

**BOROUGH OF SOUTH TOMS RIVER  
REGULAR MEETING  
MAY 22, 2017, 7:00 PM**

Mayor Oscar Cradle called the meeting to order with a moment of silence and the salute to the flag.

The Municipal 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 and published on December 4, 2016; 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.

The Municipal Clerk proceeded with Roll Call:

	Handshy	Rolzhausen	Mosley	Murray	McCormack	Ross	Cradle
Present	x	x	x	x	x	x	x
Absent							

The Municipal Clerk read the following Resolution by Title:

Resolution 2017-122 Authorizing the Hiring of William Kosh Jr., Anthony Ravallo and William Shoemaker as Full-time Permanent Police Officers

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
x		Rolzhausen	x			
		Mosley	x			
	x	Murray	x			
		McCormack	x			
		Ross	x			

**POLICE OFFICERS OATH OF OFFICE**

Police Chief Andrew Izatt thanked all of the friends and family, and Appointing Authority. He stated that it is his recollection that this is the first time in which three officers were hired at the sametime. Mayor Cradle proceeded with administering the Oath of Office to Officers Ravallo, Kosh Jr., and Shoemaker.

Councilman Ross motioned for a short recess, Seconded by Councilman McCormack, and full Council consent.

Councilwoman Mosley motioned to enter back into Public Session, Seconded by Councilman McCormack, and full Council consent.

Mayor Cradle addressed those in attendance and spoke about Redevelopment in the Borough prior to Public Comment. He stated there is a schedule for money coming into the Borough. The Borough is at the very beginning of the process regarding the Dover Road Redevelopment Plan; we've had numerous meetings; called con-artists and everything else. We've held and advertised numerous meetings, asking for more involvement from residents. There will be more meetings and the introduction to ordinances is part of our early steps in this process. He stated that Councilman Rolzhausen brought to his attention in agreement, that if we do nothing, the income to the Borough will remain the same, while at the same time, expenses increases in Police, Public Works and utilities. Because of all that, we would have to decrease services. We want to generate ratables for the Borough.

Borough Administrator referred to an article from NJ Biz magazine stating the PILOTS (Payment In Lieu

of taxes) have become a critical tool of local government to encourage the needed improvements in distressed, undervalued and aging downtowns. As envisioned in the Smart Growth plan guidelines set by the State of New Jersey, PILOTs are a valuable incentive for real estate investment that: enables developers to mitigate risk, attain financing and move forward with more certainty on projects, and allows municipalities to revive neighborhoods and provide public benefit, while continuing to generate revenue. A PILOT helps a developer anticipate the financial stability of a development project, taking into account all the expected costs: land price, approvals, infrastructure, utilities, market value upon completion, cost of financing and most important future tax liability.

Property taxes are traditionally based on an assessment of the property's current value and can vary widely from year to year (depending upon market conditions and fluctuating tax rates). However, payments under a PILOT program are stable over time because generally, they are based on a percentage of the (rental or sales) income of the project, commonly 10% to 15% of the project's annual gross revenue.

By basing the PILOT payments on the project's revenues the City shares in the success of the development as the property's occupancy rates and rents increase over time. PILOs have a maximum term of 30 years, but terms can vary depending upon the size of the project. As state, PILOT payments escalate over time; as they project's income increases, so do the payments to the municipality.

Another positive is the by law, PILOTs always generate more revenue than the current property generates, and they help reduce the property tax burden on all of the City's taxpayers by generating new revenue that would otherwise not exist.

## **PUBLIC COMMENT**

Rob Taylor, 11 Baylor: I don't believe everyone understands what was just said. I'm not a financial person, and would want to know more about what you said. I don't think people overall know about this; I didn't know until it was brought to my attention. Over the last few weeks, I've been going around trying to understand how people feel about it. I feel most people don't want it because they don't understand it. Councilman Ross, I hear your company is supplying materials to this project?

Councilman Ross: The Developer is a customer of the company I work for; that does not mean he's buying supplies for this project. I've always made this very public from the very beginning. I work for a nationwide company. If I work for 7-11, does that mean that I can buy a cup of coffee? No. There are a lot of people spreading rumors that are not true or only partially true. I recused myself from the start. They are not a customer at my location, and the company has 400 or so stores nationwide.

Rob Taylor: As I understand it, Mayor Champagne proposed a 70 affordable housing units, and now we are about to approve 360. Why was the earlier one turned down?

Councilman Ross: I was a big part in stopping that proposed project. We didn't need affordable housing. This project is not all affordable houses. 10% required by law on new developments require 10% to be "affordable" by law. A lot of people didn't want it. I seems that you are in favor of all affordable housing. We are not hiding anything; we've been very public with these public meetings.

Rob Taylor: Why are we buying property and selling it back to the developer?

Municipal Clerk: This is more of a transfer of the private JCP&L parcel to the developer. The parcel is sold to the Borough and the Borough sells it immediately to the developer to accommodate density. We moved units from the side to the top portion at the request of residents and the Resident Advisory Board to provide a larger buffer to the neighborhood. No taxpayer money is being used for this. Also, the Borough is not responsible if the project doesn't get approved. In terms of informing residents, we notify

residents seven different ways: Nixle, which is a text and email to over 900 subscribers; facebook, twitter, our website, postal service and robo calls. This project started last year around September. This is a long process that still includes public hearings here as well as the Pinelands Commission.

Rob Taylor: asked about foreclosure housing?

Municipal Clerk: GovPilot is a GIS service that allows the town to track rental and abandoned properties. We have a large number of rentals and this allows us to have a better understanding for planning purposes. Additionally, the Borough provided incentives for both businesses and homeowners to improve buildings and get a tax break. This will provide better aesthetics and more long-term revenue.

Councilman Ross: After enough notices, we can also clean-up properties that have code violations and charge the owner through a lien.

Councilman Handshy: The Town is buying property and planning to sell to a redeveloper; so to say the town isn't buying property is not true. The PILOT program, the redeveloper is exempt from county and BOE taxes. I went around and no residents within 150 feet have been notified. I spoke with all the residents on Easy Street and Chamberlain, and no one is in favor of it.

Municipal Clerk: a municipality has approximately 40% of taxes but responsible for all taxes that include state, county and Board of Education. A redeveloper is not responsible to pay taxes to these entities; it goes to the municipality, and the municipality pays these entities. It is the structure of the PILOT program that the municipality funds those payments. The Councilman is right. We are buying property but we are selling it right away to the redeveloper, and is set up more as a transfer to accommodate residents.

Rob Taylor: I also have a concern over school occupancy.

Councilman Rolzhausen: There's a redeveloper in Toms River Beachwood and Bayville. They've already been busing kids from Toms River to South Tom sRiver. To say our classrooms are going to fill up is wrong. The only thing that's gonna happen, is that we aren't going to see any benefit. The classrooms are only at half capacity, and Toms River needs to fill a void. Therefore, other schools are sending kids to the South Toms River Elementary because of this.

Mayor Cradle: Out of 360 units, we only anticipate 12 kids at the Elementary School. We have numbers on demographics. Comesee Joe if you want to look at them.

Anthony Insano, 129 Dittmar: I love the community. It seems to be dwindling and improving in only certain areas. How can you have 360 homes and put others aside? Is the redeveloper going to buy a school or is the town? Will we have to increase our Police force?

Municipal Clerk: as stated previously, the school is only at half capacity, and we are only estimating 12 kids at STRE. This is supported by statistical data, provided by both Rutgers University and National Housing Council. There will be a minimum of 10% for "affordable", however the term "affordable is very much misunderstood. This is not Section 8, and there is no plans for Section 8 housing. There are different levels of affordable.

Councilman Rolzhausen: Both the Land Use Board and the Resident Advisory Board made recommendations. A member brought up sidewalks. We asked the Redeveloper and this was agreed upon along Chamberlain. The Resident Advisory Board brought up traffic restrictions that will also be considered.

Councilman Handshy: In 2013, the Land Use Board unanimously passed the Master Plan, with the intent to create local jobs and add to the tax base. He further read the Master Plan. There's been no notification

of this development; noone's in favor of it.

A resident asked about abatements. Can Wawa apply for an abatement?

The Municipal Clerk read the Master Plan, specifically referencing the Clayton Block parcel is targeted in the Master Plan for redevelopment, and therefore supported by the Master Plan objectives; it is listed as Economic Objective number 3. Also, the Wawa property is not designated as an Area of Redevelopment, so if they were to apply for abatements, it would be a shorter timeframe and a different formula.

A resident asked if the Recreation Building is being placed on hold.

The Municipal Clerk stated that a different Redevelopment Plan was approved for that area, which was the Landfill Redevelopment Plan. We do not plan to build on the landfill whatsoever, and there is a plan to place an impermeable cap which would be at the highest level of standards set by the NJDEP and Pinelands Commission.

Joe Jubert, 22 Lakeview Drive: Is the PILOT being completed by the second reading of the ordinance? He also asked if the units are bought and sold, do the residents receive that tax abatement?

Municipal Clerk: The ordinance allows the borough to negotiate the plan and PILOT. This can also change based on mandates from State agencies. Also, PILOTs are a negotiated item. The Redeveloper receives the tax abatement, and at no point in time does the municipality receive less than what it would have received if the parcel was left undeveloped.

Councilman Ross: In South Toms River, there are about 1,100 homes. 250 kids are less than 25%. The 25% of 360 is less than 80.

Mayor Cradle: Greg, you asked why the elected officials didn't answer questions. Here's the deal. Elected Officials are part-time. Joe is full-time. He knows more of what's going on than anyone else. Rather than say something that is the half story, we want to give the entire truth.

Don Williams: I'm the President of the Democratic Club. I knew when this was a bad place to live. I don't want 3 levels. He spoke to his upbringing in Jersey City, and mentioned that he wants to see only 2 levels.

Melissa Harris, stated she is concerned over traffic on Double Trouble, and believes that the new development would further add to traffic congestion along said road. She further stated that she's requested deflectors on her corner to reduce cars from hitting her corner.

Marlana Febres, 432 Applegate: She asked if anyone else is interested in this parcel?

Councilman Rolzhausen: There were two others we know of that were previously interested in this, however it was time sensitive due to the developer interested in using Sandy funds that had an expiration date.

Anthony Tafaro, 3 Applegate: He stated that he doesn't want 3 levels. He wants houses and not condos but believes condos is better than apartments. He further stated that he wants owner-occupied instead of rentals. How about abatements for residents instead of new builders?

The Municipal Clerk stated that the municipality is designated as an Area of Rehabilitation, which allows residents, homeowners, to improve their assessed value and receive tax incentives to make these improvements.

Mayor Cradle: We went to Cherry Hill to see how the units hold up over time. It is just as well kept as it was over a decade ago.

Marlana Febres, 432 Applegate: Is there a no-knock ordinance?

Municipal Clerk: yes. He sent a sign-up sheet around asking people to place their name and address on the no-knock list.

An unidentified resident spoke about his worries on how kids can pool-hop and nothing is available for kids in the municipality. He further stated his concern with a tent-city by Planet Fitness, on the Toms River side.

Councilman Rolzhausen: The project is a private community that will have gates and security. It will be safe and secure.

Councilwoman Mosley: She stated that she previously spoke with Mr. Taylor about helping his camps, with a possibility of him setting up something in South Toms River. She mentioned that although they previously spoke and offered help, nothing developed from Mr. Taylor’s side. However, she is willing to speak again if he is interested.

**ORDINANCES**

Ordinance 4-17                      Ordinance By the Borough of South Toms River, County of Ocean, State of New Jersey, Concerning Peddling and Soliciting and Amending Chapter 4 of the Borough Code to Establish Section 12, Entitled, “Peddling and Solicitation” **(1st Reading-Reintroduction)**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
	x	Rolzhausen	x			
		Mosley	x			
		Murray	x			
x		McCormack	x			
		Ross	x			

Ordinance 5-17                      An Ordinance of the Borough of South Toms River in the County of Ocean, State of New Jersey, Authorizing the Purchase of Certain Real Property owned by JCP&L, Identified On the Tax Map of the Borough of South Toms River as Block 20, Lot 12 **(2nd Reading)**

The Municipal Clerk opened the Public Hearing. Seeing no public comments, the Municipal Clerk requested a motion to close the Public Hearing

Close PH: McCormack; Seconded by Mosley and full Council consent.

The Municipal Clerk stated this is a Roll Call vote for final passage.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy		x		
x		Rolzhausen	x			
		Mosley	x			
		Murray			x	
	x	McCormack	x			
		Ross	x			

Ordinance 6-17

An Ordinance of the Borough of South Toms River in the County of Ocean, State of New Jersey, Authorizing the Sale of Certain Real Property Owned by JCP&L, Identified on the Tax Map of the Borough of South Toms River as Block 20, Lot 12 Contingent Upon Its Acquisition by the Borough to M&T At STR Urban Renewal LLC or Its Affiliate (As Conditional Redeveloper For the Property) and Authorizing the Execution of an Agreement of Sale and Certain Other Agreements With M&T At STR Urban Renewal LLC or Its Affiliate Relating to the Sale of Said Property. **(2nd Reading)**

The Municipal Clerk opened the Public Hearing. Seeing no public comments, the Municipal Clerk requested a motion to close the Public Hearing

Close Public Hearing: Rolzhausen; Seconded by Mosley and full Council consent.

The Municipal Clerk stated this is a Roll Call vote for final passage.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy		x		
	x	Rolzhausen	x			
x		Mosley	x			
		Murray			x	
		McCormack	x			
		Ross			x	

Ordinance 7-17

Ordinance of the Borough of South Toms River, County of Ocean, State of New Jersey, Authorizing the Public Sale of Block 8, Lots 7 & 8, in the Borough of South Toms River, County of Ocean, State of New Jersey, At Open-Public Sale Pursuant To N.J.S.A. 40A:12-1 ET SEQ. (1st Reading *reintroduction*)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
x		Mosley	x			
		Murray	x			
		McCormack	x			
	x	Ross	x			

Ordinance 8-17

Authorizing the Adoption of A Redevelopment Plan For the Property Known as Block 20 Lots 11.02 and 12 on the Tax Map of the Borough of South Toms River Pursuant to N.J.S.A 40A:12A-1 Et Seq(First Reading)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy		x		
	x	Rolzhausen	x			
		Mosley	x			
		Murray	x			
x		McCormack	x			
		Ross			x	

**RESOLUTIONS**

Resolution 2017-123 Authorizing Change Order #5 For Streetscape Improvements to Atlantic City Boulevard” Project (NJEDA Project No. 39437) in a Decrease of \$79,067.00

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
		Mosley	x			
x		Murray	x			
		McCormack	x			
	x	Ross	x			

Resolution 2017-129 Authorizing Streetscape Improvements to Atlantic City Boulevard” Project (NJEDA Project No. 39437 Change Order #6 to Extend the Streetscape Contract Term by 259 days to August 31, 2017

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
	x	Mosley	x			
		Murray	x			
x		McCormack	x			
		Ross	x			

Resolution 2017-130 Authorizing the Purchase of Refurbished Toughbooks under Contract Number: GS-35F-455CA In An Amount Not To Exceed \$7,181.36

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
		Mosley	x			
		Murray	x			
x		McCormack	x			
	x	Ross	x			

Resolution 2017-131 Authorizing the Purchase of Motorola Allcomm APX 6500 and APX 8500 Mobile Radios Under State Contract #83902 in an Amount Not To Exceed \$48,734.05

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
	x	Mosley	x			
		Murray	x			
x		McCormack	x			
		Ross	x			

**CONSENT AGENDA**

The Municipal Clerk stated that 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 2017-124 Approving the Minutes of April 24, 2017 and May 8, 2017

**The Municipal Clerk stated that Resolution 2017-125 needs to be removed due to its pending status at the State.**

Resolution 2017-125 Approving the renewal of ABC Liquor License #1529-31-004-001 (GROUND SWIPERS ROD & GUN CLUB CORP)

Resolution 2017-127 Authorizing a Total Disabled Vet Willis, Vernon V

Resolution 2017-128 Authorizing the Issuance of a Duplicate Tax Sale Certificate Pursuant to Chapter 99 of the Public LAws of 1997

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
	x	Mosley	x			
		Murray	x			
		McCormack	x			
x		Ross	x			

**BILL LIST**

The Governing Body informed those present that Bill Lists are available for public review before approving the list by Board vote.

Resolution 2017-126 Approving the May Bill List in the Amount of \$1,176,554.01

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Handshy	x			
		Rolzhausen	x			
		Mosley	x			
		Murray	x			
x		McCormack	x			
	x	Ross	x			

**OLD BUSINESS**

Councilman Murray stated that the Borough-wide Garage Sale will be held on September 16th, with a rain date of September 17th.

**COUNCIL AND LIAISONS REPORTS**

HANDSHY: I attended baseball Opening Day, also meetings with the Pinelands Commission, and 1st Shredding Day.

MCCORMACK: OEM had a wednesday night with Sheriff's office for traffic control. He thanked JCP&L with fixing the lights at Mathis.

ROLZHAUSEN: We had a Land Use Board meeting regarding Redevelopments and received good feedback. There also was an Optimist Club meeting, in addition to meetings with the Pinelands Commission, and Police interviews.

MURRAY: Opening Day for baseball was rescheduled. It was a nice day even though the parade had to be cancelled due to rain. We have ongoing talks with PBA negotiations , and interviews for Police Special II. Shredding Day started slow, but ended up great.

MOSLEY: I attended the baseball Opening Day. The Borough also had its first Chronic Disease Workshop, in addition to the Optimist Club meeting.

ROSS: The Recreation Commission now has Summer Camp registration. The next registration will be this Saturday from 9-11am. This is the 16th consecutive summer camp. He further mentioned that negotiations will start soon with the PBA. Additionally, other upcoming events include the Fall town-wide yard sale in September, the 4th of July; an event to celebrate the September 90th Anniversary of the Borough; and the Optimist Bike Rodeo on June 10th.

MAYOR CRADLE: Stated the shredding event went well. It took two years of requests to get it here, and was happy at the turnout. Next Monday, the Submarine Veterans will hold their memorial Day service at Mathis Plaza following the Toms River parade. Also, there is an event this Saturday with Caregivers, and more information is on our facebook and calendar.

**ADJOURNMENT @ 9:30pm**

1st:McCormack 2nd:Rolzhausen

Respectfully submitted,

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Municipal Clerk

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Oscar Cradle Sr., Mayor