and Appointing a Qualified Purchasing Agent Pursuant to N.J.S.A 40A:11-3 and N.J.A.C 5:34-5.4

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

Resolution 2015-186 Authorizing the hiring of Laura Giovene for the position of Assistant Municipal Tax Collector/Assistant Municipal Treasurer under Civil Service Code 05038

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Gleason	x			
		Handshy	x			

		Mosley	x			
		Murray				x
x		Reevey	x			
	x	Ross	x			

Resolution 2015-187 Increasing the employment hours of Code Enforcement Officer Jim Richardson

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

Resolution 2015-190 Accepting the 2014 Annual Audit Report

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

CONSENT AGENDA/PERMISSION

The below listed items are considered to be routine by the Borough of South Toms River and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Resolution 2015-188 Providing the authorization for the Tax Collector to conduct the 2015 Tax Sale electronically pursuant to N.J.S.A. 54:5-19.1

Resolution 2015-189 Authorizing a refund of Camp Registration of \$110.00 to Melvin Pinales

Resolution 2015-191 Authorizing adjustments to 3rd and 4th Quarter Tax Levy and Refunds for Tax Overpayments resulting from Ocean County Tax Appeal judgments

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

BILL LIST

Resolution 2015-192 Approval of July Bill List in the amount of \$428,646.05

Prior to adoption, Councilman Ross stated that there are “facilitator payments” on page one of twenty-seven, that he would be donating back to the Summer Camp/Recreation Commission. The Municipal Alliance funds a portion of this and the facilitator funds are a portion of that; and so this will be 100% given back to the Summer Camp. This is not a payment to either Sandy or Gleason.

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

COMMITTEE AND COUNCIL LIAISON REPORTS

Councilman Gleason went to twelve meetings, the backpack extravaganza will be touched on by Councilman Ross; worked with Mayor Cradle to cleanup the Borough; met with DMR Architects.

Councilman : attended several meetings with redevelopment committee, DMR Architects for new Borough Hall; fixed the electric for the new Mobile Community Hall and everything seems to be working very well. The community garden is growing well, and would like more participation from our Environmental Commission.

Councilwoman Mosley: no report

Councilman Reevey: no report

Councilman Ross: Jokingly stated that Councilman Handshy should stop tell those in attendance that tomatoes are available in the back (garden). Summer camp ended with a family barbeque, four very minor incidents and it was a great camp overall with almost 60 kids everyday. He thanked Councilman Gleason for all his work, with lot and lots of hours at Summer Camp. The Optimist Club and Recreation Commission will be hosting the Backpack Extravaganza on August 15th,9:30am, and will give away about 120 backpacks to South Toms River and Manitou Park kids. The Riverside Signal assists us with advertising this. The library should be there with their mascot and also invited the Blueclaws mascot, First Aid, Fire and OEM; in addition to a possible stop by the Medevac helicopter. There was discussion about the optimist with the bike rodeo afterwards but will hold off until late september and tie it together with the Punt-Pass-and-Kick event.

Mayor Cradle: Thank you to all who helped with the planning of and during the Fourth of July event. special thanks to Councilman Handshy, Joe Kostecki and Councilman Ross who all participated in the Dunk Tank - I believe Councilman Handshy got the worst off it because a crowd came when he was in there.; and sandy went back for seconds. We had a great day, great time. Thanks to Bill Gleason, and Sandy for their work with the great Summer Camp. I had nine Grandkids at the camp and now I have my house back. I and Sandy met with Sgt Kosh to restart the Neighborhood Watch, and I thank him and Officer Schneidt. Its nice to see our officers giving back and getting involved with our community. We cleaned up at Belmont drive, used a backhoe to clear out debris to keep water from building up. The same was done on Albright. We've been having a lot of meetings with our Redevelopment Subcommittee and with our Architects for the new Municipal Hall.

The Municipal Clerk stated that the Revaluation/Reassessment notices have been sent out and will begin in the near future. The exact date is not yet stated. The Tax Assessor will provide that. The Clerk further stated that a canvassing ordinance may want to be introduced. We currently don't have an extensive canvassing ordinance, and our neighboring municipalities have recently passed one that includes a "No Knock Registry", and specifically it was recently for the sale of homes.

Borough Attorney, Guy Ryan, stated that this was mentioned a few years ago in which he wrote a legal memo that stated the borough's intention to limit canvassing hours is against freedom of speech. He further stated that there

was an ordinance passed that allowed residents to place a sign on their homes, similar to a No Knock, but would like to take a look at the Toms River's ordinance.

Councilman Ross stated that there is a bunch of chatter on facebook on the reassessment and those going door-to-door, and whether the public can refuse them from entering their home.

The Municipal Clerk stated that residents can refuse them entry, however then they are not allowed to appeal the revaluation.

Seeing no other business, the Municipal Clerk asked for a motion to adjourn.

**Motion: Councilwoman Mosley Second: Councilman Gleason
full Council consent.**

ADJOURNMENT @ 8:10pm

Approved

Rev. Oscar L. Cradle, Sr., Mayor

Joseph A. Kostecki, MPA/RMC/QPA/CMR
Municipal Clerk