

Regular Meeting  
Minutes

February 23, 2016

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order by Mayor Silver at 7pm. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Present	Councilmember Pillion	Present
Councilmember Bendel	Present	Councilmember Snow	Absent
Councilmember Berglund	Present	Councilmember Thompson	Present
		Mayor Silver	Present
		Attorney O'Connell	Present

Motion to approve Resolution 2016-52 Approval of Minutes from February 9, 2016 was made by Mr. Asay second by Ms. Thompson.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Abstain
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to adopt Ordinance 16-2 entitled, FIXING AND DETERMINING ANNUAL SALARY AND HOURLY WAGES OF CERTAIN OFFICERS OF THE BOROUGH OF ISLAND HEIGHTS was made by Mr. Asay second by Mr. Berglund.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-53 Approving the February 23, 2016 Bill list was made by Mr. Asay second by Ms. Thompson.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-54 Approving a Special Event application for the Ocean County Artists Guild for an Artisans River Market on June 5, 2016 was made by Mr. Asay second by Mr. Berglund.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Abstain	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-55 Approving Raffle Application 2016-1 for the Island Heights Cultural and Heritage Association DOE December 10, 2016 was made by Mr. Asay second by Ms. Thompson.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-56 Authorizing Parsons Brinckerhoff as Pre-qualified Consulting firm under New Jersey Department of Transportation for the Safe Routes to School Program was made by Mr. Bendel second by Mr. Asay. Mr. Berglund explained that in order to help facilitate paperwork and designs for entities that won the grant and were overwhelmed, the entities can now use the NJDOT approved firms and the NJDOT will pick up the tab. Ms. Thompson asked what the cost of the engineer will be and Mayor Silver stated a maximum of \$15,000.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-59 Approving Amy Guice and Josh Collins for Use of the Pavilion on May 14, 2016 was made by Mr. Asay second by Ms. Thompson.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-60 Urging the Banning of the Sale of "Puppy and Kitten Mill" Dogs and Cats from Pet Shops was made by Mr. Asay second by Mr. Bendel. Mr. MacNeal asked who the legislators were that are in favor of this. Mayor Silver said the Ocean County Freeholders and 30 different legislators are on it include local ones. Discussion was held on the impact of this on local pet shops.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-61 Approving Michael O'Donnell and the Toms River East Little League Giants for use of Memorial Field for the time period of March through June on Tuesday, Wednesday or Friday was made by Mr. Asay second by Mr. Pillion.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-64 Approving Kevin Arnold and the Toms

River Little League Phillies for use of Memorial Field for the time period of March through June on Thursday's was made by Mr. Asay second by Mr. Pillion.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-57 approving the Purchase Order Request for Jim Curley to repair garbage truck drivers side fuel tank and passenger mirror in the amount of \$1,943.36 was made by Mr. Berglund second by Mr. Asay.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-58 approving the Purchase Order Request for GTBM, Inc. for Info-Cop Agreement in the amount of \$1,050.00 was made by Mr. Asay second by Mr. Bendel.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve the 19<sup>th</sup> Annual Barnegat Bay Festival dates: June 1<sup>st</sup> and 2<sup>nd</sup> Tent Set-Up, June 4<sup>th</sup> Set-Up for Festival and June 5<sup>th</sup> Festival day along with approving Barnegat Bay Foundation Gala on June 3<sup>rd</sup>, pending paperwork, was made by Mr. Asay second by Mr. Berglund.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to accept with regrets and thanks the resignation of Officer Anthony Ringle effective February 10, 2016 was made by Mr. Asay second by Mr. Pillion.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to approve Resolution 2016-63 Appointing Holman, Frenia, Allison as Municipal Auditors for 2016 was made by Mr. Asay second by Mr. Pillion.

Roll Call Vote:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

## Committee Reports:

Mr. Bendel stated that he missed the meeting on Monday Evening in regards to the budget. Mayor Silver said it was informal and paperwork will be forthcoming. Mr. Bendel stated that the Island Heights Fire Co. should be considered in the structuring of the Budget.

Mr. Berglund stated that there are contractors who are willing to look at the work that needs to be done with the sewer issue on Central Ave. and will see if any are interested in bidding on it. Mr. Berglund also said a letter has been sent to the Ocean County Northern Recycling Center from Mayor Silver requesting the estimated amounts needed for soil and wood chips for the Community Garden. He also said that the core group is working on obtaining the antique tractor group to plow and disc the ground along with getting the fence up and ready for the planting season.

Mr. Asay said that the Borough did adopt Ordinance 2001-03 for Comcast which memorialized our agreement. He is currently working on amending this with the Clerk and Comcast and hopes to have it ready for adoption within the next month or two. Mr. Asay also said in a follow up to the request from the Island Heights Fire Co. that he gave a copy to Mayor and Council of the budget from Toms River District #1 which will give everyone a sense of the dollars spent in the neighboring community compared to what we are spending.

Mr. Pillion stated that the Island Heights Fire Co. needs the support of the town in order to continue the fire protection for Island Heights. Mr. Pillion felt that it would be a good idea to have public meetings to inform the general public of the costs to run the fire department even with all volunteer members. He felt it is important to educate the public on this decision. Mr. Pillion also stated he met with Mr. Hall from Dillon's Creek Marina regarding an issue with the Township of Toms River proposing a boat ramp and how it will negatively impact a commercial ratable value. Further discussion was held with Mayor, Council and Mr. Hall.

Mr. Hall made a brief presentation regarding the dredging of Dillon's Creek and how improvements to Summit Ave. beach parking lot could eliminate this need with a few improvements. Further discussion was held on this by Mr. Hall and Mayor and Council.

Ms. Thompson stated that Paul Smutz is resigning from the Recreation Committee and wanted to thank him for his service and contribution to the Recreation Committee. Alan Fumo is taking the lead for the Recreation Committee at this time. Ms. Thompson further stated that there is a change in the next meeting date from March 8<sup>th</sup>, 2016 to March 9<sup>th</sup>, 2016 due to the school referendum vote on the 8<sup>th</sup>. Ms. Thompson also met with the CFO, Ms. Gorman who clarified the purchase order procedure and is working on the budget for 2016. Ms. Thompson also stated that the Island Heights Grade School is having an informational session on February 24, 2016 at 6:30PM in the gymnasium. She also stated that she received a 54% increase in school state aid however 54% of a small number still is a low amount for them.

Mayor Silver stated that he received a close out for the Water Tower from Caldwell

Tanks for the final punch out list which is done and the cost is \$0.00. He also received from TKT for the water treatment plant the final payment voucher for release of retention in the amount of \$24,528.60 and the final punch out list and depending on the availability of funds this will be closed out. Mayor Silver also said that we are receiving a credit on our next Ocean County Utilities invoice in the amount of \$20,962.80. He also stated that we had an inspection by OCJIF of all our buildings including the Post Office and Library and only minor repairs are needed before they come out for re-inspection.

#### Privilege of the Floor

Melissa Wudzki, 108 Jaynes Ave. encourage all members of Council and the public to attend the Referendum Informational meeting at the Grade School.

Motion to adopt Resolution 2016 – 62, to enter into Executive Session was made by Mr. Asay second by Mr. Bendel.

#### Roll Call:

Council President Asay	Yes	Councilmember Pillion	Yes
Councilmember Bendel	Yes	Councilmember Snow	Absent
Councilmember Berglund	Yes	Councilmember Thompson	Yes
		Mayor Silver	Yes

Motion to adjourn the executive session was made by Mr. Asay second by Mr. Pillion.  
Unanimous Voice Vote.

Motion to return to the regular portion of the meeting was made by Mr. Asay second by Mr. Berglund.  
Unanimous Voice Vote.

Motion to adjourn the meeting at 9:30 pm was made by Mr. Bendel second by Mr. Asay.  
Unanimous Voice Vote.

---

Respectfully Submitted by Wendy J. Prior

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING MINUTES OF  
MAY 24, 2016, 7:00 PM**

Mayor Silver read the following public meeting notice, followed by a salute to the flag. The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the municipal building.

Roll Call:

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present	X	X		X	X	X	X	X
Absent			X					

**APPROVAL OF MINUTES:**

The following minutes are considered by consent:  
 Resolution 2016-103 Minutes of Council Meeting April 12, 2016  
 Resolution 2016-130 Minutes of Council Meeting May 10, 2016  
 Resolution 2016-131 Minutes of Special Council Meeting May 16, 2016

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
	x	Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**ORDINANCE**

Ordinance 2016-3 Amending and Supplementing 4-4 Entitled, "NOISE," to Include Section 4-4.4 to Regulate the Hours of Operations For Commercial Businesses (First Reading)

Councilwoman Thompson motioned to TABLE this ordinance.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	x	Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
x		Thompson	x			
		Mayor Silver	x			

Ordinance 2016-3 was tabled

Ordinance 2016-4 Amending Ordinance 2016-2 Salary Ordinance (Second Reading May 24)

The Municipal Clerk opened the floor up for the Public Hearing. Seeing no comments, motion to Close by Councilman Asay; Seconded by Mayor Silver and full Council consent.

Roll Call for Final Adoption

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
	x	Thompson	x			
		Mayor Silver	x			

Ordinance 2016-5 Amending and Supplementing Chapter 32 of the Borough Code Entitled, Zoning (FIRST READING)

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
	x	Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

Ordinance 2016-6 Amending and Supplementing Chapter 11 of the Borough Code Entitled, Building and Housing (FIRST READING)

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
	x	Snow	x			
		Thompson	x			
		Mayor Silver	x			

Ordinance 2016-7 Calendar Year 2016 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A: 4-45.14)(FIRST READING)

The CFO stated this increases the amount of money that can be used in the budget, and increases it by \$73,170.97. It is a Cost-Of-Living Increase.

Councilwoman Thompson asked for clarification on why this was being proposed before the Municipal Budget is agreed upon.

CFO: The is the maximum you can create a budget for. If you don't create a cap bank, you don't have additional funds in your budget.State Statute says you must introduce this prior to the budget or you aren't permitted to have the increase reflected in the budget; you aren't allowed to use this dollar amount in the budget.

The Borough Attorney confirmed this at the request of Councilwoman Thompson.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
	x	Bendel	x			

		Berglund				x
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

Ordinance 2016-8 An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Authorizing Reconstruction of River Avenue, and Appropriating \$223,600.00 Therefore and Providing for the Issuance of \$49,020.00 in General Improvement Bonds or Notes to Finance the same.(FIRST READING)

Mayor Silver stated this a DOT grant for the bottom of Simpson, heading west onto River. This is part of the engineering aspect of this. When it rains, this portion of boardwalk and road is under water. This will raise the elevation a bit to reduce flooding.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
	x	Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

## RESOLUTIONS

**Resolution 2016-125 Changing the Hours of Operation for Borough Hall to Monday through Thursday 8:00am-3:00pm, Closed Friday, and maintaining Monday Evening Hours from 6:00-8:00pm**  
Public Comment  
Roll Call

Mayor Silver stated this is for summer hours, from Memorial Day to Labor Day

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
	x	Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-126 Approving the following Lifeguards for 2016 Season**  
Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
	x	Pillion	x			
		Snow	x			



		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-127 Authorizing Armando Riccio, Esq. for Legal Counsel for Labor and Employment Relations**  
Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	x			
x		Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
	x	Thompson	x			
		Mayor Silver	x			

**Resolution 2016-128 Approving a Social Affairs Permit for the Barnegat Bay Festival.**  
Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
	x	Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-129 Introduction of 2016 Municipal Budget**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
	x	Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-132 Approving the Pines, Whiting Senior Retirement Community to park their bus for purposes of loading and unloading on Tuesday, June 28, 2016.**  
Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			

		Snow	x			
	x	Thompson	x			
		Mayor Silver	x			

**Resolution 2016-133 Accepting the 2016 Open Space Stewardship Project Grant Award**  
Public Comment  
Roll Call

Councilwoman Snow stated that they have plans to place shrubs along the garden along with clethra, which is excellent for pollinating. They are also working with Mary Judge to identify other butterfly-attracting plants..

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	x	Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
x		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-134 Approving May Bill List**  
Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
	x	Thompson	x			
		Mayor Silver	x			

**Resolution 2016-139 Providing permission to Bill and Dawn Doherty to dock their boat at the Pavilion on July 16th from 4:30pm - 5:30pm**  
Public Comment  
Roll Call

Brian Gabriel stated that these [people are asking to dock their boat, go to the church for a wedding, and won't be using the pavilion for the event.

Councilman Pillion stated that in the past, people have used larger boats that are longer than the length of the t part of the dock. A boat tied up previously and wave action pulled against the piling. There should be oversight on who uses the pier due to concern of damaging the piling and pulling it from the river bed.

Mayor Silver asked this be considered without the fee.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			

	x	Thompson	x			
		Mayor Silver	x			

**Resolution 2016-140 Authorizing the hiring of John Solly as part-time Code Enforcement Officer at \$12.50/hr**

Public Comment

Roll Call

This person will have a ticket book 6pm- and around the peak times. It will fluctuate during the week and won't exceed 28 hours a week. A volunteer, will be badge checking during the day

Councilwoman Thompson asked who will be badge checking during the day.

Mayor Silver stated that the same volunteer, his wife, will be badge checking.

Councilman Asay. I agree to this and commend anyone volunteering, however this is quality of life work and not volunteer work. Badge checking for the beach, the tennis court. I want seven day a week enforcement from people the Borough hire and swear-in.

Mayor Silver: we don't have the money for seven day a week code enforcement. We've never had seven day a week code enf. We never even had a zoning officer; now we do.

I was under the impression the person we are hiring are pretty much self funding himself through badge checks? At night, I don't see that many people.

Councilman Pillion: I'm in support of this. In the past, we relied on Colleen. I think this is a prudent move in lieu of a badge checker which is constrained to only checking badges.

Mayor Silver: We made \$6,800 last year. We sold all badges were and now we are in the positive. This person has many hats.

Councilwoman Thompson asked if our volunteer is covered by JIF?

The Municipal Clerk stated that he would get back to her with an answer.

Why would we not hire another officer

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**PURCHASE ORDER**

**Resolution 2016-135**

Vendor:

Item:

Amount:

**Approving the Following Purchase Order**

GP Jager Inc

Lonza Constant Chlor Briquettes

\$2,857.44

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	x	Asay	x			
x		Bendel	x			
		Berglund				x

		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-136**

Vendor:

Item:

Amount:

**Approving the Following Purchase Order**

SENSUS

Autoread Software Support for Water Meter software/equip

\$1,665.98

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
	x	Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-137**

Vendor:

Item:

Amount:

**Approving the Following Purchase Order**

John E. Camburn and Son Inc

Lift Station motor and Installation

\$1,570.35

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel	x			
		Berglund				x
	x	Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

**Resolution 2016-138**

Vendor:

Item:

Amount:

**Approving the Following Purchase Order**

Delage Landen Financial Services

Kyocera Copier Lease Agreement

\$3,960.00

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
s		Asay	x			
		Bendel	x			
		Berglund				x
	s	Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

The meters are set at the water tower; air conditioning is operable and records will be shipped over there for storage and use.

## COUNCIL REPORTS

COUNCILWOMAN THOMPSON: Requests that the CFO address line items during the budget, explaining why the Borough can't afford certain hires.

COUNCILWOMAN SNOW: The Island Heights Grade School will have a special meeting at 5pm on June 5th to review bids. They are scheduled to begin work on June 27th, and replacement of roof is the initially scheduled task. She has also met with Alan Fumar to reinstitute the Recreation Committee (looking for volunteers) for the Summer program and they expect this will be back after July 4th. The ANJEC grant was awarded, kickoff is scheduled for 10am this Saturday. The grant is for the Open Space, monarch weigh station, and further relayed a message from Councilman Berglund

COUNCILMAN PILLION: The Island Heights Fire Company had another budget presentation. Lightly attended but those who attended, was well received and are aware of their situation. The Office of EMERGENCY Management gave a presentation at the CULTURAL and HERITAGE Association, regarding the Fire Company as well.

Lt. Arnold provided an update on the Police Department. There have been minor incidents around town; most time this week was focused on the new hires and prepping them for service. He anticipates them in service after the holiday weekend.

COUNCILMAN BENDEL: attended the Fire presentation and is disappointed in the constant low turnout. I appreciate those who come out. Just a reminder that around ten years ago , this can be a reminder of how quickly a fire that spread quickly. Fire protection is a critical service and it is the responsibility of the town. The Fire Department needs a town and it is the Borough's obligation to provide it.

COUNCILMAN ASAY: Comcast is revisiting and changing the terms of their contract renewal. More information will be provided at a later date. I encourage everyone to follow Mr. Gabriel's lead and get a copy of the budget. Be familiar with it.

SILVER: I received a quote from our email provider, Coastal. It included 18 accounts for all the Borough and totals. Our OCUA is acquiring a video inspection truck \$240,000 and we would utilize them under Schedule C for any future piping work. They are also purchasing a street sweeper \$336,000.

### PUBLIC COMMENT:

Bob McNeil: 237 Ocean Avenue: stated all of the ordinances tell you nothing. Nowhere does the public have the chance to look at these before public comment.

The Municipal Clerk stated that as per state statute, ordinance are publicized after they are approved on first reading. After that, it becomes a public document and is available for public review. He further advised Mr. McNeil that if he wants a public document, then he should ask the Borough. The Borough will not print every document on the agenda and waste taxpayer money.

Len Adams of the Rotary Club of Toms River was present for previously submitted information pertaining to their event, including a road closing and raffle license. He asked if there were any questions.

The Borough stated that the curfew will be in effect this year once again.

Brian Gabriel, 185 Summit: The proposed budget, what is the proposed tax? Will the new Code Enforcement person be code enforcing in his own vehicle?

CFO: We are up 2.22 cents. Every penny generates about \$37,000.

Currently, the new Code Officer will be using their own vehicle.

The Municipal Clerk stated that he would most likely not be covered under the JIF insurance when in their own vehicles.

Renee Pasalano, 46 Jackson Avenue: Is there a chance for a bike lane on Central Avenue? Also, who takes care of crossing guards? Is there a possibility to add a guard on Lake and Central?

Councilman Asay: Central is a County road. If a lane is established, then parking will be eliminated and this may be a parking issue.

Lt. Arnold stated that we can use one there but it is a budgetary item.

Councilman Bendel motioned to adjourn, seconded by Councilman Asay and full Council consent.

ADJOURNMENT @ 8:20PM.

Respectfully respected:

---

Municipal Clerk

---

Mayor Jeffrey Silver

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
JUNE 15, 2016, 9:00 AM**

Mayor Silver read the following public meeting notice, followed by a salute to the flag:

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on June 8, 2016 and published on June 11, 2016 and is posted on the bulletin board, and in the municipal building.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present	x	x		x	x	x	x	x
Absent			x					

Mayor Silver introduced the CFO, Margaret Gorman, and stated she is here to provide a review of the current budget.

Council President Asay asked the CFO on how she came up with the budget.

Mrs. Gorman stated that she sent out budget requests to all departments. Mrs. Gorman also had meetings with Mayor Silver, Tax Collector Wendy Prior, the Municipal Clerk, and April Elley in Finance Department, to provide a greater understanding of their past and current needs. Based on all received budget requests, a review of current projects and needs of the municipality, she drafted a conservative, bare bones budget.

Mrs. Gorman responded to Council Member Thompson's question as to what new hires are proposed in the budget, stating there was an allocation for a part-time Police Department Secretary, a part-time Secretary in the Administration building, and two part-time Code Enforcement Officers.

Councilman Pillion asked the CFO the current status of available surplus.

Mrs. Gorman stated the anticipated surplus for the 2016 budget is \$225,662.00, compared to 2015 at \$214,050.00.

Brian Gabriel asked the CFO what the process is moving forward if the budget is amended.

Mrs. Gorman stated that if there is an amendment to the budget, those amendments must be introduced, and a hearing will be held on only those amendments. If approved, they will be sent to the State for budget approval, as it is every year, and then would be considered for final passage by Council, contingent that the State approves the budget in its amended form.

Councilman Bendel stated that the Fire Company is in a state of financial crisis, and as the only fire protection service, there is an immediate need to increase their funding. He added that the budget in its current form is unacceptable, and additional funds must be found for public safety.

Maureen DeSanto Scott, 15 Fletcher Place, asked Mayor Silver about the need for hiring additional code enforcement officers.

Mayor Silver stated that the Code Enforcement Officers would be to not only curb the heightened code infractions during the seasonal timeframe, but also have the ability to collect beach badges if necessary. He further stated that their presence is necessary to curb any "wild west" actions on Borough property.

Mrs. Gorman stated that the total anticipated Salaries and Wages for 2016 is \$1,006,348.22; up from the Final 2015 budget of \$915,139.77. She further stated that she has had multiple meetings with the elected officials regarding formulating the budget, and if the Governing Body wish to amend any aspect of the budget, she needs to be informed of where there they wish to cut from. If there is going to be an increase in the Fire Department's line item, she needs to be directed where there are going to be cuts to pay for the increased line item.

Seeing no other public comments, Councilman Bendel motioned to adjourn, seconded by Councilman Pillion and full Council consent.

Respectfully submitted,

---

Municipal Clerk

---

Mayor Silver



**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
JUNE 28, 2016, 7:00 PM**

The Mayor led the Pledge to the flag and read the following meeting notice:

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present	x	x	x	x	x	x	x	x
Absent								

Also in attendance, Margaret Gorman, CFO

**1. PUBLIC COMMENT**

None.

**2. APPROVAL OF MINUTES:**

Resolution 2016-155 Minutes of Council Meeting May 24, 2016

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	X			
	x	Bendel	X			
		Berglund			X	
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**3. ORDINANCES**

Ordinance 2016-5 Amending and Supplementing Chapter 32 of the Borough Code Entitled, Zoning (Second Reading)

**ORDINANCE 2016-5**

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 32 OF THE BOROUGH CODE ENTITLED ZONING**

**WHEREAS, 32-9, Entitled, "SIGNS" states that** "The erection of signs shall be regulated in accordance with the use district in which the signs are erected. Parties wishing to erect a sign shall make application to the Borough on a specified form together with a ten (\$10.00) dollar fee; and

**WHEREAS, 32-12, Entitled, " PERMIT REQUIREMENT",** subsection a. 4 states that "4. Fees for Permits. Each application for such a zoning permit shall be accompanied by a fee in the amount of twenty-five (\$25.00) dollars. (Ord. No. 97-04 §32-12)

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Island Heights, County of Ocean, State of New Jersey, as follows:

1. **32-9, Entitled, "SIGNS"** shall be amended to reflect a twenty-five (\$25) *application fee.*
2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason declared invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct an independent provision and such holding shall not affect the validity of the remaining portions hereof.
3. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.
4. This ordinance shall become effective upon publication as required by law.

NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced by the Borough Council of the Borough of Island Heights at a meeting held on **May 24, 2016** and approved for passage and final adoption after a Public Hearing, at a meeting held by the Mayor and Council on **June 28, 2016** at 7:00 p.m., at the Island Heights Borough Hall, One Wanamaker Municipal Complex Island Heights, NJ 08732-0797

**JOSEPH KOSTECKI, Municipal Clerk**

The Borough Clerk opened the Public Hearing asking if anyone had questions or comments to step forward and state their name and address.

A citizen, who did not state their name and address, asked what the Ordinance was about.

The Mayor replied that the Borough was amending the Zoning charges for applications. Increasing the fee schedule to bring it up to 2016 and make the fees comparable to other municipalities. This particular one is for signs. The fee will be \$25.00

There being no public questions or comments, the item was opened to roll call.

Public Hearing: First Bendel Second Berglund

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

Ordinance 2016-6 Amending and Supplementing Chapter 11 of the Borough Code Entitled,  
Building and Housing (Second Reading)

**ORDINANCE 2016-6**

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY  
OF OCEAN, STATE OF NEW JERSEY, AMENDING AND  
SUPPLEMENTING CHAPTER 11 OF THE BOROUGH CODE  
ENTITLED BUILDING AND HOUSING**

**WHEREAS, 11-1.2 Construction Permit Fee, 3. Certificates and Other Permits: (c)..... Certificate of Occupancy reflects a fee of \$ 60.00; and**

**WHEREAS,** the aforementioned Certificate of Occupancy pertains to Rental and Re-Sale.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Island Heights, County of Ocean, State of New Jersey, as follows:

1. The owner of the premises shall pay to the Borough a fee of one hundred (\$100.00) dollars for the issuance of the aforescribed certificate. The fee shall be paid to the Borough prior to the scheduled inspection.

2. Subsection(C)(1) is hereby established to create a twenty-five (\$25) re-inspection fee for Certificate of Occupancies for Rental and Resale.

3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason declared invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

4. All ordinances or resolutions or parts of ordinances or resolutions inconsistent herewith are hereby repealed to the extent of such inconsistency.

5. This ordinance shall become effective upon publication as required by law.

**BE IT FURTHER ORDAINED,** that the verbiage for Rental and Resale Certificates of Occupancy shall be explicitly stated in the aforementioned, appropriate section

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced by the

Borough Council of the Borough of Island Heights at a meeting held on **May 24, 2016** and approved for passage and final adoption after a Public Hearing, at a meeting held by the Mayor and Council on **June 28, 2016** at 7:00 p.m., at the Island Heights Borough Hall, One Wanamaker Municipal Complex Island Heights, NJ 08732-0797

**JOSEPH KOSTECKI, Municipal Clerk**

The Borough Clerk opened the Public Hearing asking if anyone had questions or comments to step forward and state their name and address. The Mayor interjected that this Ordinance would be amending our Certificate of Occupancy Fees, and our Zoning Fees. The fee for a Certificate of Occupancy would be raised to \$100.00 and the re-inspection fee is \$25.00.

There being no public comment, the Clerk asked for a motion to close the public hearing.

Public Hearing: First Bendel Second Asay

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

Ordinance 2016-7 Calendar Year 2016 Ordinance to Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A: 4-45.14) (Second Reading)

**ORDINANCE 2016-7  
CALENDAR YEAR 2016  
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Mayor and Council of Borough of Island Heights in the County of Ocean finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Mayor and Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 73,170.97 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Mayor and Council of the Borough of Island Heights, in the County of Ocean a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Island Heights shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 73,170.97, and that the CY 2016 municipal budget for the Borough of Island Heights be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

#### NOTICE

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced by the Borough Council, Borough of Island Heights at a meeting held on **May 24, 2016**. Notice is hereby given that the Ordinance was approved for final adoption and passage at a meeting held by the Mayor and Council on **June 28, 2016** at 7:00 pm, at One Wanamaker Complex, Island Heights, NJ.

\_\_\_\_\_  
Joseph Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

The Borough Clerk opened the Public Hearing asking if anyone had questions or comments.

The Mayor asked the CFO, Margaret (Peg) Gorman to explain the Ordinance. Mrs. Gorman explained that it was basically a 1% increase in the Cap for cost of living expenses.

There being no public comment, the Clerk asked for a motion to close the public hearing.

Public Hearing: First Pillion Second Asay

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

Ordinance 2016-8      An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Authorizing Reconstruction of River Avenue, and Appropriating \$223,600.00 Therefore and Providing for the Issuance of \$49,020.00 in General Improvement Bonds or Notes to Finance the same. (Second Reading)

**ORDINANCE  
2016 - 8**

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING RECONSTRUCTION OF RIVER AVENUE, AND  
APPROPRIATING \$223,600.00 THEREFORE AND PROVIDING  
FOR THE ISSUANCE OF \$49,020.00 IN GENERAL  
IMPROVEMENT BONDS OR NOTES TO FINANCE THE SAME**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

**SECTION 1:** The capital project described in Section 3 of this Ordinance is hereby authorized to be made by the Borough of Island Heights in the County of Ocean, State of New Jersey. For said capital project, there is hereby appropriated the sum of \$223,000.00, including a \$172,000 State of New Jersey Department of Transportation 2015 Municipal Aid Program Grant ("NJDOT Grant"). Said sum being inclusive of all appropriations heretofore made, including the sum of \$2,580 as the down payment for said capital project, by law and now available therefore by virtue of a provision in the Capital Improvement Fund of the Borough. No down payment is required pursuant to N.J.S.A. 40A:2-11(c) for improvements to the capital project referenced in Section 3 as the improvements or purposes are being funded by the NJDOT Grant the cost of which is \$172,000.

**SECTION 2:** In order to finance the cost of the project, negotiable bonds are hereby authorized to be issued in the principal amount of \$49,020 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

**SECTION 3:** The capital project hereby authorized and the purpose of financing for which the bonds are to be issued is for repair and reconstruction of River Avenue. The estimated maximum amount of bonds or notes to be issued for the capital project is as stated in Section 2 hereof. The estimated cost of the capital project is equal to the amount of the appropriation herein made therefore.

**SECTION 4:** All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer provided that no note shall mature later than one (1) year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this Ordinance. All notes issued hereunder may be reviewed from time to time according to the provisions of N.J.S.A. 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part of all of the notes from

time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof.

**SECTION 5:** The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital budget of the Borough of Island Heights is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The Resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of Local Government Services is on file with the Clerk and available there for public inspection.

**SECTION 6:** The following matters are hereby determined declared, recited and stated:

- (a) The capital project described in Section 3 of this bond are not a current expense, they are capital projects;
- (b) The average period of usefulness of the capital project within the limitations of The Local Bond Law, according to the reasonable life thereof, computed from the date of the bonds authorized by this Bond Ordinance is 15 years;
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed with the Office of the Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this Bond Ordinance by \$49,020.00. The obligations authorized herein will be within all debt limitations prescribed by that law; and
- (d) An aggregate amount not exceeding \$51,600.00 for the items of expense listed in and permitted under Section 40A:2-20 of said law may be included as part of the cost of said improvements and is included in the foregoing estimate thereof.

**SECTION 7:** Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or if other than the Grants referred to in Section 1 hereof, to payment of the obligations issued pursuant to this Ordinance. The amount of the obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

**SECTION 8:** The Borough hereby declares the intent of the Borough to issue the bonds or bond anticipation notes in the amount authorized in Section 2 of this Bond Ordinance and to use proceeds to pay to reimburse expenditures for the costs of the purposes described in Section 3 of this Bond Ordinance. This Section 8 is a declaration of intent within the meaning and for purposes of Treasury Regulation §1.150-2 or any successor provisions of federal income tax law.

**SECTION 9:** The Chief Financial Officer of the Borough is hereby authorized to prepare and to update from time to time as necessary, a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure documents on behalf of the Borough. The Chief Financial Officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

**SECTION 10:** In the event all of the money set forth above for each purpose is not necessary for any of said purposes, then such money shall be forwarded for the completion of any of the other purposes provided for in this Ordinance.

**SECTION 11:** The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this Bond Ordinance. The obligations shall be direct, unlimited obligations of the Borough and the Borough shall be obligated to levy ad valorem taxes upon all taxable property within the Borough for the payment of the obligations and interest therein without limitations, rate or amount.

**SECTION 12:** This Bond Ordinance shall take effect twenty (20) days after the first publication thereof and after final adoption as provided by the Local Bond Law.

### NOTICE

**NOTICE IS HEREBY GIVEN** that the forgoing Ordinance was duly introduced and passed upon first reading at a regular meeting of the governing body of the Borough of Island Heights held on May 24, 2016. Further, notice is hereby given that said Ordinance was considered for final passage and adopted at the regular meeting of the governing body to be held at the Island Heights Municipal Building, 1 Wanamaker Municipal Complex, Island Heights, New Jersey at 7:00 PM on June 28, 2016.

\_\_\_\_\_  
JOSEPH KOSTECKI, Borough Clerk

The Borough Clerk opened the Public Hearing asking if anyone had questions or comments.

The Mayor explained that this is a continuing project restoration. It is from the bottom of Simpson turning on to River Avenue. The road floods at the bottom at the flood gate. This is to raise it above the water level so we don't have the instance happening there any longer.

There being no public comment, the Clerk asked for a motion to close the public hearing.

Public Hearing: First Bendel Second Berglund

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			



		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

Ordinance 2016-9 Bond Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Providing for Various Water and Sewer Improvements in and for the Borough of Island Heights and Appropriating \$937,500 therefore and providing for the Issuance of \$937,500 in Bonds or Notes of the Borough of Island Heights to Finance the Same. (First Reading)

ORDINANCE NO. 2016 - 09

BOND ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND FOR THE BOROUGH OF ISLAND HEIGHTS AND APPROPRIATING \$937,500 THEREFOR. AND PROVIDING FOR THE ISSUANCE OF \$937,500 IN BONDS OR NOTES OF THE BOROUGH OF ISLAND HEIGHTS TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOROUGH OF COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Island Heights, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$937,500. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$937,500 pursuant to the Local

Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness are as follows:

Purpose:

A. To inspect, repair or replace water and/or sewer lines thru out the Borough, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$637,500

Amount of Bond or Notes: \$637,500

Period or Average Period of Usefulness: 40 years

B. Upgrade of electrical work at the various pump stations to include and not limited to the replacement of electrical control panels, installation of a cellular central station monitoring system, alarm monitoring systems at each pump station, transfer switches at each pump station and a trailer mounted generator with lighting to be utilized at each pump station, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$300,000

Amount of Bond or Notes: \$300,000

Period or Average Period of Usefulness: 15 years

(b) The maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may

lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 32 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$937,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$187,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorized obligations of the Borough solely for a purpose described in N.J.S.A. 40:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance. This Section 6(f) is a declaration of intent

within the meaning and for purposes of Treasury Regulation §1.150-2 or any successor provisions of federal income tax law, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved.

NOTICE

NOTICE IS HEREBY GIVEN that the forgoing Ordinance was duly introduced and passed upon first reading at a meeting of the governing body of the Borough of Island Heights, in the County of Ocean, NJ held on June 13, 2016. Further, notice is hereby given that said Ordinance will be considered for final passage and adoption at a public meeting to be held on August 9, 2016 at 7:00 p.m. at the Island Heights Municipal Building, 1 Wanamaker Municipal Complex, Island Heights, New Jersey, or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Borough Clerk's Office in said Municipal Building to members of the general public who shall request such copies.  
JOSEPH KOSTECKI, MPA, RMC, QPA, CMR  
Municipal Clerk

Councilman Berglund explained that this Ordinance was to provide financing for the work that needs to be done on Jaynes Avenue so we can receive upgraded or new water lines, hydrants, and so forth. It is also for inspection of the sewers, and this would be done prior to the paving, which has already been awarded. The ordinance also includes additional work throughout the Borough using one Ordinance to finance this and also next year's work.

Councilman Pillion objected to voting on an Ordinance for over \$900,000 that he hadn't seen before that night. He said that whatever was on Jaynes Avenue he can't imagine costing \$900,000 and whatever else we are bonding for he doesn't know.

Mrs. Gorman explained that the bonding was just for Jaynes Avenue. It was Jaynes Avenue and the street that the Borough was going to do with its 2016 DOT grant along with any other problems with the water and sewer lines throughout the town. We did one bond to authorize payment for that.

The Mayor indicated that he has held up the paving on Jaynes and Maple Avenue's and that this is similar to what we did on Simpson Avenue.

Councilman Pillion indicated that he would not vote on an Ordinance he just received and that he wanted further explanation and a sit down to discuss this.

The CFO explained that this was just an introduction to the Ordinance and at Second Reading there will be comments. If he wanted any additional information, she could give it to him, and at the second reading he could vote. She stated that the Borough was not looking for a bond anticipation note at this time that Council was just authorizing the expenditure to repair the water and sewer lines and whatever might need to be repaired. First on Jaynes with the 2015 DOT grant for the paving and then next year's grant, the DOT for 2016, any water and sewer lines in there and if there are any breaks throughout the town, they can then be prepared without doing an emergency and coming back and asking for another authorization to expend.

Councilwoman Thompson noted that this was a 40 year obligation.

CFO Gorman explained that when you go to sell the bonds it would be for 40 years but when you go for the note it would probably be for 20 years.

Councilwoman Thompson said that she didn't feel comfortable with voting on the Ordinance tonight without seeing it prior to this afternoon and she knows that we need improvements to the water and sewer but she needs to see a budget and needs to understand how it would be expended for the next year because it is a big number. She wants to understand how much would be appropriated towards Jaynes and how you decided what other priorities we have in the town.

Councilwoman Snow asked if there were any repercussions so serious that they could not hold this up until the next meeting.

The Mayor stated that it's holding up the paving again for another 30 days, until the meeting at the end of July.

CFO Gorman stated that the Council could introduce this Ordinance tonight, publish it, have the second meeting with a public comment and Council's comments which then at that point the Council would adopt it or not.

Councilwoman Thompson wanted to know how much money is needed to pave Jaynes Avenue. The Mayor stated that it wasn't for paving. Councilwoman Thompson said she understood that this was for water and sewer and that it was holding up the paving but you have to get water and sewer done first. The Mayor said \$175,000. Councilwoman Thompson asked why we couldn't authorize that. The Mayor said that it was already authorized.

Councilwoman Thompson asked how much to improve the water and sewer on Jaynes. Councilman Berglund said the estimate was made by the engineers said it was in the neighborhood of \$300,000. The Mayor said we were not doing the project "in house" and that it was going out for public bid. Councilman Berglund said when Jaynes came up, Maple was the next street. We have sufficient resources here and we have less than stellar capacity of the lines feeding into the north end of town and Maple is the key to getting that water in there, so the intent is that this year it would be Jaynes. The next year it would be Maple and that would bring the 8 inch main and the loop all the way to Maple which gives us the ability in subsequent years to take that full 8 inch line up to the north end of town. The Mayor asked that if the loop at the bottom of Simpson coming back into Central would be part of that. Councilman Berglund stated it would be part of that and to get the loop, the line that goes down Simpson into Lake, was run all the way to Lake, so that we could continue that to the west and that would be the main source of main water going towards Maple.

The Mayor said you want loops in your water system. You don't want dead ends because it helps in your chemical process circulation here in the town. Councilman Berglund said that it also helps, if you have a fire in the town, you can still feed a fire source from another direction.

Councilwoman Thompson asked if we know what the Maple and River Avenue's costs would be. The Mayor said that Jaynes would be approximately \$300,000. The footage for Maple Avenue is approximately the same for \$300,000. Councilman Berglund added that the lines on Simpson to Maple will close the loop on the north side, and then from the bottom of River to Central to close that loop with the Ordinance 08 that they just voted on for the paving.

Councilman Pillion said the projects sound well thought out and needed, however they had a meeting to go over the budget and that at that time no one knew this was going to be done? Councilman Berglund said that it was worked out on the Monday after the meeting. Councilman Pillion objected to not having the Ordinance earlier. He wants this kind of information long before he votes on it.

CFO Gorman explained that the Council is authorizing a total expenditure of \$937,500. \$187,500 is going to be for soft costs which will be bonding costs and engineering. \$850,000 for hard costs. Just because you approve this Ordinance doesn't mean you are going to expend the whole thing and doesn't mean you are going to bond the whole thing. That's the maximum you can do. We had an estimate of the two streets for \$600,000. If they decided they want to only do the two streets they can cancel the balance of the ordinance. Unfund it or even if you do fund it, you can cancel the funding portion at any time. When we go for the bond anticipation note or the permanent financing we are only going to borrow what we expended. We aren't going to borrow the whole thing. We are anticipating expending it. We are only going to borrow what we spend.

Councilman Pillion said that in the past we borrowed money in anticipation notes, we are paying interest on them, and the money is not being spent yet. We are paying money to service the debt. The CFO said that she cannot speak to what happened prior to this. The Mayor said that we cleaned that all up prior to this. Councilman Pillion said that confirms that in the past we have issued bond anticipation notes, gotten the money, and haven't spent the money, and paid interest on it. He just wanted to make sure that wasn't going to be the process that happened here. The CFO said that this was not going to be the process that happens here.

Councilman Asay asked where the \$937,500 amount comes from. The Borough Clerk stated that it comes from Engineer estimates, soft costs and total project costs. The Mayor says we calculate the footage. The engineer who was in attendance was asked how the cost was reached. Councilman Berglund said there was an estimate that was made based on material costs and it was repeated again for the second street and he (Councilman Berglund) used the lineal footage on the additional footage that was required on Lake and on River. So it is beyond what Maser gave us and it goes back to numbers that Councilman Berglund calculated based on the lineal footages.

Councilman Asay asked the CFO if the process when we need to get money "into the kitty" that we need to issue a bond anticipation note in a specific dollar amount to cover a specific project. CFO Gorman said that you can cover a specific project that is new or you fund which you already borrowed to do permanent financing. For example, you have a bond anticipation note of \$500,000 and it comes time for the renewal. Since we are not paying it down, we are going to borrow that \$500,000 plus any other monies that you need for any new work. So you could make it \$50,000 more or \$100,000 more or you could just leave it at \$500,000 if you aren't going to do any additional work. This particular ordinance is for new money, which can only be spent on new projects. It can't be spent to pay off projects that had bond anticipation notes 5 years ago. But it is for looking towards the future for water and sewer projects in the future.

Councilwoman Thompson said she didn't think the numbers added up, the hard costs would be \$750,000 and the soft costs \$187,500. Also, a year ago, there was a capital improvement plan put together that set priorities for the next 5 years. How does this funding tie back to the work we did years ago? Has the deck been reshuffled for projects? She would like some time to digest and understand the process it took to queue this up and prioritize the projects. She wasn't sure if she was ready to approve all of the money tonight. Mrs. Thompson suggested breaking it up onto increments and more of a phase fashion. The Mayor stated that there was more cost incurred each time you go to bond counsel. Every time you write something up you pay for services. CFO stated that it is a possibility that we will issue bond anticipation notes which have duration of approximately 5 years before we have to pay the principle down and then we might then also look to permanent financing with other bonds that we have to do permanent financing. We might not do a BAN and we just might go right into permanent financing, at that time we will look and see where we stand. Councilwoman Thompson asked if we have BAN's coming due next year. CFO said yes we do. Councilwoman Thompson asked for a snapshot of where we stand now. CFO Gorman said that would be in our 2014 Audit under debt service. We don't have the 2015 Audit since the auditors are finalizing it now.

Councilwoman Thompson suggested tabling the introduction until they see the 2015 Audit. The CFO cautioned that by tabling it, you are pushing back when you are going to do the road or if you are going to pave the road having to rip it up again and then pave it again which will be an added expense.

Councilman Pillion asked if we could do two bond ordinances before going to a bond anticipation note or combine two bond ordinances into one? The Mayor said you could, but there would be additional costs. The CFO explained that the Ordinance that we are trying to introduce is an authorization to expend. The numbers were put together on all the streets on how much the hard cost is and how much the soft cost is. Instead of many ordinances, we combined it into one. That doesn't mean that is how much we are going to spend. We are going to do Jayne's Avenue out of this \$750,000; it is estimated to cost \$300,000. It may only cost \$250,000 because when they open up the road it may not be as bad



as we thought.

Councilman Pillion stated that he will not vote yes to something that was given to him just before the meeting. Maybe other people will but he won't. The CFO said that was fine but explained that this was the first reading, an introduction. You have the publication for everyone in the town of Island Heights to review it, come in at your next meeting and have an open hearing. It is then up to you to decide whether or not you want to vote on this ordinance.

The Mayor asked the Borough Engineer how long we could put off the paving with the contractor. The Engineer stated that the contractor is already called to commence the paving and that the contractor could force the contract.

Councilman Asay asked what the costs would be if the ordinance was split up per contract. The CFO said she wasn't sure but it could be \$500 to \$1,000 just to write up the ordinance. Then there are other costs when you go out to do the financing of the ordinance. What was presented was just the authorization to spend for projects. Councilman Asay had a problem with the dollar amount of the ordinance. The CFO reminded the Council again that this was just an estimate that the engineers gave and that it might not cost that much and that by putting this in place that they can have the water and sewer fixed and then paved. The Mayor added that we could have working fire hydrants, too.

Councilwoman Thompson said that the ordinance should be amended to allow only that amount that is necessary to cover Jaynes, since Jaynes is an urgent matter and needs attention. Councilman Pillion offered another suggestion to have another special meeting just meet on this particular ordinance in order for him to feel more comfortable voting on it. The Borough Attorney interjected that this is first reading of the ordinance. It's a fancy way of saying that we are going to put it on the table to consider it. The vote today would be just to consider it. You would have a whole month to gather information before our next meeting when you would actually vote for it. Obviously, it is up to the Council.

Councilman Pillion again stated he will not vote on the ordinance because he didn't have time to review the ordinance. The CFO stated that the reason behind the short notice was because of the timing issue from the time she got the information, spoke to bond counsel and got the information back. It came to her on Monday afternoon and then it was forwarded to the Borough Clerk. She apologized for not getting it to Council earlier.

The Mayor called for a vote. A member of the audience asked if there would be public comment. The Borough Clerk replied that there is no public comment for the first reading of an ordinance.

Motion made by Councilman Berglund, Seconded by Councilman Bendel. Ayes: Councilman Bendel, Councilman Berglund and Mayor Silver. Nays: Council President Asay, Councilman Pillion, Councilwoman Snow, Councilwoman Thompson. **FAILED**

#### 4. RESOLUTIONS

Councilwoman Snow introduced Paige Van Duyn who will be running our summer recreation program. She is a graduate of Island Heights Grade School, Central Regional, currently a student at TCNJ studying to be a teacher. She is also working for Toms River Recreation and has plenty of experience. She thanked Paige. She will begin Monday, July 11 to Friday, August 19<sup>th</sup>.

It was agreed to take the Resolution out of order.

**Resolution 2016-162 Appointing Paige E. VanDuyne to the Summer Recreation Program**

**BOROUGH OF ISLAND HEIGHTS  
COUNTY OF OCEAN**

**RESOLUTION 2016-162**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, APPOINTING PAIGE E. VAN DUYN TO THE SUMMER RECREATION  
PROGRAM**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Paige E. Van Duyne to the Summer Recreation Program.

BE IT FURTHER RESOLVED, that the hire will be at a stipend of not to exceed \$500.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 28<sup>th</sup> day of June, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC,QPA, CMR  
Municipal Clerk

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
		Berglund	X			
	X	Pillion	X			
		Snow			X	
X		Thompson	X			
		Mayor Silver	X			

The Council congratulated Ms. Van Duyne and she left the meeting.

The Mayor then decided to take the resolution out of order again in order to facilitate the Borough Engineers. The Mayor suggested the item be tabled due to it being a project funded by the failed bond anticipation note. This project cannot be authorized because none of the expenditures were authorized.

**Resolution 2016-167 Authorizing the Borough Engineer, Maser Consulting, to Proceed with design, preparation of bidding specifications, bidding, technical analysis and recommendation, construction oversight and contract close-out activities for water and sewer service inspection, repair and/or replacement for Jaynes Avenue**

**MOTION TO TABLE**

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund		X		
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver		X		

Councilman Pillion announced that there would be another meeting to address the proposed resolution (ordinance) 2016-9 and the proposed resolution 2016 -167 in approximately a week to 10 days. There will be an additional meeting if anyone wants to attend. It will be published in the Asbury Park Press and will be posted on the bulletin board.

The Mayor introduced Chris Theodos from Maser Consulting and Jim Priolo. Jim is taking over for Chris who is leaving Maser. Jim is a licensed professional engineer with over 30 year’s experience; a principle with Maser Consulting and the Director of the Municipal Engineering for the firm. The Mayor introduced Jim to all members of Council individually.

**Resolution 2016-156** Approving a Special Events Application for Barbara Wightman on September 25, 2016

**RESOLUTION 2016-156**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING A SPECIAL EVENTS APPLICATION FOR BARBARA WIGHTMAN ON SEPTEMBER 15,  
2016**

**WHEREAS**, Barbara S. Wightman, located at P.O. Box 349, Island Heights, NJ 08732, has submitted a Special Even Application to use Senior Park (East Camp Walk) 128 Ocean Avenue, including the Gazebo on September 25, 2016; and

**WHEREAS**, Mr. and Mrs. Wightman will be renewing their wedding vows for their 60<sup>th</sup> wedding anniversary;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Special Event Application for Barbara S. Wightman on September 25, 2016.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 28<sup>th</sup> day of June, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC,QPA, CMR  
Municipal Clerk

60<sup>th</sup> Wedding Renewal of Vows. Barbara Wightman submitted a special event application to use Senior Park (East Camp Walk) 128 Ocean Avenue, including the gazebo to renew their wedding vows. All paper work and insurance were determined to be in proper order.

**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-157** Approving Blue Five Sky/Ocean County Radio Club use of the Memorial Field/Wanamaker Field on August 6th and September 3rd from Noon to 7pm.

The Borough Clerk stated that this was the Jazz Band that requested to use Wanamaker Field for a Jazz Concert last meeting but it was pulled because they didn't have the proper paper work submitted. Councilman Berglund interjected that he believed they still didn't have the proper paperwork. He would like them to submit an estimated number of people and what basis there is for the estimate number of people and how it was being promoted, number and location of port-o-johns, clean up and disposal of garbage and so forth. Councilman Pillion would also like to require a site plan and have them come in to appear before the Council and talk to them. Councilman Berglund requested that a Special Events application be submitted. Councilwoman Snow wanted confirmation that it is a fundraiser.

**Motion to Table**  
**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-163** Adoption of 2016 Municipal Budget  
Budget Hearing

**RESOLUTION 2016-163**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ISSUANCE OF ESTIMATED PROPERTY TAX BILLS PURSUANT TO N.J.S.A. 54:4-66.2 ET SEQ**

**WHEREAS**, the Borough of Island Heights has not adopted its budget for 2016; and

**WHEREAS**, it is anticipated that the Borough of Island Heights will not be able to issue tax bills for the year 2016 in advance of the third quarter taxes due on August 1, 2016; and

**WHEREAS**, the Borough of Island Heights has determined that there will be insufficient cash inflows to support operations in late July 2016, unless third quarter tax revenue is received on time;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Island Heights as follows:

1. The Tax Collector is hereby authorized to take all steps necessary to send out estimated bills for the third quarter 2016 in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.
2. The estimated tax rate based on calculations of the Tax Collector/Chief Financial Officer of the permissible tax levy range for estimated billing purposes is set at 1.801% which equates to \$1.817 per \$100 of assessed value.
3. That the Tax Collector takes any and all additional steps to immediately implement these directives.

I, Joseph Kostecki, Municipal Clerk of the Borough of Island Heights, County of Ocean, do hereby certify the foregoing to be a true and correct copy of a resolution adopted by the Borough Council at a meeting of said Borough Council held on June 28th, 2016.

---

Joseph Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

The floor was opened for Public Comments. The Borough Clerk asked anyone who has a comment to please step forward, state their name and address.

Douglas Platt, 188 Summit Avenue, asked if the comments made by the public and the Council at the previous budget workshop meeting become part of the record for this public hearing. The Borough Clerk stated that it would not because they are different meetings and require different minutes. Mr. Platt asked if everything said then was going to be repeated now. The Mayor told him no, that that was a separate work shop and no decisions were made.

Mr. Platt said he was asking if the comments made by the Council and by the public were going to be part of this hearing. The Mayor indicated that there would be minutes of the meeting but weren't approved yet. Mr. Platt said that the Council couldn't really have this hearing until the minutes were approved. The Borough Clerk explained that they could have the meeting because the minutes are what reflect the public hearing and they are completely different. This is a public hearing based on the amendments and we will have further discussion on the budgets. Mr. Platt stated that the previous meeting will impact what is being discussed tonight. The Borough Clerk explained that this was a workshop and not a public hearing and those minutes will be available at a later date. Mr. Platt said it will still be after the approval of whatever happens tonight.

Maureen DeSantos-Scott, 15 Fletcher Place had a question about the Workshop meeting. She wanted to know why it was held at 9 in the morning on a Wednesday. Mr. Asay said it was done that way for the least cost to the Borough since the CFO and Clerk are only in on Wednesday's. The idea was to get a meeting scheduled as soon as possible to discuss the budget with CFO and Council at the least possible cost to the Borough. Ms. Scott asked how the turnout was. Mr. Asay said there were 3 or 4 members of the public but it was scheduled knowing that there was already a public hearing scheduled on this date that had been advertised for the budget. The intention was to have a meeting where the Council could become familiar with the budget with the CFO present because they had not had that opportunity up to that point. The intent of the meeting was to interact with the Mayor and CFO to find out from where these numbers are derived in the budget, also to find out how they arrived at this particular budget. There was no reason to have this meeting not open to the public, therefore this meeting was open to the public. We did it knowing there would be a public hearing tonight and no action was taken at that meeting. It was just to glean information for the members of the body.

Brian Hall, 136 Bay Avenue, asked if the budget was put together and you had workshop and you had on here tonight that you had practically a million dollar bond anticipation note. Is that in this budget? And where were the significant increases in this budget, and where is this \$537,000 going to be anticipated, is that all going to be a part of this?

The Mayor stated the intent to table 2016-163. Mr. Hall asked how it can be tabled. The Mayor responded because we are going to make some changes. Mr. Hall told him he couldn't because at the workshop hearing the CFO said that the budget could not be modified and that they had to vote on it as is.

The CFO said that they could not do anything at that meeting because it wasn't public. Right now they have to have a public hearing where everyone gets to speak. They are not going to adopt and are going to continue to work on it.

Mr. Hall asked why the Council would table the budget when not one person in this room commented on the budget. He believes that Council has an obligation to vote on the budget that was introduced. Council President Asay commented that whether the budget was tabled or voted down we would still not have a budget and would have to continue operating on a temporary budget. He would support tabling a budget because there a negotiations ongoing.

The Borough Clerk stated that the Capital Bonds would be separate from the budget. Only the debt service is part of the budget; the budget provides for servicing the debt we already have that is coming due. The Bond that was voted down is not part of this budget because it's not bonds that we have accumulated. It is completely separate from the budget; it is not part of the budget and we are only servicing the debt that we already have.

Councilman Pillion wanted to know how Ordinance 2016-09 will impact the overall level of debt? The CFO said we won't know what the actual monthly payment is until you actually go and get money to fund that ordinance. The ordinance that was going to be voted on was an authorization to expend. The budget is your operation; it's for your everyday operation of Island Heights from January 1 to December 31<sup>st</sup>. It provides you with police; it's to clean your roads, etc. But the ordinance is a capital project that has a life expectancy of over 1 year with a life expectancy of 40 years.

Andy Parks, 121 Summit Avenue, Island Heights Volunteer Fire Company, Fire Chief, asks the Council to vote no for the budget. They have asked the Council to provide for the fire company their operating costs and they are asking them to vote the budget down. He encouraged them to revisit it to see if there is some way they can figure out a way to meet their needs. They asked for their \$100,000 for their operating costs and if they don't get it there will be no way they can continue to operate and move forward with their projects. They are still considering a new building on their current location which there hasn't been other substantial negotiation to move it anywhere else.

Brian Hall asked if there was going to be a change on the budget and is there going to be another public hearing. The Borough Clerk replied yes, there will be another public hearing. Mr. Hall asked why code enforcement salaries and wages are up nearly 400%. The Mayor explained that there is a summer code enforcer who is working through Labor Day and there was also another officer budgeted, but that position will not be filled because another person has not been found. Mr. Hall asked what the hourly wage of the recreation position will be. Mayor stated she is being paid a \$500 flat fee and we've done away with the \$2,000 recreation position.

Maureen DeSantos-Scott, 15 Fletcher Place, asked why there was a need for so many code enforcement officers. The Mayor explained there was one that does zoning, code enforcement, property maintenance and C.O. inspections. The other is brought in during evening hours, not daytime, and he is doing code enforcement along all the common areas, the boardwalk and all our parks. He is doing some badge sales for fishing and crabbing and also has the ability to write summonses. He is only allowed 28 hours per week and only started last weekend and will be working through Labor Day.

Melissa Wudzki, 108 Jaynes Avenue, asked about pages 15 and 15b. Public Works and Emergency Management, are the items listed as other expenses operating costs? The Chief Financial Officer told her yes. Ms. Wudzki asked if documentation can be provided by the fire department for operating costs. She said that comparing the budget, the fire departments operating costs seem to be a lot more compared to the police department and emergency management. So she is curious on how that \$100,000 is made up. And if it is something that the Council is seriously considering putting into the budget, the public should have access to what those costs are, just as the public has access to the costs of the other municipal departments.

The Mayor said that Council President Asay made a spreadsheet with the costs. Council President Asay said that he and Councilman Pillion put together their operating costs for all of 2015 and their operating costs to date for 2016 they are legitimate operating costs. They are for electricity, gas, fuel and maintenance. They replaced 2 pumps this year on 2 of their apparatus. They have ongoing costs of their protective gear, hose, things that wear out and they have to replace. And we are certainly trying to find funding for the fire department.

Ms. Wudzki said that the public has not been given any of that information. Mr. Platt said she was the only person who he was hearing that from. Ms. Wudzki said that she was not the only person to say that. The Mayor asked if it was alright to give the public the spreadsheet. The Borough Clerk offered that it became a public document when it was given to the Borough and therefore could be handed out.

Mr. Platt addressed Ms. Wudzki by saying that the Fire Department presented this four times to the public. He was sorry that she did not understand what was presented. The information was provided to the Council. If the Council is going to fund the fire department it is the Council's responsibility to figure out the mechanism. They can decide if they want to pay their bills individually that are provided by the department or if they want to give them a lump sum payment based on years prior and the fire department provides an audit, it will be transparent. There is nothing being hidden. There are no hidden costs. They are not expecting Council to pay for their fund raising costs, only operating costs solely. As they go forward and as they do capital projects, they would like to partner with the Council to make those projects happen. Mr. Platt said that depending on how much the Council can help out on the operating side, will allow them to bring more money to the table when the capital projects come about. Otherwise, the Mayor will have to figure out some other way to provide fire protection services to the Borough of Island Heights.

Ms. Wudzki said she just wanted to see a list compiled for those who did not attend the meetings, to be able to go on a website and be able to look at, because they have questions.

Mr. Platt said they are asking the Town Council to provide a service that the Town Council is required to provide. They supplied all the information the Council needs to make that judgment call on whether to

fund them or not. If the Council wants to put that information out there, that is on them now.

Councilwoman Snow stated that they have seen the information and the Fire Department has been completely transparent and responsive. The information was there but people needed to make themselves available. Council President Asay has compiled it.

Mr. Platt stated that, as the Emergency Management Coordinator, he is very concerned about the stability of the fire department as they are the main resource for emergency management that happens in town, outside of law enforcement. There have been a total of 4 public meetings. There were a total of 43 people who attended, not counting Council Members and members of the fire department and their spouses. There were quite a few questions and he felt that only 1 or 2 people left those meetings with the feeling that they didn't make their case that they needed help. They also presented detailed spreadsheet with a 10 year budget, item by item, detail to the Mayor and Council during meetings months ago. And the purpose was to say that they needed help, discuss the situation and ask the Mayor and Council to consider doing something and to put it in the budget. He said they gave all that information in. Every year he submits a budget for Emergency Management for whatever he needs and it works its way into the budget under operating expenses. The Fire Department has a separate line item for utilities and etc. months in advance in the hopes it would show up in this budget which would then have presented as part of the public introduced budget and therefore open to discussion at a public hearing. But nothing was put in the budget beyond what had been in the past. Part of the problem is, it is not in the budget for anyone to ask about. If it had been in there the things that are being asked for would have been in there by the Borough. They asked the Borough to help. It is the obligation of the Council to say, all, nothing or somewhere in between. But none of that stuff is in there.

Mr. Platt's second point is when will the minutes of the public workshop be made available to all the members of the public and most importantly to the members of the Council who are going to work on the revision of this budget? He wants the Council to have access to all the comments that were made at that meeting. The Borough Clerk replied that the minutes would be available to the public when they have been approved by the governing body. They are not up for consideration yet, but would mostly be up for consideration next month, most likely at the next meeting. Meeting minutes in general do not have to be word for word. They are a summary of actions taken place. The minutes will be available for review once they have been approved by the governing body. Mr. Platt said he didn't care if the minutes were word for word as long as all the key points raised are listed there for the people working on the changes to developing the budget. The Borough Clerk assured him that due diligence will be taken in drafting the minutes. Mr. Platt was concerned that the minutes won't be available to Council Members until after the July Council meeting. He wants to know when they will get the meeting minutes. The Clerk said they will get them at the appropriate time. All Council Members were present at that meeting and they will get the minutes when he drafts them. Mr. Platt was assured that the Council's memories are fine.

Lynn Pendleton, 249 Ocean Avenue, said maybe a more poignant thing to present to the public would be to give them an indication on what it would cost if our volunteer fire department was a paid fire department; the cost would be exorbitant. She came from a town with a paid fire department and the taxes were outrageous to cover it. Maybe the public should know what it would cost if they had to pay all their salaries. A member of the public said a low ball estimate would be two million dollars.

Council Bendel reminded the Mayor that it would be a good time to note that they were still on the subject to table that motion. That they have strayed from the subject and could they please get back to the actual public hearing.

A member of the public asked that, since they don't have a budget tonight, how does the process proceed? Do we go through the same process again? Council presents a budget and then it gets 30 days for the public to review it and then it gets a public hearing? The CFO explained that they are going to end the public hearing that whatever action the Council decides to take, which they are tabling it, they are going to have further discussions to amend the budget that was presented. Advertising. Then, they are going to



have a public hearing only on the amendments to the budget after the amendments are made. And then Council takes action. The amendments don't have to be approved by the State after the Council takes action and we can approve our budget.

Councilwoman Thompson asked that when we come back to a public hearing on the amendments, that public hearing can only be on those amendments presented. The CFO said yes. However, the Borough Clerk noted that other comments could be made during the public comment period of the meeting.

Councilwoman Thompson asked if they voted on the budget today and it was voted down, then there would be a completely new budget presented and the hearing would be on the completely new budget. The CFO replied that had never happened in her 29 years experience and that she would have to call DCA to ask what needed to be done.

Maureen DeSantos-Scott asked what the amendments are. Then several members of Council, in unison, replied that they didn't know yet. They are still on the original budget and haven't worked on that yet. There possibly will be another public meeting to work on it or maybe meet 3 at a time.

Brian Gabriel, 185 Summit, said what they commented on tonight was presented. So if a line item is changed that's the only thing that can be discussed at the next public meeting. But what if the change at the next meeting, you have to take money from something else that wasn't discussed tonight, what would you do? The CFO stated that would have to be discussed too, because it was changing and both would need to be amended. He said that he was under the impression from the last meeting that this budget process would have to start over if there needed to be amendments to this budget.

Kevin Arnold, 262 Summit Ave., asked if they table the budget they don't need two readings. If they shoot it down, do they still need two readings. The CFO said if they shoot it down she needs to call DCA and ask what to do because it's never happened to her as a CFO. If they table it, they continue to work on it to amend it. Mr. Arnold stated that he was worried that there wasn't going to be a budget in place to finance his department. The CFO explained that there was a temporary budget ready to vote on so that expenses could continue until the full budget is adopted.

The Borough Clerk called for any more public comments. Being no further comment a motion was made to close the public hearing.

First to Close Hearing Bendel Second Berglund  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Motion to Table the Municipal Budget Resolution 2016-163**

First: Bendel Second: Pillion

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			

X		Bendel	X			
		Berglund	X			
	X	Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**IF THE BUDGET IS NOT APPROVED**

**Resolution 2016-158 Amending the Temporary Budget for the Year 2016**

**BOROUGH OF ISLAND HEIGHTS  
COUNTY OF OCEAN**

**2016-158  
AMENDING THE TEMPORARY BUDGET  
FOR THE YEAR 2016**

**WHEREAS**, Resolution 2016-1 established the Temporary Budget for the Year 2016;  
and

**WHEREAS**, The Mayor and Council of the Borough of Island Heights, County of Ocean, desires to amend the Temporary Budget for the year 2016; and

**WHEREAS**, the Chief Financial Officer for the Borough of Island Heights has prepared a list of amended temporary budget appropriations for the year 2016, attached hereto and made part hereof as Schedule "A".

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Borough Council do hereby adopt Schedule "A" attached hereto and made part hereof as amendments to the Temporary budget of the Borough of Island Heights for 2016.
2. That certified copies of this resolution shall be forwarded to the Municipal Auditor and the Chief Financial Officer for the Borough of Island Heights.

**ADOPTED** At a regular meeting of the Borough Council of the Borough of Island Heights held on Tuesday, June 28, 2016.

Attest:

Borough of Island Heights

\_\_\_\_\_  
Joseph Kostecki, Clerk

\_\_\_\_\_  
Jeffrey Silver, Mayor

**CERTIFICATION**

I, Joseph Kostecki, Borough Clerk of the Borough of Island Heights, do hereby certify that the foregoing Resolution was presented and duly adopted by the Borough Council at a meeting held on Tuesday, June 28, 2016.

---

**Joseph Kostecki, Clerk**

Amendment provides for temporary coverage through the end of August.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
	X	Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-159** Authorizing the Camp Meeting Restoration Association to make beautification efforts on Borough Property.

**RESOLUTION 2016-159**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CAMP MEETING  
RESTORATION ASSOCIATION TO MAKE BEAUTIFICATION EFFORTS ON BOROUGH PROPERTY**

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby authorize the Camp Meeting Restoration Association to make beautification efforts on Borough property.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 28<sup>th</sup> day of June, 2016, in the Borough Hall, Island Heights, New Jersey.

---

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

Councilwoman Snow stated that there is a group called the Camp Meeting Restoration Assoc. who is represented by Lynn Pendleton and Angela Whitehill. Lynn Pendleton spoke and said they had started working by getting bids and sending a letter to ask the people of the town for funds to help them do what they want to do. The Association wants to fix the steps, and restore them so they are usable. They are planning to put Jersey block along Ocean Avenue and backfill it so they can add a garden along Ocean Avenue. They would like to put some shrubbery and plantings along East Camp Walk and West Camp Walk roads. The goal is to do the frontage and perimeter. They would like to put in an irrigation system and beautify the gazebo by painting and refurbishing so it has more of a Victorian feel. They would like to raise \$30,000 and already have 10% of the goal met by a donation from the Island Heights Garden

Club. The fund raising letter is going out and they are asking significant contributions to a few select people and then a second letter will go out to the general public for whatever they can give towards it.

Councilwoman Snow asked for clarification on what the irrigation system would be. Ms. Pendleton said they are talking to irrigation people to get estimates but they would have to be able to tie into some water source. They would pay for that if the water source was available. The Mayor said there is a water source nearby but it would have to be metered. Councilwoman Thompson asked if it would be a sprinkler system. Ms. Pendleton replied that it would not be a sprinkler system, it would just be irrigation where there were plantings.

Councilman Berglund asked if the Camp Meeting Association was filing for 501 C3 protection. Ms. Pendleton said no, the Garden Club has never had it and it is a long process to get it. The Borough Clerk told her he would be more than happy to help them get it. It was discussed that since the project would have continuing costs it would be beneficial to file for a 501 C3. Ms. Pendleton said the bill for the irrigation would go to the Garden Club and they would pay for it.

A resident proposed that since it was for upkeep of public property, maybe the Association shouldn't have to pay for the water to upkeep the plants. The Borough Attorney said that since it was a use of a public resource that ultimately the borough would have to pay for it since it is an insular group that is using it, the group would pay for it. Ms. Pendleton said that they weren't using it, just fixing it up to make it available for the public and make it a nice space for people to use. They are volunteering to raise money and work at no expense to the taxpayers. Councilwoman Thompson stated that people were taking wedding photos there, and this may be another source for a rental. Councilwoman Thompson would like the resolution to reflect that the Council is accepting the donation of goods, because they are planting things on Borough property and once it is there, it becomes the property of the Borough. Since it is a generalized resolution and we don't know what we are getting, the Borough Attorney said that the resolution was appropriate as is. The Garden Club was asked to supply the Borough with proof of insurance and a hold harmless agreement with all the members' names.

Council agreed to provide water free of charge to the Garden Club.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	x	Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
x		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-160** Approving a Vendors Permit for Down the Shore

**RESOLUTION 2016-160**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING A VENDORS PERMIT FOR DOWN THE SHORE ICE CREAM**

**WHEREAS,** Down the Shore Ice Cream, P.O. Box 1247 , Island Heights, NJ 08723, desires to sell ice cream in the Borough of Island Heights from an ice cream truck;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Vendor Permit for Down the Shore Ice Cream .

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 28<sup>th</sup> day of June, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC,QPA, CMR  
Municipal Clerk

Councilman Berglund thought that these types of permits should not need a council meeting as they already amended the Ordinance. Councilman Pillion said that he would prefer that these permits be brought in front of the Council so that you know who is coming into town and you see the paperwork. He thinks the reason the Council should be involved is if there is a problem with the licensee, the Borough can inform them that they are going to have a hearing to revoke their license in case they come into compliance. He believes the process needs to be tightened up. Councilman Berglund said that all the information needed and background checks are being done properly and doesn't see why it needs to be done by resolution. Councilman Pillion said that it is because it is reviewed by the Council and if they are comfortable with what they see, they can approve it. Councilman Berglund pointed out that the information of whether they paid the appropriate fees and so forth are on the current form. Councilman Pillion said no. He said the level of scrutiny should increase.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
X		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**Resolution 2016-161 Appointing Kathleen M. Lombardo as Part Time Administrative Assistant**

**BOROUGH OF ISLAND HEIGHTS  
COUNTY OF OCEAN  
RESOLUTION 2016-161**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, APPOINTING KATHLEEN M. LOMBARDO AS PART TIME  
ADMINISTRATIVE ASSISTANT**

WHEREAS, the Borough of Island Heights is in need of a part-time Administrative Assistant; and

WHEREAS, Kathleen M. Lombardo has applied for the position;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Kathleen M. Lombardo as part-time Administrative Assistant for the Borough of Island Heights, at an hourly of \$12.50 per hour, not to exceed 28 hours per week.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 28<sup>th</sup> day of June, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

The Mayor explained that Kathleen was going to helping out in the office just for the summer. She would be starting July 5<sup>th</sup> and running through Labor Day. It would be for 28 hours per week at \$12.50 per hour.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-162 Appointing Paige E. VanDuyne to the Summer Recreation Program**

**BOROUGH OF ISLAND HEIGHTS  
COUNTY OF OCEAN  
RESOLUTION 2016-162**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING PAIGE E. VAN DUYN TO THE SUMMER RECREATION PROGRAM**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Paige E. Van Duyne to the Summer Recreation Program.

BE IT FURTHER RESOLVED, that the hire will be at a stipend of not to exceed \$500.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 28<sup>th</sup> day of June, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC,QPA, CMR  
Municipal Clerk

Based on a previous conversation in the meeting, the Borough Clerk requested that this matter be reintroduced with the amendment specifically mentioning the \$500 flat fee stipend. This employee would be covered by the JIF.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	x	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-172 Authorizing the Issuance of Estimated Property Tax Bills Pursuant to N.J.S.A 54:4-66.2 et seq**

The Mayor read the resolution in its entirety.

**WHEREAS**, the Borough of Island Heights has not adopted its budget for 2016; and

**WHEREAS**, it is anticipated that the Borough of Island Heights will not be able to issue tax bills for the year 2016 in advance of the third quarter taxes due on August 1, 2016; and

**WHEREAS**, the Borough of Island Heights has determined that there will be insufficient cash inflows to support operations in late July 2016, unless third quarter tax revenue is received on time;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Island Heights as follows:

1. The Tax Collector is hereby authorized to take all steps necessary to send out estimated bills for the third quarter 2016 in accordance with the provisions of N.J.S.A. 54:4-66.2 et seq.

2. The estimated tax rate based on calculations of the Tax Collector/Chief Financial Officer of the permissible tax levy range for estimated billing purposes is set at 1.801% which equates to \$1.817 per \$100 of assessed value.
3. That the Tax Collector takes any and all additional steps to immediately implement these directives.

Public Comment

MelissaWudzki – 108 Jaynes Avenue. Does this budget issue in any way impact what our tax bills are going to be. The Borough Clerk explained that this was only estimated tax bills.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
	x	Bendel	X			
x		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**Resolution 2016-168 Approval of Bill List**

Public Comment

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	X			
	x	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**Resolution 2016-170 Appointing Nicholas Luttrell as Summer Seasonal Labor**

The Mayor explained that Nicholas Luttrell would be working 28 hours per week at \$12.50 per hour for the Department of Public Works as part-time personnel. He will be doing four, seven-hour days through September 5, 2016. He will primarily be staying on Borough common areas running a lawnmower, weed whacking, blowing, cleaning up of all Borough common areas and along the riverfront. He will be under the direction of the Mayor and Councilman Berglund with the assistance of the Public Works Assistant Superintendent, Jon Brodbeck to supply the materials needed to perform the work.

Public Comment

Roll Call



MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**Resolution 2016-171 Approving a Raffle License for the Artist's Guild**

Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**5. PURCHASE ORDER**

**Resolution 2016-164**

**Approving the Following Purchase Order**

Vendor:

Coded Systems

Item:

Ordinance Codification

Amount:

\$2,000.00

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-165**

**Approving the Following Purchase Order**

Vendor:

GP Jager Inc.

Item:

71629 Lonza Constant Chlor Briquettes 50# Pail

Amount:

\$2,857.44

A resident asked where these are stored. The Mayor said they were stored inside the water plant but we

are looking to build an outside storage shed. The pad was made at the end of last year but he doesn't have the money in the budget to spend on a storage shed at this time. The resident raised a concern that it would cause an issue with the equipment in the building where it is being stored, and is there an alarm monitoring system that would alert the workers if there is some sort of problem when they opened the door. They should be stored safely. The Mayor said he was going to reach out to Jason Murt. Councilman Berglund stated that Jason has not expressed concern because the building is so large compared to the size of the bucket that it should be sufficient.

Another resident asked if that was something the Fire Official should be looking into. The Mayor said the Fire Official has gone down there and has not called his attention to anything that was mishandled or mis-stored, mis-stacked or anything like that, but he will follow up with Jason Murt.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	x	Asay	X			
		Bendel	X			
x		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**Resolution 2016-166**

Vendor:  
Item:  
Amount:

**Approving the Following Purchase Order**

Yardville Supply  
Hydrated Chem Lyme and Zone 3 Delivery Zone 1-5 Pallets 99102  
\$969.00

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
	x	Bendel	X			
x		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**6. COUNCIL REPORTS**

**Councilman Bendel** stated that at the last Council Meeting they passed a resolution asking if the State could relieve us of having to advertise in the Asbury Park Press. The Ocean County Mayors Association has passed that same resolution

**Councilman Berglund** addressed two letters that Ann S. Blain of 233 Westray Avenue wrote to the Council stating:

“This is the public response to Mrs. Ann S. Blain, 233 Westray Avenue. It refutes her claim that she put on a sign visible to the public on Westray that the Department of Public Works has dumped trash on her property. The accusation is false. During Sandy, a tree on the Blain property fell into Westray and, in the interest of public safety, the DPW cut it back near the property line and moved the top section back onto the Blain property. No “dumping” was done by the DPW on the Blain property.

There is another significant public safety issue pertaining to the Blain property that involves the DPW. All property owners in Island Heights are required to maintain their property. If they do not maintain their property the Mayor is authorized to use DPW personnel to correct the property owner's omissions and shortcomings. The property owner is liable for this cost and it is typically assessed as a lien against the property.

The Blain property on Westray is overgrown and poses a significant safety hazard to the public as they drive near the entrance to the Municipal Complex at the intersection of Westray and East End Avenues, plus a safety hazard to the health of the DPW workers attempting to maintain the right-of-way limiting sight distance and obscuring traffic control signs. The DPW has the right to clear vegetation which poses a safety hazard and the property owner is liable for this cost. This was done by the DPW along East End and Westray Avenues on the Blain property.

The vegetation posed a significant hazard to the workers of the DPW as they have attempted to mow and maintain the sight distance along East End Avenue. The vegetation contains thorn bushes which have scratched the mower operators, causing lost time to the department. Clearing the vegetation back to near the property line has removed this hazard for the time being.

Mrs. Blain provided a lengthy hand-written letter to the Mayor and Council, which was delivered at the last Council meeting. A second letter, dated 6/27/2016, has been received. Since Mrs. Blain has chosen to post a public notice as well as write these two letters, the response to the issues she brings up is therefore a matter of public record.

As the Council liaison to the DPW, I have instructed the DPW to continue to maintain the sight distance for the public safety and when the vegetation again has made it impossible or unsafe for them to do their work, the issue is to be turned over to the Borough Code Enforcement Officials for their action against the property owner."

**Council President Asay:** The Council requested that our federal government and our Department of Defense maintain this tanker fleet and the future tanker fleet at the Joint Base. The Press stated on June 24 that they are 1 of the 5 finalist to receive some of the new tankers that will arrive in 2020.

Also, a Press Article of June 20th entitled "Who's Under Water?" which is a list by municipality of the percentage of properties found using public records and average sale prices of the number of properties that are "under water" in municipalities. Meaning the owners potentially owe more than the property is worth. Island Heights is number 8 at 15.5%. We are number 8 out of 22 municipalities. So we are up there.

**Councilman Pillion** differed to Lt. Arnold of the police on any activities or news he would like to report to the community and the Council.

Lt. Arnold stated that they have been steady since hiring new officers. Lots of traffic enforcement, DUI's, several drug arrests. Councilman Pillion said that the extra personnel have made an impact on addressing crime, quality of life issues, public safety issues and vehicular traffic.

**Mayor Silver** apologized to the fire department that he could not make Summer Brew. His daughter had an engagement party planned for the same day. He couldn't break away and asked how the event went?

Mike McDaniel, Assistant Chief and Chair Person, reported that turnout was excellent. There were no incidents and everyone had a good time. They consider it a success and they have scheduled it for the last Saturday in June next year. Councilman Pillion said he attended it for a couple of hours and it was the most well run event he has attended. It's orderly. The product they are providing, entertainment, food, and beer, is excellent. There is plenty of it. It draws people from inside and outside of the community

which is important because the fire company needs to raise that kind of money on a regular basis. It is all weather dependent. It's very well run. He can't think of a better run event that services the needs of the community and provides good entertainment for the surrounding area. He thanked the department members for having it. Councilwoman Snow apologized for not being there as she had a previous engagement.

**Councilwoman Snow:** The 4<sup>th</sup> of July Bike Parade held by the Recreation Committee every year will be held on Monday, July 4<sup>th</sup> at 11:00 a.m. It was last minute information. She asked Lt. Arnold if everything was good for it to go on. She said that refreshments will be served after the parade.

Also the Recreation Program will be starting July 11<sup>th</sup> and running through August 19<sup>th</sup>. Councilwoman Snow will be purchasing basketball hoops and nets because they keep getting stolen. As soon as they are in place she will have DPW install them. The flyers for the program will be posted at the Borough and the kiosk by the Post Office. They will be posting a schedule for the sports programs and arts and crafts activities for the children this year.

**Councilwoman Thompson:** There were a total number of 11 tax appeals the municipality received. One was a commercial property which was handled by the State. There were 10 that were filed with our Assessor and then it goes to the County. There was a hearing on June 10 which 8 were settled and 2 more are still being discussed. The Assessor has been coordinating with our Construction Official, and she will be going out doing inspections during the summer on those properties with improvements so she can get those on the tax rolls by October 1 so they can be included in the next tax year.

**Mayor Silver** stated that he was working with the Eagle Scouts to repair the bulletin board over by the Post Office. Part of the roof blew away and its deteriorating after decades out there. The Eagle Scout did a material list and the Mayor will have DPW do the demolition. The project hopefully will be completed by Labor Day. It will be in the same footprint as the old one. It will be given visual enhancement with white PVC as opposed to the weathered pine that is there now.

The Mayor opened the floor to Public Comment.

Ann Blain of 233 Westray Avenue commented on Mr. Berglund's statement. She said that it was dumped there and Jon Brodbeck told her he had dumped some stuff there. Also, the thing she is complaining about, is the vines and stuff they never cared for on their area was shoved up onto her property and it is still there. She thinks if they are going to clear, they should cart it away. They shouldn't be shoving it up into her woods. She would like that to be known. They did not clean what they took out in their area. There is a 10 foot setback from the street to her property line. What they gathered up in their area they shouldn't have dumped onto her property. She was never notified her of any of this. She didn't know it was going to happen. She believes she should have been notified that they were going to clear the area. She has pictures.

Councilman Berglund replied that if she, as any other property owner, maintained her property up to its battery limits then the vines and thorn bushes that grew from hers would not extend out where they would have to be worked on by the Public Works. All they did was return her growth back to her property.

Mrs. Blain said it wasn't her property they cleared. She said she went to the code officer, all the questions she needed answered, he answered and she commends him for that. Councilman Berglund continued that when a property owner maintains their property up to their boundary limits, there is no problem and we can maintain the rest of the Borough property. But when you get scratched to where there is lost time, then there is no reason we can't use heavier machinery and push the product back into the property.

Mrs. Blain asked that if someone has pushed debris up onto their lawn or their garden, is that responsible? Councilman Berglund replied that if she maintained her property, then the scenario which she just

described wouldn't happen. Mrs. Blain asked him what he considered maintaining since where the borderline is, is Borough area. It isn't her property. Her roses have been uprooted. Councilman Berglund explained that this will not happen again because it will be handled through the Code Enforcement Official.

The Borough Attorney confirmed that it is the duty of the DPW to keep the easement clear and push any overgrowth back onto the property it came from.

Lynn Pendleton, 249 Ocean Avenue requested a sign for no feeding the fowl for Island Heights yacht club. It is getting worse and worse. The Mayor told her she could have her sign. She also requested a garbage can for the end of Ocean Avenue. People are not carrying in/carrying out. Her request for a garbage can was denied by the Mayor.

Brian Gabriel, 185 Summit Avenue asked that the Council not skip through the Public Comment section on the agenda. The Mayor told him he will make sure he pays more attention into looking toward the public for comment.

Kevin Nelson, 109 Jaynes Avenue, urged the Council to take seriously the topic that was tabled on sewage and water for Jaynes Avenue and the corresponding streets. He would invite anyone to come after a significant rainstorm and watch the sewer vents pop off and watch all the paper and sewage flow down the street and into the river. It is on a street where his children play. He would like to make his voice heard that Council take the issue seriously and overcome any personal issues. Councilman Pillion said he supports doing whatever needs to be done to try to improve the sewer and water. The town is in need of extensive improvement and it is costly. He stated Council will give it a lot of serious consideration.

Adjournment at 9:35 p.m.

Motion to adjourn made by Councilman Bendel. Seconded by Berglund. All in favor.

---

Municipal Clerk

**BOROUGH OF ISLAND HEIGHTS  
SPECIAL COUNCIL MEETING  
JULY 6, 2016  
1:00 P.M.**

The Special Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975, Chapter 231 (Section 10:4-10). Notice of the Meeting sent to the Asbury Park Press on June 29, 2016, published on July 3, 2016 and is posted on the bulletin board, and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present		X	X	X	X	X	X	
Absent	X							X

Also present: Margaret "Peggy" Gorman, CFO

**1. BUDGET WORKSHOP DISCUSSION**

Councilman Pillion asked to take \$15,000 from the police salary and wages and put that towards the Island Heights Fire Department donation, along with \$6,000 from Code Enforcement and Zoning salary wages. The total contribution would be \$21,000.

Councilwoman Thompson asked if the \$21,000 would be in addition to the \$19,000 that the fire company currently receives from the borough as well as the LOSAP payments. She also wanted to know what the total amount of the Borough's contribution would be.

The contributions would be: \$21,000 plus the current \$19,000, plus LOSAP, which is \$22,500, plus \$4,000 insurance. Additionally, the police did coverage for the Summer Brew event, for which the Borough does not get reimbursed. Police coverage for the event cost \$2,300 which is an in kind contribution. The annual contribution to the fire department for 2016 will be \$66,500 without the police coverage included.

The fire department will submit invoices quarterly to the Mayor and CFO showing their expenses. The CFO will pay the fire department by dividing the total contribution amount for the year (\$19,000 plus \$21,000) into quarters and cut them a check for whatever the amount is for the quarterly bills. The fire department must submit invoices to justify the contribution. The

2016 contribution will be retroactive to January 2016 but nothing will be paid until the budget is adopted.

## 2. OLD BUSINESS

CFO Gorman explained that the Bond Ordinance that was tabled last week will not be reintroduced at this meeting because the Borough received a letter from the Department of Environmental Protection (DEP) in regard to violations, to which remediation must be initiated within 90 days, or a fine will be imposed retroactive to the date of the inspection.

The costs include electrical upgrades for ten pump stations. This includes an alarm monitoring system and transfer switch for each station and a generator. Also there will be additional costs for other repairs.

CFO Gorman asked to amend the Bond Ordinance to amend the \$300,000 costs and switch it out of the repair for the water and sewer lines and put it into a subsection of the ordinance to basically meet the DEP's order for the repairs of the substations.

The other projects to be included under this bond ordinance will be Jaynes Avenue under the 2015 road program, then Maple Avenue under the 2016 road program and any emergencies that may happen.

The amended bond ordinance will be introduced at the July 13, 2016 meeting.

## 3. RESOLUTIONS

**Resolution 2016-167** Authorizing the Borough Engineer, Maser Consulting, to Proceed With design, preparation of bidding specifications, bidding, technical analysis and recommendation, construction oversight and contract close-out activities for water and sewer service inspection, repair and/or replacement for Jaynes Avenue.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-173** Appointing Kimberly Barry as a Seasonal Public Works Employee for 28 hour a week for \$12.50 an hour through Labor Day.

Councilman Berglund stated that the person appointed as seasonal labor at the last meeting lasted one day. Originally the Department of Public Works was two people down, with Kimberly's appointment tonight; there will still be one vacancy.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel	X			
x		Berglund	X			
	x	Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	x			

**4. PUBLIC COMMENT**

Meeting opened to public comment.

First: Councilman Berglund. Second: Councilman Bendel. All in favor.

Maureen DeSantos Scott, 15 Fletcher Place, asked when you take the \$15,000 from the police department and the \$6,000 away from code enforcement, does that mean that next year that money will be gone as well?

Mayor Silver replied, yes. The \$15,000 came from a new clerical position from the Police Department. And the other \$6,000 is the remainder of a new code enforcement individual (a third individual). The CFO is making adjustments to utilize that money for the fire department for 2016.

There being no further comments.

**5. ADJOURNMENT 1:29 p.m.**

First: Bendel            Seconded: Thompson    All In Favor.

---

Municipal Clerk



**BOROUGH OF ISLAND HEIGHTS  
SPECIAL COUNCIL MEETING  
JULY 13, 2016  
4:03 P.M.**

The special Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975, Chapter 231 (Section 10:4-10). Notice of the Meeting was transmitted to the Asbury Park Press on July 7, 2016, published on July 9, 2016 and is posted on the bulletin board, and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present				x	x	x	x	x
Absent	x	x	x					

Also in attendance: Margaret “Peggy” Gorman, Chief Financial Officer

**1. PUBLIC COMMENT**

No members of the public were present at this meeting.

**2. ORDINANCE**

**Ordinance 2016-09** Bond Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Providing for Various Water and Sewer Improvements in and for the Borough of Island Heights and Appropriating \$937,500 therefore. And Providing for the Issuance of \$937,500 in Bonds or Notes of the Borough of Island Heights to Finance the Same. (First Reading)

CFO Gorman explained that this Bond Ordinance provides for \$300,000 to remediate the deficiencies that DEP ordered the Borough to begin within 90 days or face fines dating back to the initial inspection. The Mayor added that this bond ordinance would also cover costs to remediate water and sewer issues with regard to Jaynes and Maple Avenues.

Councilwoman Thompson commented that Councilman Berglund explained that the engineers calculated a cost of \$220 per linear foot. The engineers did contact and collaborate with other utilities to come up with that number. The Mayor added that there would be a total of 2300 feet

of pipe to replace. The costs would include hard cost and soft cost. It is not for the water and the sewer lines, the Mayor believed that some of the sewer might not have to be replaced. The \$220 per linear foot would replace all the water lines. The sewer lines would cost more. However, not all the sewer lines would need to be replaced.

Councilman Pillion observed that it is conceivable when the work is started on Jaynes Avenue, you could do \$220 for water and find that there is going to be another linear foot cost for sewers that either need to be lined or replaced. There may not be enough in this bond ordinance left for Maple Avenue and we might have to do another bond ordinance. Councilman Pillion supports doing the sewer and water on Jaynes Avenue. Jaynes, Simpson and the electrical boxes are the biggest projects right now.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Ordinance 2016-10** An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Granting Comcast of New Jersey to construct, connect, operate and maintain a Cable Television and Communications System in the Borough of Island Heights, New Jersey. (First Reading)

Mayor Silver explained that this ordinance was drafted by Comcast and there was an error in the ordinance they drafted. The ordinance reads on page 2, Section 4, under Duration of Franchise, that “The non-exclusive Municipal Consent granted herein shall expire **fifteen (10)** years from the date of expiration of the previous Certificate of Approval as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6.” The mayor adjusted the typo of “fifteen (10) years” by crossing out the “fifteen” and writing in “ten” and initialing the adjustment. This will be sent back to Comcast with that correction.

The Mayor said the Borough receives 2% of the franchise revenue annually which varies anywhere from \$12,000 to \$14,000 per year. Comcast will give the Borough a onetime payment of \$5,000 for acceptance of the renewal. Other things Comcast includes are government access for an education channel. TV service with one outlet with basic cable will be given to public, private, intermediate and elementary schools. Councilman Asay worked with Comcast on this agreement. He indicated to the Mayor that he agreed with the contract. He agreed to the \$5,000 renewal amount and he asked for the government access channel which was given.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			

		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

### 3. RESOLUTIONS

#### Resolution 2016-174 Bill List

##### Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
		Pillion	X			
	X	Snow	X			
X		Thompson	X			
		Mayor Silver	X			

#### Resolution 2016-175 Appointing Katherine Fenton-Newman Acting Borough Clerk

Mayor Silver read the resolution in its entirety.

##### Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
	X	Pillion	X			
X		Snow	X			
		Thompson	X			
		Mayor Silver	X			

#### Resolution 2016-176 Appointing a Fund Commissioner and Alternate Fund Commissioner to the Ocean County Municipal Joint Insurance Fund and Excess Fund for Calendar Year 2016.

This resolution appoints Katherine Fenton-Newman as fund commission and Maser Consulting as Alternate fund commissioner to the Ocean County Joint Insurance Fund.

##### Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
		Snow	X			

	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-177 Appointing Katherine Fenton-Newman Safety Coordinator**

The Mayor read the resolution in its entirety.

**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-178 Appointing Leanna D'Amico Seasonal Office**

**Assistant at a rate of \$12.50 per hour not to exceed 28 hours per week**

Mayor Silver explained that this position will only be effective through Labor Day. The person previously appointed to this position found out she could not take the position because of a conflict with her pension.

**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-183 Appointing Donald O'Connor as Summer Seasonal Laborer at a rate of 12.50 per hour not to exceed 28 hours per week.**

**(WALK ON)**

Councilwoman Thompson wanted to make clear in the minutes that prior employees appointed to the department of public works have resigned from the job for different reasons. The new employees are substitutions for prior individuals who did not fulfill the responsibilities of the job. The Mayor said that there are still two vacant positions in public works that need to be filled.

**MOTION: Pillion SECOND: Snow ABSENT: Asay, Bendel, Berlund  
ALL IN FAVOR**

**Resolution 2016-179 Authorizing the Refund of 1<sup>st</sup> Quarter 2016 Taxes in the Amount of \$2,627.98 for Block 43, Lot 4.02 in the name of Caroline Biase Due to Being Tax Exempt for 100% Veteran Disabled Starting with the Tax Year 2016**

The Mayor read this resolution in its entirety.

**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
		Pillion	X			
	X	Snow	X			
X		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-180 Certification of the Annual Audit**

CFO Gorman stated there were no comments for 2015 by the auditors.

**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
	X	Pillion	X			
		Snow	X			
X		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-181 Introduction of Amended 2016 Budget**

Councilman Pillion said he reviewed the amendments and they reflect the changes made at the last public meeting. An unfilled administrative position in the police department budget for \$15,000, and an unfilled position in the code enforcement budget in the amount of \$6,000, was transferred to the Island Heights Volunteer Fire Department contribution in the 2016 budget. The original budgeted contribution amount was \$19,000. Adding the amended amount of \$21,000 brings the total contribution to the fire department for 2016 to \$40,000.

**Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			

		Mayor Silver	X			
--	--	-----------------	---	--	--	--

**4. PURCHASE ORDER**

**Resolution 2016-182**

**Approving the Following Purchase Order**

Vendor: GP Jager Inc.  
 Item: 71629 Lonza Constant Chlor Briquettes 50# Pail  
 Amount: 2,857.44

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**5. COUNCIL REPORTS**

Councilwoman Snow reported that she and her husband removed the rope netting from the basketball courts. They replaced them with new chain nets in hopes they will not be vandalized. Recreation sports began Monday night. 16 children showed up. 8 showed up last night. Arts and crafts will be tonight.

Monday and Tuesday are sports activities and Memorial Park. Wednesday and Fridays are arts and crafts. The schedule revolves around the work and school schedules of the young ladies working on these programs.

Mayor Silver reported that his Eagle Scout project of replacing the bulletin board by the post office is still moving forward. The scouts are getting material donations from Home Depot, Lowes, and other lumber yards and material places. Public Works will level the area and do demolition. They will beautify the area. After it is built there will be a Plexiglas cover over all three areas so everything will be behind Plexiglas.

**6. ADJOURNMENT AT 5:05 PM**

MOTION: Pillion SECOND: Snow ABSENT: Asay, Bendel, Berlund  
 ALL IN FAVOR

Respectfully Submitted,

Katherine Fenton-Newman, Acting Municipal Clerk

**BOROUGH OF ISLAND HEIGHTS  
SPECIAL COUNCIL MEETING  
JULY 13, 2016  
4:03 P.M.**

The special Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975, Chapter 231 (Section 10:4-10). Notice of the Meeting was transmitted to the Asbury Park Press on July 7, 2016, published on July 9, 2016 and is posted on the bulletin board, and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present				x	x	x	x	x
Absent	x	x	x					

Also in attendance: Margaret “Peggy” Gorman, Chief Financial Officer

**1. PUBLIC COMMENT**

No members of the public were present at this meeting.

**2. ORDINANCE**

**Ordinance 2016-09** Bond Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Providing for Various Water and Sewer Improvements in and for the Borough of Island Heights and Appropriating \$937,500 therefore. And Providing for the Issuance of \$937,500 in Bonds or Notes of the Borough of Island Heights to Finance the Same. (First Reading)

ORDINANCE NO. 2016 - 09

BOND ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND FOR THE BOROUGH OF ISLAND HEIGHTS AND APPROPRIATING \$937,500 THEREFOR. AND PROVIDING FOR THE ISSUANCE OF \$937,500 IN BONDS OR NOTES OF THE BOROUGH OF ISLAND HEIGHTS TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOROUGH OF COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Island Heights, in the County of Ocean, New Jersey (the "Borough") as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$937,500. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$937,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness are as follows:

Purpose:



A. To inspect, repair or replace water and/or sewer lines thru out the Borough, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$637,500

Amount of Bond or Notes: \$637,500

Period or Average Period of Usefulness: 40 years

B. Upgrade of electrical work at the various pump stations to include and not limited to the replacement of electrical control panels, installation of a cellular central station monitoring system, alarm monitoring systems at each pump station, transfer switches at each pump station and a trailer mounted generator with lighting to be utilized at each pump station, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$300,000

Amount of Bond or Notes: \$300,000

Period or Average Period of Usefulness: 15 years

(b) The maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial

officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 32 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$937,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$187,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorized obligations of the Borough solely for a purpose described in N.J.S.A. 40:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance. This Section 6(f) is a declaration of intent

within the meaning and for purposes of Treasury Regulation §1.150-2 or any successor provisions of federal income tax law, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved.

#### NOTICE

NOTICE IS HEREBY GIVEN that the forgoing Ordinance was duly introduced and passed upon first reading at a meeting of the governing body of the Borough of Island Heights, in the County of Ocean, NJ held on June 13, 2016. Further, notice is hereby given that said Ordinance will be considered for final passage and adoption at a public meeting to be held on August 9, 2016 at 7:00 p.m. at the Island Heights Municipal Building, 1 Wanamaker Municipal Complex, Island Heights, New Jersey, or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Borough Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

\_\_\_\_\_  
JOSEPH KOSTECKI, MPA, RMC, QPA, CMR  
Municipal Clerk

CFO Gorman explained that this Bond Ordinance provides for \$300,000 to remediate the deficiencies that DEP ordered the Borough to begin within 90 days or face fines dating back to the initial inspection. The Mayor added that this bond ordinance would also cover costs to remediate water and sewer issues with regard to Jaynes and Maple Avenues.

Councilwoman Thompson commented that Councilman Berglund explained that the engineers calculated a cost of \$220 per linear foot. The engineers did contact and collaborate with other utilities to come up with that number. The Mayor added that there would be a total of 2300 feet of pipe to replace. The costs would include hard cost and soft cost. It is not for the water and the sewer lines, the Mayor believed that some of the sewer might not have to be replaced. The \$220 per linear foot would replace all the water lines. The sewer lines would cost more. However, not all the sewer lines would need to be replaced.

Councilman Pillion observed that it is conceivable when the work is started on Jaynes Avenue, you could do \$220 for water and find that there is going to be another linear foot cost for sewers that either need to be lined or replaced. There may not be enough in this bond ordinance left for Maple Avenue and we might have to do another bond ordinance. Councilman Pillion supports doing the sewer and water on Jaynes Avenue. Jaynes, Simpson and the electrical boxes are the biggest projects right now.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X

		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Ordinance 2016-10** An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Granting Comcast of New Jersey to construct, connect, operate and maintain a Cable Television and Communications System in the Borough of Island Heights, New Jersey. (First Reading)

**ORDINANCE NO. 2016 – 10**  
**AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF ISLAND HEIGHTS, NEW JERSEY**

**Upon adoption, this ordinance shall supersede and replace Ordinance # 2001-03 codified as Island Heights Borough Code Section 24-1.**

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY, AS FOLLOWS:

**SECTION 1. PURPOSE OF THE ORDINANCE.**

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

**SECTION 2. DEFINITIONS.**

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. “Borough” or “Municipality” is the Borough of Island Heights, County of Ocean, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of New Jersey.
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New

Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.

- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

### SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

### SECTION 4. DURATION OF FRANCHISE.

**The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the date of expiration of the previous Certificate of Approval as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6.**

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

### SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

### SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the

entirety of the Municipality and any property subsequently annexed hereto.

#### SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

#### SECTION 8. CONSTRUCTION REQUIREMENTS.

- a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.
- b. Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.
- c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

#### SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Municipality upon written request of the Municipality Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association ("NCTA").
- d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

#### SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the



Municipality pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

#### SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

#### SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the municipality a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school building is within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future public building including the municipal building, police, fire, emergency management facility and public library in the Municipality, provided the facility is located within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality.

c. The Company shall provide the Borough with a Government Access Channel on which the Borough shall be permitted to post any appropriate content related to Borough business and activities. The Company shall provide the Borough with all equipment necessary for the Borough to access the Government Channel and to post content on the channel.

d. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time Technology Grant in the amount of \$5,000 to meet the technology and/or cable related needs of the community.

e. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction

between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

#### SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS.

a. The Company will continue to provide one (1) channel for educational and governmental ("EG") access for the use by Municipality on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611 [47 U.S.C. § 531], and as further set forth below.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over the use of any educational or governmental channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

d. Educational Access. "Educational Access" shall mean non-commercial use by educational institutions such as public or private schools, but not "home schools," community colleges and/or universities.

e. Government Access. "Government Access" shall mean non-commercial use by the governing bodies of the Municipality for the purpose of showing the public local government at work.

f. Indemnification. The Municipality shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities' rules for or administration of access.

#### SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

#### SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of Five Million Dollars (\$5,000,000).

#### SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and

incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

#### SECTION 19. COMPETITIVE EQUITY.

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

#### SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

#### SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

#### SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

#### NOTICE

NOTICE IS HEREBY GIVEN that the forgoing Ordinance was duly introduced and passed upon first reading at a meeting of the governing body of the Borough of Island Heights, in the County of Ocean, NJ held on June 13, 2016. Further, notice is hereby given that said Ordinance will be considered for final passage and adoption at a public meeting to be held on August 9, 2016 at 7:00 p.m. at the Island Heights Municipal Building, 1 Wanamaker Municipal Complex, Island Heights, New Jersey, or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Borough Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

---

JOSEPH KOSTECKI, MPA, RMC, QPA, CMR  
Municipal Clerk

Mayor Silver explained that this ordinance was drafted by Comcast and there was an error in the ordinance they drafted. The ordinance reads on page 2, Section 4, under Duration of Franchise, that “The non-exclusive Municipal Consent granted herein shall expire **fifteen (10)** years from the date of expiration of the previous Certificate of Approval as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6.” The mayor adjusted the typo of “fifteen (10) years” by crossing out the “fifteen” and writing in “ten” and initialing the adjustment. This will be sent back to Comcast with that correction.

The Mayor said the Borough receives 2% of the franchise revenue annually which varies anywhere from \$12,000 to \$14,000 per year. Comcast will give the Borough a onetime payment of \$5,000 for acceptance of the renewal. Other things Comcast includes are government access for an education channel. TV service with one outlet with basic cable will be given to public, private, intermediate and elementary schools. Councilman Asay worked with Comcast on this agreement. He indicated to the Mayor that he agreed with the contract. He agreed to the \$5,000 renewal amount and he asked for the government access channel which was given.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

### 3. RESOLUTIONS

#### Resolution 2016-174 Bill List

##### Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
		Pillion	X			
	X	Snow	X			
X		Thompson	X			
		Mayor Silver	X			

#### Resolution 2016-175 Appointing Katherine Fenton-Newman Acting Borough Clerk

**RESOLUTION 2016-175  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
APPOINTING KATHERINE FENTON-NEWMAN  
AS ACTING-BOROUGH CLERK EFFECTIVE  
AUGUST 1, 2016 THROUGH JULY 31, 2017**

**WHEREAS**, pursuant to N.J.S.A. 40A:9-133, the Borough of Island Heights (the “Borough”) is required to employ a Registered Municipal Clerk; and

**WHEREAS**, on August 1, 2016, a vacancy occurred in the Office of the Borough Clerk caused by the expiration of the municipal Shared Services Agreement between the Borough of Island Heights and the Borough of South Toms River; and

**WHEREAS**, pursuant to N.J.S.A. 40A:9-133, the Borough may appoint an Acting Borough Clerk for a period not to exceed one (1) year and commencing on the date of the vacancy; and

**WHEREAS**, being the vacancy arose, the Borough has need to utilize the services of an Acting Borough Clerk pursuant to the provisions of N.J.S.A. 40A:9-133; and

**WHEREAS**, the Borough Council finds that it is prudent to appoint a successor Acting Borough Clerk, who may be appointed as permanent Borough Clerk upon attaining a Registered Municipal Clerk Certificate, at the sole discretion of the Borough Council; and

**WHEREAS**, Katherine Fenton-Newman possesses the experience necessary and appropriate to perform the function of Acting Borough Clerk in the highest professional manner.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

1. That Katherine Fenton-Newman be and hereby is appointed as Acting Borough Clerk of the Borough of Island Heights for a term commencing on August 1, 2016 and ending on July 31, 2017; and
2. That Katherine Fenton-Newman shall be compensated at a rate of \$23.00 an hour (includes the position of Registrar of Vital Statistics)
3. Working hours will not exceed 28 hours per week
4. Hours are Monday through Thursday, 8:00 a.m. through 3:00 p.m.
5. The hours worked in conjunction with Council Meetings shall reduce the day office hours to ensure overall hours are kept at 28 hours, unless authorized by the Mayor
6. No health benefits, sick, vacation or personal time will be provided The Borough will pay for the completion of Municipal Clerk courses for the goal of achieving the designation of Registered Municipal Clerk.

#### **CERTIFICATION**

I, Joseph Kostecki, Municipal Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution was duly adopted by the Borough Council of said Borough at their special meeting held on the 13<sup>th</sup> day of July, 2016, in the Municipal Courtroom, One Wanamaker Municipal Complex, Island Heights, New Jersey.

---

Joseph Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

Mayor Silver read the resolution in its entirety.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
	X	Pillion	X			
X		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-176 Appointing a Fund Commissioner and Alternate Fund Commissioner to the Ocean County Municipal Joint Insurance Fund and Excess Fund for Calendar Year 2016.**

**RESOLUTION 2016-176  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
APPOINTING A FUND COMMISSIONER AND ALTERNATE FUND  
COMMISSIONER  
TO THE OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND  
AND EXCESS FUND FOR CALENDAR YEAR 2016**

**BE IT RESOLVED**, BY THE BOROUGH Council of the Borough of Island Heights, County of Ocean, State of New Jersey, that Katherine Fenton-Newman is hereby appointed Fund Commissioner, and the firm of Maser Consulting as Alternate Fund Commissioner for Island Heights Borough, for the Municipal Joint Insurance Fund and Excess Fund, effective August 1, 2016, and shall remain in effect until December 31<sup>st</sup>, 2016.

**CERTIFICATION**

I, Joseph Kostecki, Municipal Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution was duly adopted by the Borough Council of said Borough at their special meeting held on the 13<sup>th</sup> day of July, 2016, in the Municipal Courtroom, One Wanamaker Municipal Complex, Island Heights, New Jersey.

---

Joseph Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

This resolution appoints Katherine Fenton-Newman as fund commission and Maser Consulting as Alternate fund commissioner to the Ocean County Joint Insurance Fund.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-177 Appointing Katherine Fenton-Newman Safety Coordinator**

**RESOLUTION 2016-177  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
APPOINTING KATHERINE FENTON-NEWMAN  
AS SAFETY COORDINATOR**

**WHEREAS**, the Safety Coordinator is appointed by the municipality to oversee the safety efforts and act as a liaison between the municipality, the JIF Safety Director, and other outside agencies; and

**WHEREAS**, this person is mainly responsible to see that things get done, and attributes of effective Safety Coordinators include:

- Communication skills, with management, peers and subordinates
- Organizational skills to oversee and monitor reports and paperwork
- Leadership and facilitation skills
- Ability to recognize training needs
- Ability to work with the Safety Committee and delegate tasks
- Eagerness to promote the Safety Program
- Ability to organize and maintain Safety & Compliance Program records
- Enthusiasm to get people on board!

**WHEREAS**, time commitments for the role of the Safety Coordinator vary based on the size of the municipality. Smaller members may have someone devote a few hours each week; mid-size and larger towns may allocate a day or more per week and some larger towns may have a full time appointment.

**WHEREAS**, the most effective Safety Coordinators do not do all the work themselves. They enlist the support of department heads, supervisors and co-workers to see that safety is built into the operations and becomes integrated into everyday operations. It is most important that the person who serves as Safety Coordinator have a genuine interest in reducing accidents and is able to have the ability to get others involved in the process.

**WHEREAS**, some of the duties usually performed by the Safety Coordinator include the following:

- See that the Annual Safety Contract is signed and submitted on time.

- Be familiar with the JIF Safety Incentive Program and monitor departmental participation, seeing that all departments attend Safety Committee meetings, complete safety checklists and Job Site Observation reports, hold department training meetings and participate in MSI or equivalent technical safety training.
- Customize regulatory control plans and update annually.
- Coordinate safety activities and act as liaison between the municipality, the JIF Safety Director and other outside agencies.
- Review the Loss Control reports made by the JIF Safety Director, disseminate the information to appropriate departments, monitor progress on Suggestions for Improvement , and report status to the JIF Safety Director.
- Work with the Claims Coordinator through the Accident Review Process to monitor “Supervisor Incident Investigations Reports,” and help identify corrective actions to reduce the likelihood of reoccurrences.
- Communicate and/or disseminate information generated through the JIF loss control programs, such as training announcements, Safety Director Bulletins, Safety Video and MSI class announcements.
- Work with the Training Coordinator to develop training plans for individual departments and employees by utilizing the MEL Learning Management System. Act as a contact person for various training venues, including MSI classes, safety videos, regional training programs, department safety meetings and other technical safety training resources.
- Schedule and lead Safety Committee meetings; see that each meeting is announced to the members, has a written agenda and that minutes are written for each meeting.
- Facilitate hazard inspections for all buildings, parks and playgrounds according to the Safety inspection plan. Make sure departments complete safety checklists, Job Site Observations and Roadway, Sign and Walkway inspection.
- Maintain safety documentation on site.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Governing Body hereby appoint Katherine Fenton-Newman as the Safety Coordinator effective August 1, 2016 through December 31, 2016.

### **CERTIFICATION**

I, Joseph Kostecki, Municipal Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, hereby certify that the foregoing resolution was duly adopted by the Borough Council of said Borough at their special meeting held on the 13<sup>th</sup> day of July, 2016, in the Municipal Courtroom, One Wanamaker Municipal Complex, Island Heights, New Jersey.

---

Joseph Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

The Mayor read the resolution in its entirety.

Roll Call



MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-178 Appointing Leanna D'Amico Seasonal Office  
Assistant at a rate of \$12.50 per hour not to exceed 28 hours  
per week**

**RESOLUTION 2016-178  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPOINTING LEANNA D'AMICO AS SEASONAL  
OFFICE ASSISTANT AT A RATE OF \$12.50 PER HOUR NOT TO EXCEED 28 HOURS  
PER WEEK**

WHEREAS, the Borough of Island Heights, is in need of a Seasonal Office Assistant;  
and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Leanna D'Amico as Seasonal Office Assistant for the Borough of Island Heights, at an hourly of \$12.50 per hour, four days per week at 7 hours per day, not to exceed 28 hours per week, with seasonal employment ending on September 5, 2016.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 13<sup>th</sup> day of July, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

Mayor Silver explained that this position will only be effective through Labor Day. The person previously appointed to this position found out she could not take the position because of a conflict with her pension.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-183 Appointing Donald O'Connor as Summer Seasonal Laborer at a rate of 12.50 per hour not to exceed 28 hours per week.  
(WALK ON)**

**RESOLUTION 2016-183  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPOINTING DONALD O'CONNOR AS SUMMER  
SEASONAL LABORER AT A RATE OF \$12.50 PER HOUR NOT TO EXCEED 28  
HOURS PER WEEK**

WHEREAS, the Borough of Island Heights, Department of Public Works is in need of Summer Seasonal labor; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Donald O'Connor as Summer Seasonal Laborer for the Borough of Island Heights, at an hourly of \$12.50 per hour, four days per week at 7 hours per day, not to exceed 28 hours per week, with seasonal employment ending on September 5, 2016.

**CERTIFICATION**

I, Joseph A. Kostecki, Municipal Clerk, of the Borough of Island Heights, 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 13<sup>th</sup> day of July, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Joseph A. Kostecki, MPA, RMC, QPA, CMR  
Municipal Clerk

Councilwoman Thompson wanted to make clear in the minutes that prior employees appointed to the department of public works have resigned from the job for different reasons. The new employees are substitutions for prior individuals who did not fulfill the responsibilities of the job. The Mayor said that there are still two vacant positions in public works that need to be filled.

**MOTION: Pillion SECOND: Snow ABSENT: Asay, Bendel, Berlund  
ALL IN FAVOR**

**Resolution 2016-179 Authorizing the Refund of 1<sup>st</sup> Quarter 2016 Taxes in the Amount of \$2,627.98 for Block 43, Lot 4.02 in the name of Caroline Biase Due to Being Tax Exempt for 100% Veteran Disabled Starting with the Tax Year 2016**

**Resolution 2016-179**  
 RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
 COUNTY OF OCEAN, STATE OF NEW JERSEY,  
 AUTHORIZING THE REFUND OF 1<sup>st</sup> QUARTER 2016 TAXES IN THE  
 AMOUNT OF \$2,627.98 FOR BLOCK 43, LOT 4.02  
 IN THE NAME OF CAROLINE BIASE DUE TO  
 BEING TAX EXEMPT FOR 100% VETERAN DISABLED  
 STARTING WITH THE TAX YEAR 2016.

**BE IT RESOLVED**, by the Mayor and Council of the Borough Island Heights that a refund should be drawn to the owner, Caroline Biase due to approval of 100% Veteran Disabled starting with the tax year 2016 for Block 43, Lot 4.02 in the amount of \$2,627.98.

**CERTIFICATION**

I, Joseph Kostecki, Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify the foregoing is a true copy of a resolution duly adopted on the 13<sup>th</sup> day of July, 2016.

\_\_\_\_\_  
 Joseph Kostecki, RMC/CMC

The Mayor read this resolution in its entirety.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
		Pillion	X			
	X	Snow	X			
X		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-180 Certification of the Annual Audit**

2016-180

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT  
FORM OF RESOLUTION

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2015 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Committee of the Borough of Island Heights, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED AT THE MEETING HELD ON 7-13-2016.

  
Clerk

STATE OF NEW JERSEY  
COUNTY OF OCEAN

We, members of the governing body of the Borough of Island Heights in the County of Ocean, being duly sworn according to law, upon our oath depose and say:

1. We are duly elected members of the Committee of the Borough of Island Heights in the County of Ocean;
2. In the performance of our duties, and pursuant to N.J.A.C. 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A. 40A:5-6 for the year 2015;
3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations."

(L.S.) [Signature] (L.S.) [Signature]  
 (L.S.) [Signature] (L.S.) [Signature]  
 (L.S.) [Signature] (L.S.) [Signature]  
 (L.S.) [Signature] (L.S.) [Signature]

[Signature]  
Clerk

Sworn to and subscribed before me this

9th Day of August, 2016  
Katherine M. Fenton-Newman  
 Notary Public of New Jersey



The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.

IMPORTANT: This certificate must be sent to the Bureau of Financial Regulation and Assistance, Division of Local Government Services, P.O. Box 803, Trenton, New Jersey 08625.

CFO Gorman stated there were no comments for 2015 by the auditors.

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
	X	Pillion	X			
		Snow	X			
X		Thompson	X			
		Mayor Silver	X			

Resolution 2016-181 Introduction of Amended 2016 Budget

Resolution 2016-181

Resolution of the Borough of Island Heights,  
County of Ocean, State of New Jersey, to Amend  
2016 Budget in accordance with the Provision of  
NJSA 40A4-9  
July 13, 2016

WHEREAS, the local municipal budget for 2016 was approved on the 24th of May, and:

WHEREAS, the public hearing on said budget was advertised on June 28th, 2016 and

WHEREAS, it is desired to amend said 2016 budget; and,

WHEREAS, the public hearing on the said budget amendment will be advertised on the 16th day of July and held on the 9<sup>th</sup> day of August, 2016;

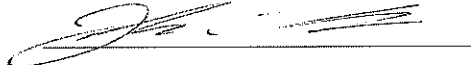
NOW, THEREFORE, BE IT RESOLVED by the governing Body of the Borough of Island Heights, County of Ocean that the following amendments to the 2016 budget be made:

	FROM	TO
A GENERAL APPROPRIATIONS		
(A) Operations - within "CAPS"		
Legal Services and Costs		
Advertising and Legal Notices	40,000.00	4,000.00
Other Expenses	4,000.00	40,000.00
Code Enforcement and Zoning		
Salaries and Wages	26,075.00	20,075.00
Police		
Salaries and Wages	584,389.22	569,389.22
Fire Department		
Contribution	19,000.00	40,000.00
Total Operations (Item 8(A) within "CAPS")	673,464.22	673,464.22
Total Operations Including Contingent- within "CAPS"	673,464.22	673,464.22
Detail:		
Salaries & Wages	610,464.22	589,464.22
Other Expenses (Including Contingent)	19,000.00	40,000.00
Total General Appropriations	673,464.22	673,464.22
Summary of Appropriations		
Total General Appropriations for Municipal Purposes within "CAPS"	673,464.22	673,464.22
Total General Appropriations	673,464.22	673,464.22

BE IT FURTHER RESOLVED, that two certified copies of this Resolution be filed forthwith the Division of Local Government Services for certification of the 2016 Municipal Budget so amended with each of the following

Business Administrator  
Township Attorney  
Township Auditor  
Chief Financial Officer

Approved as to Content:



Margaret Gorman





**4. PURCHASE ORDER**

**Resolution 2016-182**

**Approving the Following Purchase Order**

Vendor:

GP Jager Inc.

Item:

71629 Lonza Constant Chlor Briquettes 50# Pail

Amount:

2,857.44

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel				X
		Berglund				X
X		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**5. COUNCIL REPORTS**

Councilwoman Snow reported that she and her husband removed the rope netting from the basketball courts. They replaced them with new chain nets in hopes they will not be vandalized. Recreation sports began Monday night. 16 children showed up. 8 showed up last night. Arts and crafts will be tonight.

Monday and Tuesday are sports activities and Memorial Park. Wednesday and Fridays are arts and crafts. The schedule revolves around the work and school schedules of the young ladies working on these programs.

Mayor Silver reported that his Eagle Scout project of replacing the bulletin board by the post office is still moving forward. The scouts are getting material donations from Home Depot, Lowes, and other lumber yards and material places. Public Works will level the area and do demolition. They will beautify the area. After it is built there will be a Plexiglas cover over all three areas so everything will be behind Plexiglas.

**6. ADJOURNMENT AT 5:05 PM**

MOTION: Pillion SECOND: Snow ABSENT: Asay, Bendel, Berlund  
ALL IN FAVOR

Respectfully Submitted,

Katherine Fenton-Newman, Acting Municipal Clerk

**BOROUGH OF ISLAND HEIGHTS  
MEETING MINUTES OF  
SPECIAL COUNCIL MEETING  
August 9, 2016**

The meeting was called to order by Mayor Silver at 7:02 p.m.

Mayor Silver read the following statement: “The special Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975, Chapter 231 (Section 10:4-10). Notice of the Meeting was transmitted to the Asbury Park Press on July 31, 2016, published on August 3, 2016 and is posted on the bulletin board, and in the municipal building.”

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present	X	X	X	X	X	X	X	X
Absent								

Also present Margaret “Peggy” Gorman, Chief Financial Officer.

**1. OATH OF OFFICE TO ACTING MUNICIPAL CLERK**

Mayor Silver gave the Oath of Office to Katherine Fenton-Newman, Acting Municipal Clerk.

**2. PUBLIC COMMENT – None**

**3. Maria Sessa of First Energy Corporation presentation:**

Ms. Sessa stated that she had two updates. The first was the topic of the month which was preparing for Thunder Storms. Everyone needs to be prepared and have the necessary equipment in case of an extended outage.

The second was that at 10:00 a.m. on August 24<sup>th</sup> there will be a tour of their dispatch center. Freehold Ginny Haines will be joining them.

Ms. Sessa also said that she is going to work with Engineering to continue the work started earlier this year to see what current outages were, what the solutions were and what the corrective actions were. She should have them by September.

**4. APPROVAL OF MINUTES**

Council President Asay asked that the Meeting Minutes be moved as a consent agenda.

**Resolution 2016-184** Approving Meeting Minutes of June 14, 2016

**Resolution 2016-185** Approving Meeting Minutes of June 15, 2016

**Resolution 2016-186** Approving Meeting Minutes of June 28, 2016

**Resolution 2016-187** Approving Meeting Minutes of July 6, 2016

**Resolution 2016-188** Approving Meeting Minutes of July 13, 2016

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X		6/6 & 6/13	
		Bendel	X		7/13	
		Berglund	X		6/15 & 7/13	
		Pillion	X			
	X	Snow	X			
X		Thompson	X			
		Mayor Silver	X			

**5. ORDINANCE**

**Ordinance 2016-09** Bond Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Providing for Various Water and Sewer Improvements in and for the Borough of Island Heights and Appropriating \$937,500 therefore. And Providing for the Issuance of \$937,500 in Bonds or Notes of the Borough of Island Heights to Finance the Same. (Second Reading)

ORDINANCE NO. 2016 - 09

BOND ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR VARIOUS WATER AND SEWER IMPROVEMENTS IN AND FOR THE BOROUGH OF ISLAND HEIGHTS AND APPROPRIATING \$937,500 THEREFOR. AND PROVIDING FOR THE ISSUANCE OF \$937,500 IN BONDS OR NOTES OF THE BOROUGH OF ISLAND HEIGHTS TO FINANCE THE SAME.

BE IT ORDAINED BY THE BOROUGH OF COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Borough of Island Heights, in the County of Ocean, New Jersey (the “Borough”) as general improvements. For the several improvements or purposes described in Section 3 hereof, there is hereby appropriated the sum of \$937,500. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this bond ordinance

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of \$937,500 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefore, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness are as follows:

Purpose:

A. To inspect, repair or replace water and/or sewer lines thru out the Borough, as more fully described on a list on file in the Borough Clerk’s office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$637,500

Amount of Bond or Notes: \$637,500

Period or Average Period of Usefulness: 40 years

B. Upgrade of electrical work at the various pump stations to include and not limited to the replacement of electrical control panels, installation of a cellular central station monitoring system, alarm monitoring systems at each pump station, transfer switches at each pump station and a trailer mounted generator with lighting to be utilized at each pump station, as more fully described on a list on file in the Borough Clerk's office, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost: \$300,000

Amount of Bond or Notes: \$300,000

Period or Average Period of Usefulness: 15 years

(b) The maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made thereof.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them

to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Borough may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specifically assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, within the limitations of the Local Bond Law, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 32 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$937,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$187,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) This bond ordinance authorized obligations of the Borough solely for a purpose described in N.J.S.A. 40:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance. This Section 6(f) is a declaration of intent within the meaning and for purposes of Treasury Regulation §1.150-2 or any successor provisions of federal income tax law, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Borough hereby covenants to take any action necessary to refrain from taking such action in order to preserve the exclusion from gross income of interest on the bonds and notes authorized hereunder which are issued as tax-exempt bonds as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The foregoing ordinance is hereby approved.

NOTICE



NOTICE IS HEREBY GIVEN that the forgoing Ordinance was duly introduced and passed upon first reading at a meeting of the governing body of the Borough of Island Heights, in the County of Ocean, NJ held on June 13, 2016. Further, notice is hereby given that said Ordinance was considered for final passage and adopted at a public meeting held on August 9, 2016 at 7:00 p.m. at the Island Heights Municipal Building, 1 Wanamaker Municipal Complex, Island Heights, New Jersey.

KATHERINE FENTON-NEWMAN, CMR  
Acting Municipal Clerk

Public Hearing – No comments

Councilwoman Thompson asked for updates as the projects go forward.

Roll Call to close public hearing.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
	X	Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Ordinance 2016-10** An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Granting Comcast of New Jersey to construct, connect, operate and maintain a Cable Television and Communications System in the Borough of Island Heights, New Jersey. (Second Reading)

**ORDINANCE NO. 2016 – 10**  
**AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE BOROUGH OF ISLAND HEIGHTS, NEW JERSEY**

**Upon adoption, this ordinance shall supersede and replace Ordinance # 2001-03 codified as Island Heights Borough Code Section 24-1.**

BE IT ORDAINED AND ENACTED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The municipality hereby grants to Comcast renewal of its non-exclusive Municipal Consent to

place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the municipality, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation and maintenance in the Municipality of a cable television and communications system.

## SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Borough" or "Municipality" is the Borough of Island Heights, County of Ocean, State of New Jersey.
- b. "Company" or "Comcast" is the grantee of rights under this Ordinance and is known as Comcast of New Jersey.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

## SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the municipality, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

## SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire ten (10) years from the

date of expiration of the previous Certificate of Approval as provided by N.J.S.A. § 48:5A-19 and 25, and N.J.A.C. § 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Municipality shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

#### SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Municipality two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Municipality or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

#### SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Municipality and any property subsequently annexed hereto.

#### SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 35 dwellings per linear mile from the nearest active trunk or feeder line.

#### SECTION 8. CONSTRUCTION REQUIREMENTS.

a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

b. Relocation: If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, shall remove, re-lay or relocate its equipment, at the expense of the Company.

c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks or other public places of the Municipality so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

#### SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq.

and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Municipality upon written request of the Municipality Administrator or Clerk.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association ("NCTA").

d. Nothing herein shall impair the right of any subscriber or the Municipality to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

#### SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality customers from the OCTV.

#### SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours.

#### SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the municipality a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

#### SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

#### SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall provide Expanded Basic or a similar tier of cable television service to one (1) outlet at no cost to each qualified existing and future school in the Municipality, public and private, elementary, intermediate and secondary, provided the school building is within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service.

b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost to one (1) outlet to each qualified existing and future public building including the municipal building, police, fire, emergency management facility and public library in the Municipality, provided the facility is located within one hundred seventy-five (175) feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Municipality.

c. The Company shall provide the Borough with a Government Access Channel on which the Borough shall be permitted to post any appropriate content related to Borough business and activities. The Company shall provide the Borough with all equipment necessary for the Borough to access the Government Channel and to post content on the channel.

d. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Municipality a one-time Technology Grant in the amount of \$5,000 to meet the technology and/or cable related needs of the community.

e. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

#### SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS.

a. The Company will continue to provide one (1) channel for educational and governmental (“EG”) access for the use by Municipality on the most basic tier of service offered by the Company in accordance with the Cable Act, Section 611 [47 U.S.C. § 531], and as further set forth below.

b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user – whether an educational or government user – acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.

c. The Company shall not exercise editorial control over the use of any educational or governmental channel capacity, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

d. Educational Access. “Educational Access” shall mean non-commercial use by educational institutions such as public or private schools, but not “home schools,” community colleges and/or universities.

e. Government Access. “Government Access” shall mean non-commercial use by the governing bodies of the Municipality for the purpose of showing the public local government at work.

f. Indemnification. The Municipality shall indemnify Company for any liability, loss, or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities’ rules for or administration of access.

SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Municipality or any other person, during an emergency, if for any reason the Municipality is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Municipality grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

NOTICE

NOTICE IS HEREBY GIVEN that the forgoing Ordinance was duly introduced and passed upon first reading at a meeting of the governing body of the Borough of Island Heights, in the County of Ocean, NJ held on June 13, 2016. Further, notice is hereby given that said Ordinance was considered for final passage and adopted at a public meeting held on August 9, 2016 at 7:00 p.m. at the Island Heights Municipal Building, 1 Wanamaker Municipal Complex, Island Heights, New Jersey.

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Hearing – No Comments

Roll Call to close public hearing.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**6. PUBLIC HEARING**  
**Amendments to 2016 Municipal Budget**

**Open Public Hearing**

Andrew Parks - 121 Summit Avenue asked if there will be public comment at the end of the meeting. The Mayor told him there would be.

**Close Public Hearing**

There being no other public comment, Council President Asay motioned to close the public hearing. Councilman Berglund seconded. All in favor.

**7. RESOLUTIONS**

**Resolution 2016-189 Bill List**

Public Comment - None  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			

		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-190 Save the Date Request from the Barnegat Bay Partnership for  
The 20<sup>th</sup> Annual Barnegat Bay Festival, June 4, 2017**

**RESOLUTION 2016-190**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPROVING SAVE-THE-DATE REQUEST FOR THE 20<sup>TH</sup>  
ANNUAL BARNEGAT BAY FESTIVAL, JUNE 4, 2017**

**WHEREAS**, the Barnegat Bay Partnership has formally requested Save-the-Dates for the 20<sup>th</sup> Annual Barnegat Bay Festival weekend at the Wanamaker Complex in Island Heights, Summit Beach (canoe eco-tour/kayaks), Central Avenue Pavilion (pontoon board rides), and the Maple Avenue Soccer Field (Parking-weather permitting) as follows:

Date: Wednesday/Thursday, May 31 & June 1, 2017 (Tent Set-up)  
Time: 8:00 a.m. to 8:00 p.m.

Date: Friday, June 2, 2017 (BBF Gala)  
Time: 10:00 a.m. to 10:00 p.m.

Date: Saturday, June 3, 2017 (Set-Up for Festival)  
Time: 8:00 a.m. to 8:00 p.m.

Date: Sunday, June 4, 2017 (Festival)  
Time: 6:00 a.m. to 5:00 p.m.

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey, that the aforementioned dates are saved for the Barnegat Bay Partnership's 20<sup>th</sup> Annual Barnegat Bay Festival.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Special meeting held on the 9th day of August, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk



Public Comment - None  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-191 Approving Application of Use of Pavilion for Top Hats String Band Concert August 29, 2016**

**RESOLUTION 2016-191  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY FOR  
TOP HATS STRING BAND CONCERT ON AUGUST 29, 2016**

**WHEREAS**, Top Hats String Band, located at P.O. Box 396, 148 Vansant Avenue, Island Heights, NJ 08732, has submitted an Application for Use of Pavilion and the Contiguous Property for a concert on August 29, 2016; and

**WHEREAS**, Top Hats String Band will be performing the concert for the enjoyment of the citizens of Island Heights;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property for the Top Hats String Band concert on August 29, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Special Meeting held on the 9th day of August, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment - None  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-192 Approving Application of Use of Pavilion for Michael Valenti and Jennifer Rosario Wedding on October 15, 2016.**

**RESOLUTION 2016-192  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY FOR  
STEPHEN L. KOWNACKI AND DESIREE M. STEINMACHER WEDDING ON SEPTEMBER 24, 2016**

WHEREAS, Stephen M. Kownacki and Desiree M. Steinmacher , located at 233 Timberline Road, Toms River, NJ 08753, has submitted an Application for Use of Pavilion and the Contiguous Property for a wedding ceremony on September 24, 2016; and

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property for Stephen M. Kownacki and Desiree M. Steinmacher for their wedding on September 24, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Special Meeting held on the 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			

		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-193 Appointing Alec Mazzaccaro as Summer Seasonal Laborer at a rate of \$12.50 per hour not to exceed 28 hours per week.**

**RESOLUTION 2016-193  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPOINTING ALEC MAZZACCARO AS SUMMER  
SEASONAL LABORER AT A RATE OF \$12.50 PER HOUR NOT TO EXCEED 28  
HOURS PER WEEK**

WHEREAS, the Borough of Island Heights, Department of Public Works is in need of Summer Seasonal labor; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Alec Mazzaccaro as Summer Seasonal Laborer for the Borough of Island Heights, at an hourly of \$12.50 per hour, four days per week at 7 hours per day, not to exceed 28 hours per week, with seasonal employment ending on September 5, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Special Meeting held on the 9th day of August, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment – None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-194 Approving a Shared Services Agreement with the Township of Toms River for Beach Cleaning Services for the Summit**

**Avenue Beach.**

**RESOLUTION 2016-194  
BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF SHARED SERVICES AGREEMENT  
WITH THE TOWNSHIP OF TOMS RIVER FOR THE CLEANING  
OF SUMMIT AVENUE BEACH**

BE IT RESOLVED, that the Mayor and Council of the Borough of Island Heights hereby approve the Shared Services Agreement between the Township of Toms River and the Borough of Island Heights for the cleaning of Summit Avenue Beach pending receipt of resolutions and agreements from both municipalities.

BE IT FURTHER RESOLVED, that the agreement shall take effect September 1, 2016 and continue through December 31, 2017 and may be automatically renewed for an additional one-year period running from January 1 through December 31 with the written consent of both parties.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Special meeting held on the 9th day of August, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

The Mayor stated that the charge will be \$45 per hour to deep clean the beach. He also stated that this probably hasn't been done in 5 years. Last time it was done Seaside came over to clean the beach but they were constrained. The Mayor said this is on an as-needed basis.

Councilwoman Thompson asked that the language be cleaned up under Terms and Conditions. It was decided that the last part of the last sentence be struck out.

Public Comment - None  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-195 Authorizing Ocean County Parks and Recreation to use the Municipal Dock at the end of Central Avenue on August 25, 2016.**

**RESOLUTION 2016-195  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING OCEAN COUNTY PARKS AND RECREATION TO USE THE MUNICIPAL DOCK ON AUGUST 25, 2016**

**WHEREAS**, the Ocean County Department of Parks and Recreation will be running a lunch cruise to the New Corner Deli on August 25, 2016; and

**WHEREAS**, the Ocean County Department of Parks and Recreation would like to dock their 38 foot pontoon board "Bay Cruiser" at the Central Avenue dock on August 25, 2016 from approximately 12:00 to 2:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Island Heights do hereby approve the request by the Ocean County Department of Parks and Recreation to dock the "Bay Cruiser at the Municipal Dock at the end of Central Avenue on August 25, 2016 from approximately 12:00 to 2:00 p.m.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Special Meeting held on the 9th day of August, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

This is for a lunch cruise for the Ocean County Parks and Recreation. They will go to the Deli and walk back down to the boat.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**8. PUBLIC COMMENTS**

Andrew Parks – 121 Summit Avenue, read a statement from Island Heights Fire Company. The statement was as follows:

“Over the past several months we have been providing detailed information to you about our financial situation, the status and the condition of our fire equipment and our firehouse building. We have requested financial assistance from the Borough to cover our costs of our ongoing operations and planned apparatus and equipment purchases so that we can apply all of our fund raising resources towards replacing our deteriorating building.

As we have advised you, our building is in tenuous condition, at best, and given the structural deterioration it has suffered, and continues to suffer, we cannot be sure it will continue to provide us a safe environment to house our equipment and operate our department. Any significant environmental or catastrophic impacts on this building may render it uninhabitable. Also, given the current condition, it can no longer be used by the residents as a place of refuge during local emergencies.

Given that the newly approved municipal budget did not provide significant funding allotted to the fire company to cover operating costs, we are now unable to secure financing to start the replacement of our firehouse. This project will now be delayed at least another year. If significant funding for our department cannot be guaranteed or put in the budget by the municipal government, we will have to use our remaining funds to support our operation. Thereby eliminating any funds we had set aside for our new building. This, then, makes our new building a financial impossibility for us. We have done everything that you asked of us to gain your support but to no avail. While we do not wish to see our fire company go out of existence after faithfully serving the community for 121 years. If you cannot find a way to help us to a necessary level, we suggest that you begin finding an alternate supplier of your fire protection services immediately.”

The Mayor stated that we did our best to assist with our financial responsibility and we will see what we can do in the future.

Brooke Smith – 136 West End Avenue, has a concern about the speed of the vehicles on the street. She would like to see the speed reduced and asked for a new traffic study on the street. She asked for the Borough’s assistance in obtaining a lower speed on the street. Mrs. Smith provided a Traffic Study Request, Speed Limit Comparison of Main Roads in Island Heights and a sample letter to the Ocean County Engineer. The Mayor and the Council said they would assist.

Lynn Pendelton - 249 Ocean Avenue. On behalf of the Yacht Club she went and spoke to Jon Brodbeck of Public Works about getting “Do Not Feed the Fowl” signs put back up at the Yacht Club. He said he was out of them and needed the Mayor’s approval to order them. The Mayor indicated that he would order them.

She also gave Council an update on CMRA (Camp Meeting Restoration Association). The CMRA sent out their first fundraising letter and have already received two checks for a thousand dollars each. This will go towards the first phase of getting the steps repaired. They have gotten several bids and are trying to get a better bid. They had a meeting that

afternoon with Dick Martin and George Thompson to talk about the redesign for the gazebo. They have agreed to do drawings for the CMRA. She is hopeful for more contributions.

## **9. COUNCIL REPORTS**

Councilwoman Thompson reported that she had gotten the Tax Collector's report for the period ending July 31. The total collections were \$357,000 which is on track and consistent with last year's report.

The Zoning Officer's report stated that it has been a very busy office since the beginning of the year. He has been pursuing 13 Notice of Violations which is up quite a bit from previous years. A number of problems are being resolved. There were a total of 62 permits applied for. 24 were for tree permits. 9 were for rentals. 16 were for zoning approvals. 10 were for resales. 3 were for Certificates of Occupancy.

Councilwoman Snow reported that we are into our fifth week of the summer recreation program and it is going along well. Sports are Monday, Tuesday and Thursday. Arts and Crafts are Wednesday and Friday. The program may be starting a bit later to make it easier for parents to get their children there. She thanked the Mayor's wife for helping with the Arts and Crafts.

Councilman Pillion reported that the Fire Company's Ladies Auxiliary is selling 25% off Boscov's shopping passes for \$5.00 to help raise money for the building fund. Wendie Gabriel is the contact. Her telephone number is 732-504-9977 for anyone interested in obtaining the passes.

Doug Platt, OEM Coordinator, was having a nuclear drill tonight over at the OEM building. Councilman Pillion stated that the Police and Fire are dedicated in maintaining our readiness to respond to emergencies.

The Police Department just obtained another radar unit. The new hires are obtaining their radar certifications. This may have a visible impact on the speeding in town.

The Council is continuing to work with the Mayor and the leadership of the fire company to try to find ways to fully meet their needs for their annual operating costs. The Council is well aware of their situation with their building and their need to be able to raise funds to build their new fire station.

Lt. Kevin Arnold asked about the Ordinance for House Number on houses. It is making it difficult to respond to calls when there are no numbers on the houses. He asked that the Code Enforcement Officer help with ensuring numbers are up on houses and that something be posted in the Newsletter. The Mayor said that it will be addressed again. The Code pertaining to this is 11-3 Numbering of Buildings.

Councilman Bendel had no report.

Councilman Berglund reported that we are very much in the vacation period in the department of Public Works. He is encouraging people not wait to the end of the year to get their vacation in.

The Community Garden is beyond blooming and producing very well.

Council President Asay reported that we received our Audit Report for calendar year 2015. According to our auditor we are in pretty good shape. The only issues were some funding issues on Capital Ordinances which were discussed with the CFO and will be addressed in the 2016 budget. Otherwise we were found in good compliance.

The battle to get the groin/bulkhead rebuilt on the Gilford Park side of the mouth of Dillon's creek continues. Council President Asay spoke with Mr. Vasquez of Code Enforcement in Toms River who said that every opportunity was given to the Yacht Club and Gilford Park to rebuild their bulkhead. They have said they don't have the resources to do it at this time and they don't intend to do it in the near future. Mr. Vasquez said that Toms River is proceeding with serving them with a notice of violation. This needs to be closed up if there is any hope in maintaining the depth in the channel or considering a dredging project.

The building of a boat ramp that was going to dump into Dillon's Creek appears to have been tabled. The Council President hasn't seen any action on that on any agendas in Toms River. He hopes they are going to abandon that for now because it is going to dump more traffic into the Creek.

Mayor Silver reported that he received a cooperative agreement renewal from the Ocean County Board of Freeholders for a CDBG (Community Development Block Grant Program) for 2017, 2018 and 2019. He gave it to the Acting Municipal Clerk to put in on the next meeting agenda in September.

The Mayor has been working with Don Roberts of the Preservation of Historic Places here in NJ to construct an interpretive panel to detail the historical nature of the Wanamaker Camp Site and its history since its inception until just after World War II. The Historic Trust holds an easement for the footprint of where the Wanamaker building was. The interpretive panel location will be decided upon. Artist renderings of the panel will be supplied to Council in the future.

**10. EXECUTIVE SESSION FOR THE PURPOSE OF CONTRACTS**

**Resolution 2016-196 Authorizing an Executive Session for the Purposes of Contracts**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			



		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**11. RECONVENE SPECIAL MEETING at 9:09 pm.**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**12. ADJOURNMENT at 9:10 pm.**

**Motion: Bendel      Second: Berglund      All in Favor**

**Respectfully Submitted by:**

---

**Katherine Fenton-Newman  
Acting Borough Clerk**

**BOROUGH OF ISLAND HEIGHTS  
MEETING MINUTES OF  
EXECUTIVE SESSION MEETING  
August 9, 2016**

Executive Session was convened at 8:20 p.m.

The subject of contracting with another municipality for Municipal Court services was discussed. It was decided that the Municipal Finance Officer and the Borough Attorney would conduct an investigation into the cost and legal issues regarding contracting with another municipality for said services.

Adjourned at 9:08 p.m.

Submitted By:

Katherine Fenton-Newman  
Acting Borough Clerk

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
September 13, 2016  
7:00 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present	X	X	X	X	X	X	X	X
Absent								

Also in attendance: Margaret “Peggy” Gorman, Chief Financial Officer and William Richert, Fire Official/Fire Sub-Code Official

**1. PUBLIC COMMENT**

Bob Horn from Island Heights United Methodist Church invited all employees and volunteers from the Borough, including the Department of Public Works, Police, Fire, and First Aid, to stop in and share a meal on Tuesday, October 4, 2016 between 12 noon and 2:00 p.m. The purpose of the lunch was to express their appreciation and thanks for the dedication and hard work of the Island Heights’ municipal employees and volunteers.

**2. APPROVAL OF MINUTES**

**Resolution 2016-197 Approving Meeting Minutes of August 9, 2016**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			

		Mayor Silver	X			
--	--	-----------------	---	--	--	--

**3. ORDINANCE**

**Ordinance 2016-11** An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 19 of the Borough Code Entitled Parks, Recreation Areas and Other Public Places. (First Reading)

**ORDINANCE 2016-11  
AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 19 OF  
THE BOROUGH CODE ENTITLED PARKS, RECREATION AREAS AND OTHER  
PUBLIC PLACES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

**SECTION 1. Section 19-2.2, Badges Required,** shall be amended and supplemented as follows:

No person 6 years of age or older shall be permitted to use the areas set forth in subsection 19-2.1 that allow for bathing, swimming, fishing or crabbing unless such person shall have on his person and produce for inspection to a duly authorized Borough Official, a badge or other tag issued by the Borough for the privilege of the use of these places. The Borough will exempt all military veterans from obtaining a badge or tag upon proof of veteran status. This subsection shall not apply to clubs or organizations who have obtained prior approval from the Governing Body for the use of the areas on designated days and/or hours. (1975 Code §48-2; Ord. No. 82-4 §3; Ord. No. 2012-03 §4)

**SECTION 2. Section 12-2.3, Fees,** shall be amended and supplemented as follows:

- a. Calendar year badges or tags to permit bathing, swimming, fishing or crabbing shall be provided and fees for the same shall be established by the following ranges:
  1. Seasonal badge or tag from \$2.00 to \$60.00. After June 1<sup>st</sup>, \$2.00 to \$60.00.
  2. Daily badges \$5.00 to \$25.00 per day.
  3. Children’s Daily Badge, for ages 6 to 13, from \$2.00 to \$5.00.

The Mayor and Council shall establish fees within the above ranges by resolution adopted yearly.

(1975 Code §48-3; Ord. No. 82-4 §4; Ord. No. 83-3 §1; Ord. No. 89-10 §1; Ord. No. 91-04 §1; New; Ord. No. 2007-01 §I; Ord. No. 2012-03 §5)

**SECTION 4. Repealer**

All Ordinances of the Borough of Island Heights which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 5. Unlawful**

1. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason declared invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6. Effective Date**

This ordinance shall become effective upon publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced by the Borough Council of the Borough of Island Heights at a meeting held on September 13, 2016. Notice is hereby given that the Ordinance will be considered for final adoption and passage at a meeting to be held by the Mayor and Council on September 27, 2016 at 7:00 p.m., at the Borough Hall, located at One Wanamaker Municipal Complex, Island Heights, NJ 08732-0797. At that time any interested person may come forward and be heard regarding the proposed adoption of this Ordinance.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Borough Clerk

The Mayor explained that this ordinance exempts Military Veterans from obtaining badges and also adds a children’s badge for children aged 6 to 13. Anyone 6 years of age or older will be required to purchase a badge. This Ordinance also eliminates the weekly badge.

Councilwoman Thompson voiced concerns over the children’s badge.

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion			X	
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**4. RESOLUTIONS**

**Resolution 2016-198 Approving Application for Use of Pavilion and the Contiguous**

**Property for Stephen L. Kownacki and Desiree M. Steinmacher Wedding on September 24, 2016.**

**RESOLUTION 2016-198  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY FOR  
STEPHEN L. KOWNACKI AND DESIREE M. STEINMACHER WEDDING ON SEPTEMBER 24, 2016**

**WHEREAS**, Stephen L. Kownacki and Desiree M. Steinmacher, located at 233 Timberline Road, Toms River, NJ 08753, has submitted an Application for Use of Pavilion and the Contiguous Property for a wedding ceremony on September 24, 2016; and

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property for Stephen L. Kownacki and Desiree M. Steinmacher for their wedding on September 24, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-199 Approving Application for Use of Pavilion and the Contiguous Property for a Memorial Service for Kelly Smith's Father on September 25, 2016.**

**RESOLUTION 2016-199**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY FOR A  
MEMORIAL SERVICE FOR KELLY SMITH'S FATHER ON SEPTEMBER 25, 2016**

**WHEREAS**, Kelly Smith, located at 106 Locust Avenue, Milmay, NJ, has submitted an Application for Use of Pavilion and the Contiguous Property for a Memorial Service for her father on September 25, 2016; and

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property for Kelly Smith for the memorial service on September 25, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment - None

Resolution was adjusted to indicate that Kelly Smith's home address is in Milmay, NJ.

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
X		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-200 A Resolution Requesting Permission for the Dedication by  
Rider for Recreational Purposes**

**RESOLUTION 2016-199  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY FOR A  
MEMORIAL SERVICE FOR KELLY SMITH'S FATHER ON SEPTEMBER 25, 2016**

**WHEREAS**, Kelly Smith, located at 106 Locust Avenue, Milmay, NJ, has submitted an Application for Use of Pavilion and the Contiguous Property for a Memorial Service for her father on September 25, 2016; and

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property for Kelly Smith for the memorial service on September 25, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

CFO Gorman explained that this is a trust account for fees for recreational items where money taken in can be expended for those purposes. For example, if there was a pumpkin patch and a charge of \$1.00 for each pumpkin picked, the Borough could go to that account to pay for the pumpkins and not have to go through the current budget. If 50 pumpkins were sold and it only cost the Borough \$25, there would be \$25 in the trust to use for other recreational purposes or just keep for Halloween. The account could be set up anyway Council wants. It can be set up by separate account, projects, services, etc.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-201 Authorizing the Execution of Contract of Cooperative Agreement with the Board of Chosen Freeholders of the County of Ocean for Fiscal Year 2017, 2018 and 2019.**

**RESOLUTION 2016-201**

**BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF CONTRACT OF COOPERATIVE  
AGREEMENT WITH THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY  
OF OCEAN FOR FISCAL YEAR 2017, 2018 AND 2019.**



**WHEREAS**, the Borough of Island Heights is desirous to participate in the Community Development Block Grant (CDBG) Entitlement Program and the Cranston-Gonzalez National Affordable Housing Act of 1990 (NAHA)

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby approve the execution of the Contract of Cooperative Agreement for Fiscal Years 2017, 2018 and 2019 between the Board of Chosen Freeholders of the County of Ocean and the Borough of Island Heights to undertake or assist in undertaking essential community renewal and lower-income housing assistance activities.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Mayor Silver explained that this is for the Community Development Block Grant Fund (CDBG) having funds available to the Borough through the grant.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-202 Self-Examination of Budget Resolution**

**RESOLUTION 2016-202**  
**BOROUGH OF ISLAND HEIGHTS, COUNTY OF MONMOUTH,**  
**STATE OF NEW JERSEY**  
**SELF-EXAMINATION OF BUDGET RESOLUTION**  
*[as required by DCA]*

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Island Heights has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Island Heights that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement and content, the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget

Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.

6. That all other applicable statutory requirements have been fulfilled.

**BE IT FURTHER RESOLVED** that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

Approved: September 13, 2016

Vote recorded as follows:

Yays: Asay, Bendel, Berglund, Pillion, Snow, Thompson, Mayor Silver

Nays: None

Abstain: None

Absent: None

### CERTIFICATION

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

CFO Gorman stated that this was a housekeeping resolution required by the State in order to certify our annual budget.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
X		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-203 For Renewal of Membership in the Ocean County Municipal Joint Insurance Fund**

RESOLUTION 2016 – 203  
*RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
FOR RENEWAL OF MEMBERSHIP IN THE  
OCEAN COUNTY MUNICIPAL JOINT INSURANCE FUND*

**WHEREAS**, the Borough of Island Heights is a member of the Ocean County Municipal Joint Insurance Fund; and

**WHEREAS**, said renewed membership terminates as of December 31, 2016 unless earlier renewed by agreement between the Municipality and the Fund; and

**WHEREAS**, the Municipality desires to renew said membership;

**NOW THEREFORE, BE IT RESOLVED** as follows:

1. The Borough of Island Heights agrees to renew its membership in the Ocean County Municipal Joint Insurance Fund and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the Fund.
2. The Mayor and Clerk shall be and hereby are authorized to execute the agreement to renew membership annexed hereto and made a part hereof and to deliver same to the Ocean County Municipal Joint Insurance Fund evidencing the Municipality's intention to renew its membership.

This Resolution agreed to this 13<sup>th</sup> day of September, 2016 by a vote

Of:

Affirmative

Negative

---

Jeffrey B. Silver, Mayor

---

ATTEST: Katherine Fenton-Newman, Acting Municipal Clerk

---

OCEAN COUNTY MUNICIPAL  
JOINT INSURANCE FUND

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-204 Authorizing the Settlement of a Tax Appeal Before the New Jersey Tax Court**

RESOLUTION NO. 2016 - 204

RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SETTLEMENT OF A TAX APPEAL BEFORE THE NEW JERSEY TAX COURT

WHEREAS, PMG New Jersey II, LLC filed a direct appeal to the New Jersey Tax Court of the 2015 and 2016 property tax assessment for property known and designated as Block 46, Lot 1 as shown on the tax map of the Borough of Island Heights, entitled "PMG New Jersey II, LLC v. Island Heights Borough, Docket Nos. 004446-2015 and 001494-2016; and

WHEREAS, the parties have reached a settlement which is set forth in the Stipulation of Settlement attached hereto and made a part hereof as Schedule A.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Island Heights, County of Ocean, State of New Jersey, as follows:

1. That the governing body does hereby authorize Christopher J. Connors, Esquire of the firm Dasti, Murphy, McGuckin, Ulaky, Koutsouris and Connors to execute the Stipulation of Settlement, a copy of which is attached hereto and made a part hereof as Schedule A.

2. That a certified copy of this resolution shall be forwarded by the Municipal Clerk to Christopher J. Connors, Esquire and the Tax Assessor of the Borough of Island Heights.

DASTI, MURPHY,  
MCGUCKIN, ULAKY,  
KOUTSOURIS & CONNORS  
COUNSELLORS AT LAW  
625 WEST LACEY ROAD  
P.O. BOX 1007  
FORKED RIVER, N.J. 08731

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
X		Bendel	X			
		Berglund	X			

		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-205 Approving \$4,000 Fee by Borough Engineer, Maser Consulting, P.A. for Lake Drive Bulkhead Replacement Including Plans, Permits, Application Fee and Survey Work.**

**RESOLUTION 2016-205  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING \$4,000 FEE BY BOROUGH ENGINEER, MASER CONSULTING, P.A., FOR LAKE DRIVE BULKHEAD REPLACEMENT INCLUDING PLANS, PERMITS, APPLICATION FEE AND SURVEY WORK.**

**WHEREAS**, the Lake Drive Bulkhead is in need of replacement; and

**WHEREAS**, the Borough Engineer, Maser Consulting, P.A., will require the amount of \$4,000 in order to make application with the New Jersey Department of Environmental Protection, obtain plans, permits and surveys;

**NOW, THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights, do hereby authorize the payment of \$4,000 to Maser Consulting, P.A., for fees with regard to the replacement of the Lake Drive Bulkhead.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Mayor Silver explained that Ocean County will be doing the actual work under a “Schedule C.” The bulkhead is failing.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			

		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-206 Approving Raffle License #2016-4 for the Island Heights  
Volunteer Fire Company #1**

**RESOLUTION 2016-206  
BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPROVING RAFFLE LICENSE #2016-4 FOR THE ISLAND  
HEIGHTS VOLUNTEER FIRE COMPANY #1**

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby approve Raffle License #2016-4 for the Island Heights Volunteer Fire Company #1 for a Raffle to be held on November 23, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk of the Borough of Island Heights do hereby certify that the foregoing resolution was duly adopted by the Borough of Island Heights Borough Council at a meeting held on the 13th day of September, 2016.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-207 Authorizing the Purchase of two (2) Vehicles from the County  
of Ocean at a Cost of One Dollar (\$1.00) each**

**RESOLUTION 2016-207  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE PURCHASE OF TWO (2) VEHICLES FROM**

**THE COUNTY OF OCEAN AT A COST OF ONE DOLLAR (\$1.00) EACH**

**WHEREAS**, the Borough of Island Heights Public Works Department is in need of two (2) trucks for maintaining the day to day functions of the Department; and

**WHEREAS**, the County of Ocean has two (2) trucks that they will sell to the Borough of Island Heights for one dollar (\$1.00) each

**NOW, THEREFORE, BE IT RESOLVED** the Mayor and Council of the Borough of Island Heights, authorize the purchase of the following vehicles from the County of Ocean at the cost of one dollar (\$1.00) each;

Vehicle No. 1: 2003 GMC TC4500 Dump Truck – Vin Number: 1GDC4E1173F513734

Vehicle No. 2: 1994 Mack RD688S Rolloff Truck – Vin Number: 1M2P267CXRM019636

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Mayor Silver explained that the Borough would be receiving a Mack Roll Off Truck and a 2003 GMC Topkick 4500 from Ocean County for \$1.00 each. Councilman Berglund stated that there will be additional costs to get the vehicles ready for use.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
	X	Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			



**Resolution 2016-208 Approving Bill List**  
 Public Comment  
 Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**5. PURCHASE ORDER**

**Resolution 2016-209 Approving the Following Purchase Order**

Vendor: R&R Radar, Inc.  
 Item: Radar Unit  
 Amount: \$1,213.00

There are two separate radar units being purchased. Both purchase orders (2016-209 and 2016-210) were combined into a single vote.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-210 Approving the Following Purchase Order**

Vendor: R&R Radar, Inc.  
 Item: Radar Unit  
 Amount: \$1,213.00

There are two separate radar units being purchased. Both purchase orders (2016-209 and 2016-210) were combined into a single vote.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-211 Approving the Following Purchase Order**

Vendor: Lawmen Supply Co. of NJ  
Item: Speer Gold Dot, Caliber 40 S&W  
Speer Lawmen, Caliber 40 S&W  
Amount: \$4,652.92

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-212 Approving the Following Purchase Order**

Vendor: John E. Camburn & Son  
Item: Emergency Service for Main Circuit Breaker Fail  
At Lake Drive Pump Station Parts, Labor & Service  
Amount: \$1,000.72

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-213 Approving the Following Purchase Order**

Vendor: Edmunds & Associates  
Item: 2016 Software Maintenance for Tax Collection, Financial  
Accounting and Utility Billing  
Amount: \$7,829.00

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-214 Approving the Following Purchase Order**

Vendor: Galls

Item: Equipment/gear for new officers and replacement for other  
Class II

Amount: \$1,091.55

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-215 Authorizing the Mayor to Add His Signature to a Letter by Congressman Tom MacArthur to Secretary James and General Goldfien Supporting the designation of Joint Base McGuire-Dix-Lakehursts as the Air Force's Main Operating Base 4 for the KC-46 Aerial Refueling Tanker.**

**RESOLUTION 2016-215**

**BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE MAYOR TO ADD HIS SIGNATURE TO A LETTER BY  
CONGRESSMAN TOM MACARTHUR TO SECRETARY JAMES AND GENERAL  
GOLDFIEN SUPPORTING THE DESIGNATION OF JOINT BASE MCGUIRE-DIX-  
LAKEHURST AS THE AIR FORCE'S MAIN OPERATING BASE 4 FOR THE KC-46  
AERIAL REFUELING TANKER.**

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst is the only Tri-Service Joint Base in the nation, is the second largest employer in the State of New Jersey providing 42,000 jobs and generates a \$6.9 billion economic impact; and

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst is in a competition to base the KC-46 aerial refueling tanker; and

**WHEREAS**, winning the competition to the base the KC-46 aerial refueling tanker will help to maintain and grow the local economy; and

**WHEREAS**, Congressman Tom MacArthur of the New Jersey's Third District, has drafted a letter to Secretary James and General Goldfien, in order to show the United States Air Force that local elected leaders are asking them to strongly consider Joint Base McGuire-Dix-Lakehurst for the KC-46 tankers and fully supportive of Joint Base McGuire-Dix-Lakehurst; and

**WHEREAS**, Congressman MacArthur has set up a webpage for local elected leaders to add their signatures to the KC-46 support letter,

**NOW THEREFORE BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby authorize the Mayor to add his signature to the letter of support by Congressman MacArthur to Secretary James and General Goldfien, of the United States Air Force, supporting the designation of Joint Base McGuire-Dix-Lakehurst as the Air Force’s Main Operating Base 4 (MOB-4) for the KC-46 Aerial Refueling Tanker.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
 Katherine Fenton-Newman, CMR  
 Acting Municipal Clerk

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-216 Approving the Following Purchase Order**

Vendor: Seal Team  
 Item: Crack Seal, Seal Coat & Line Stripe  
 Amount: \$8,725.76

This is for preventive maintenance for the parking lot of Wannamaker Complex.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

## **6. PRIVILEGE OF THE FLOOR**

Von Worthington, 37 Park Avenue – Appreciates the effort at the end of Park Avenue with regard to the water. Mr. Worthington produced pictures of large stones at the end of Park Avenue which were put there by the Borough in order to stop erosion to the road. However, the large stones make it very difficult for the public to gain access to the area.

Mr. Worthington offered, at his own expense, to build a five foot deep concrete walkway, from the asphalt to the concrete, about five feet wide, through the stones to the sand. This will smooth out the area going down to the beach, making it easier for families to get down to the area. It will also allow Mr. Worthington and his neighbor to get into their back yards, which is not possible with the stone that is there now. It was suggested that concrete bollards, jersey barriers or a guardrail needs to be at the end of the road to prevent cars from driving into the water.

Mr. Worthington will go back to the construction company and check with the DEP to see what the requirements and cost would be for him to do this. He will contact the Borough once he finds out the specifics. The Council supported his offer and thanked Mr. Worthington.

Terry Kempton – 76 River Avenue asked about the money for the gazebo that was supposed to be put up at the end of the dock. The Mayor explained that the money was funded by a private entity and put into a trust fund. All the money was returned to the private entity when the project fell through. CFO Gorman agreed to look into the details of the agreement that returned the funds for the Council members.

## **7. ITEMS FOR DISCUSSION**

### **A. Referendum to Exceed Budget Cap**

The Council discussed various ways to help the volunteer fire company fund their new fire house. The requirements to hold a referendum to exceed the budget cap was discussed, as well as other avenues to explore.

The Chief Financial Officer will check if the Borough would need to hold a referendum each year for the additional amount or if the referendum would increase the budget cap permanently.

Suggestions were made for a budget committee. Councilman Bendel suggested a citizens' committee for the fire department to advocate raising money for the fire department. The Borough Attorney told the Council they cannot advocate any referendum as a body. Councilman Bendel said it would have to be done privately and separate from the Council.

CFO Gorman asked what, specifically, the referendum would be about? Was it for a building to build? A donation for a building to do whatever the fire department wants with it? Was it to cover expenses? Will there be a cap on it? Will it be only for the year 2017 or for 2017 and going forward indefinitely? Will it be for a length of 50 years to span the time they will need to

pay for the building? Councilman Bendel said that was exactly what was asked of the fire company. There are many different avenues that can be taken. For example, the Borough can pay for their bills for the fire company. The Mayor pointed out that the Borough is doing that now for this year, but it will expire on January 1.

Mrs. Gorman asked Councilman Bendel if the fire company took out a mortgage for however much money they needed for 20 years, would the Borough have to pay for fire company expenses for the next 20 years? Councilman Bendel said the fire company was asking the Borough to take on their operating expenses.

Mrs. Gorman asked if there are other solutions such as the fire company cutting back on the size of their building. Maybe the Borough could take over the land and decide to build a public safety complex that would house the Police Department, OEM. The fire company could rent a portion of it through a 99 year lease. The Borough could build a new building with a Capital Improvement. Mrs. Gorman went on to ask if the referendum fails, what other alternative does the Borough have to provide fire safety? At the last meeting the Fire Chief gave the Borough an ultimatum to do something or find another solution.

Councilwoman Thompson said that much more dialogue needs to take place between the town and the fire company.

Councilwoman Snow said that she thinks something was learned from the school referendum last year. A referendum that is not well planned and well thought out is doomed to fail. Education has to go into getting a message to the community to make a referendum work. Everything needs to be answered and we can't jump into this with a knee-jerk reaction without knowing what we are doing.

Mrs. Gorman warned that the Borough is on a shoestring budget and there is not a lot of money to cut.

Councilman Berglund said that when the dialogue began, the fire company came and presented their way of looking at it. Which was: They would take the building and the expenses would be the Borough's. He said he didn't believe that the division of cost was ever challenged and maybe this is the time to challenge it. Maybe the Council should look at it as the Borough bought the building and built the building. The fire company would be responsible for their expenses. Going forward the expenses would be controlled by the fire company.

Councilman Berglund asked if a swap has ever been asked of the fire company. Councilman Pillion stated that the short answer was "yes." He presented that idea recently to them. He said they are open-minded about transferring the land to the Borough and letting the Borough build the building. Councilman Pillion said that there are fluid dialogues happening with the fire company right now. There are components that need to be fleshed out further. He expects more answers at the next Council meeting.

Questions that need to be answered are:

What is the nature of the referendum to exceed the budget cap? Does it need to be done every year? Where will the Borough get the money to cover the costs of the referendum if it fails? Council President Asay stated that if it fails we maintain the status quo. Meaning, the Borough will have to find funds to pay for the referendum and will continue to fund fire company expenses to the best of the Borough's ability.

Councilwoman Snow suggested a committee be established before undertaking the referendum. She suggested that Councilman Pillion, Councilman Berglund and Councilman President Asay be on the committee since they have a relationship with the fire company. Councilman Pillion also suggested the Mayor could be on the committee.

Councilman Pillion said that there is still an ongoing dialogue happening about the best way to handle the fire company's issues but there needs to be guidance on the legal and financial ends as well as from the Department of Community Affairs. He said we are also looking at comparing costs for different avenues. One of the avenues involves a fire district. Perhaps joining an existing fire district or creating an independent fire district in Island Heights. He went on to say we need to put a best estimate of costs into the different courses of action. Right now, more information on the budget referendum is needed from the professionals.

## **B. Air B&B Enforcement**

Mayor Silver said a number of Air B&B's in the town has come to his attention. Other towns have already started the process of registration and obtaining certificates of occupancies every time there was a change in occupancy. Mayor Silver asked William Richert, the Fire Official, if the Air B&B's would have to be visited each time a tenant moves in and out. Mr. Richert stated that his code covers more commercial rather than residential, and he hadn't had any experience with this type of business. He will check with other Fire Prevention Bureaus to see what they are doing about keeping these places in compliance. He said if they are getting money for a room in exchange for a service, they should be considered a commercial entity. He will talk to the Division of Fire Safety and see if they have any insight on that.

Councilwoman Thompson had questions as to whether these places should be allowed in residential zones. Council President Asay passed around the Borough's current Ordinance 32-4 regarding Permitted Uses for Medium and Low Density Residential Districts. Letter C, as a permitted use states: "Tourist/Guest House having transient tourist/guest rooming accommodations providing that the structure has no separate kitchen facilities and shall provide a minimum of three (3) and a maximum of five (5) guest rooms. The owner shall have his/her place of residence in the same house and off-street parking shall be provided per subsection 30-1.7. Occupancy for tourist/guest rooms shall be limited between April 2 through November 30." However, "limited" is not defined anywhere in the ordinance and he has no idea what the relevance of the dates are.

Council President Asay then handed out Ordinance 12-1 which speaks of Inspections and Certificates of Compliance "All property that is sold or rented in the Borough shall be inspected by the Code Enforcement Official or his designated representatives on every change of occupancy but not exceeding one (1) inspection per calendar year." The ordinance contradicts

itself. The Borough could only enforce one inspection per year under the current ordinance structure.

Mr. Richert said the bed and breakfast ordinance requires the owner be on the premises when it is rented out. Council President Asay asked the Borough Attorney if there could be a 1.5% occupancy tax enacted for this purpose. The Borough Attorney will look into it. Mr. Richert will research it with the Division and also reach out to Toms River to see what they are doing.

Councilman Bendel asked if we are altering our ordinances to discourage this or if we are going to define and allow this? The Mayor stated that we are seeking to define who is coming into town and identify the homeowners who are allowing their home to be utilized on a daily/weekly basis. Also it would let the Police Department know what houses are on the list. The Borough Attorney suggested fixing the Ordinance. Mayor Silver or Councilman Bendel will bring this issue up at the next Mayor's Conference in an attempt to see what other towns are doing. It was also suggested changing the zoning ordinance to allow the Air B&B's to be allowed in more dense areas and not permitted in less dense areas.

Mayor Silver asked the members of the Council to think about who would like to be on the next Finance Committee for the next budget process. He would like to address that the next Council Meeting.

## **8. COUNCIL REPORTS**

Councilman Bendel had nothing to report.

Councilman Berglund said the Department of Public Works should get kudos for their recent work with replacing old water meters. Revenue is lost when water meters aren't working properly. Public Works has been replacing bad water meters in order to avoid bad meter readings. The Borough is losing a lot of revenue due to bad water meters. There were more than 10 inoperable meters.

Councilman Berglund put in the final report for the monarch way station. He claimed it a success and put in for the final monies to be sent to the Borough. He counted 11 caterpillars on Monday and this week the chrysalises have been showing up. At least 5 or 6 have been identified. He learned monarch caterpillars can go up to 30 feet from the leaves in which they are feeding before they pupate. He said they hang on fences and vines and anywhere else up to 30 feet away.

Council President Asay mentioned that the concert by the Top Hats String Band in August was well attended and the band did a tremendous job. They practice and fund on their own. Ray McKelvey is 92 years old and is the "Dean of String Bands" in Ocean County and all of them do a tremendous job. Everyone enjoyed themselves. He thanked them.

Councilman Pillion wanted to make sure everyone got a copy of the Police Blotter for June, July and August. Everyone did. He said Sailfest went well. There were no major incidents at all. The crowd was well behaved and a decent size. Sailfest gets better each year.

Councilwoman Snow has two RFP's for the redesign of the website along with two examples of websites that the companies have set up. She is reviewing the websites now. She is anticipating



' a third RFP sometime next week. At this point we are finishing out the year with the website we currently have. In the beginning of the year we will start fresh with developing a new website.

The summer recreation program finished up with a good year. There were from 6-20 children on a regular basis. Next year the program will start at the same time which would be the week after the 4<sup>th</sup> of July. However, due to it getting darker earlier in August, the program will end earlier. The program hours will begin later, at 6:30 so parents have more time to get the children there. Hopefully the two individuals who ran the program this past summer will come back next year. Councilwoman Snow has requested that the Recreation Committee have access to the Court Room on September 26<sup>th</sup> and reinstitute the committee meeting on the last Monday of the month three times a year. Hopefully they can get more volunteers and plan out the events for the upcoming year.

Councilwoman Thompson thanked Sandra Snow for her commitment, time and effort to the Summer Recreation Program.

Councilwoman Thompson reported that there were two complaints about Code Enforcement not getting things resolved. She wanted to emphasize how much is involved with administering Code Enforcement. Some of the things involved are getting summonses issued and served to the right person. You must have the inspections done and redone. There are court dates scheduled and not attended properly by people. It is a really difficult thing. Other towns that do code enforcement well have been in place functioning for a while. It has only been 20 months since Island Heights has been doing this and she thinks that we are in a learning curve. People needed to understand that there is a level of expectation that might be new and it is very positive. Residents should continue to contact Borough Hall and Councilwoman Thompson and we will track down information and respond back so there is a good dialogue. It is very important for that dialogue.

Mayor Silver discussed missing house numbers. Council President Asay cited the ordinance requiring house numbers must be a minimum of two inches and a maximum of four inches tall and must be of reflective material that can easily be seen from the street. Mayor Silver emphasized that this is for emergency services purposes and there is an Ordinance requiring house numbers. The Code Enforcement Officer will be making rounds and making notation of houses that need to have numbers displayed properly on them.

Mayor Silver reported that West End Avenue will be repaved. The Acting Borough Clerk added that it would happen that Thursday and Friday.

Mayor Silver checked with the Borough Engineer on Central Avenue. Work will commence on the 26<sup>th</sup> of September. Central Avenue will be closed off in both directions. Detour signs will be placed. Our Police Department will assist and traffic will need to be rerouted. The project should be completed within one day, possibly two at the most. Councilwoman Snow will reach out to the school district for rerouting of buses. Sewage will continue to operate for everyone except for two houses. One of the houses affected is vacant. The road will be rerouted between Garden and Lake Avenues.

The Transportation Trust Fund, which is currently frozen by the Governor, is still frozen. The Governor and the Senate are in negotiations over funding for the fund. At this point there is no agreement and the transportation fund is out of cash. Councilman Pillion asked what would happen if we continued with the Jaynes Avenue project. Mrs. Gorman stated that if the Borough continued to pave the road, the Borough would have to pay for all the costs. Councilman Pillion asked if it would make more sense to fix the sewer pipe under Jaynes Avenue now. The Mayor responded that it would make the road difficult to travel during the winter months after replacing the pipes without paving. Asphalt plants close in the winter, so nothing could be paved until at least the Spring.

Councilman Pillion suggested that he poll the residents on Jaynes Avenue and asked if they would prefer to replace the pipes now or wait until it could all be done at once. Councilman Pillion suggested we may get a better price on bids this time because the contractors aren't working due to the projects on hold from the Transportation Trust Fund being shut down.

Mayor Silver stated the sewage lift station on Fletcher Avenue must be addressed. It keeps causing an issue for a homeowner by putting sewage back into her home. There was a shutdown of the station's electrical system, alarm and everything else. No one knew it went down. When it is fixed there will be an alarm that will notify Public Works if there is a high level of sewage.

Before the meeting was adjourned Borough Attorney, O'Connell let the Council know that regarding the referendum, State law states that the body as a whole (meaning the Council) cannot use its resources to advocate for an affirmative vote for the referendum. But the State does note there is nothing that prohibits individual public officials from offering their personal opinion through other means, personal contacts, press information, letters to the editor, etc. Members of the Council can still go about town to advocate for a vote, but the body as a whole, cannot use the resources of the municipality to push it.

**9. ADJOURNMENT at 9:20 p.m.**

First: Bendel Second: Thompson All in Favor

**Respectfully Submitted by:**

**Katherine Fenton-Newman, CMR  
Acting Borough Clerk**

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
September 27, 2016  
7:00 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay  
Councilmember Bendel  
Councilmember Berglund  
Councilmember Pillion

Councilmember Snow  
Councilmember Thompson  
Mayor Silver  
Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present	X	X	X	X	X	X	X	X
Absent								

**1. PUBLIC COMMENT**

**2. REPORT**

**Timothy Rehm, Superintendent, Island Heights School District – Update on Renovation Project.**

Mr. Rehm thanked Councilpersons Berglund, Snow and Thompson for a great job they did last year in opening the School Boards’ eyes to many things and for giving the committee valuable, insightful, critical information. His first year here in Island Heights was amazing. He said that working in Island Heights this past year has been the most enjoyable year in his 38-year career. The community is incredible. There are great parents and great kids. He is so happy that they were able to move forward with the referendum. The children are very happy to see the new roof and the new Sea Devil on the cupola. It demonstrates to the children that we are really caring for them and providing them with a wonderful building.

Mr. Rehm invited the community to a ceremony for the Veterans on Wednesday, November 9<sup>th</sup> at 9:00 a.m. Any Veterans in the community please come to the school. There will be a nice acknowledgement for their service that day. Families of Veterans are welcome, too.

Mr. Rehm said that he knew the Borough was participating in the Sustainable New Jersey Program. The school is a participating Sustainable School. He would like to work together.

One of the District goals is achieving a bronze certification. He asked that the person in charge of the program contact either Mrs. Thomas or himself to coordinate programs.

Some other things the school is focusing on are:

S.T.E.A.M. – Science, Technology, Engineering, Arts and Math. There are expanded clubs, like Lego robotics, art club, and music club. They continue with their band. They continue to infuse S.T.E.A.M. into the everyday lessons.

There is a new reading initiative called “Drop Everything and Read.” At 12:15 every day, everything stops and every child in the building, along with the staff, is reading silently and independently for 15 minutes. The children enjoy it very much.

The roof project was completed this summer and it came in under budget. Most of the work was done in the first few weeks in August. Things were expedited to get the roof done last summer. The leaks that used to happen don’t happen anymore.

Next summer the big work will happen. They are in the design phase for the second part. The bids will be going out in November and hopefully bids will be awarded in December. They would like to get some of the work started in May. After the heating season they will be starting on the boilers. They are converting the steam system to a hot water system. They are replacing unit ventilators. This work will start in May.

Throughout the summer they will be replacing doors, windows, replacing carpets with tile, building management system, electrical upgrades, and addressing most of the work that encompasses the second part of the referendum. They will be busy from May until October of next year without interrupting instruction. Hopefully there will be good weather and be able to accomplish everything they need to do within that time frame.

He also praised the police department, fire department and public works department by saying they have been phenomenal. He thanked the Council for their cooperation.

Councilwoman Snow will be reaching out to the School Board Secretary to put her in touch with the Sustainable New Jersey contacts in Island Heights.

### **3. ORDINANCE**

**Ordinance 2016-11** An Ordinance of the Borough of Island Heights, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 19 of the Borough Code Entitled Parks, Recreation Areas and Other Public Places. (Second Reading)

#### **ORDINANCE 2016-11**

**AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 19 OF**

**THE BOROUGH CODE ENTITLED PARKS, RECREATION AREAS AND OTHER  
PUBLIC PLACES**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

**SECTION 1. Section 19-2.2, Badges Required,** shall be amended and supplemented as follows:

No person 6 years of age or older shall be permitted to use the areas set forth in subsection 19-2.1 that allow for bathing, swimming, fishing or crabbing unless such person shall have on his person and produce for inspection to a duly authorized Borough Official, a badge or other tag issued by the Borough for the privilege of the use of these places. The Borough will exempt all military veterans from obtaining a badge or tag upon proof of veteran status. This subsection shall not apply to clubs or organizations who have obtained prior approval from the Governing Body for the use of the areas on designated days and/or hours. (1975 Code §48-2; Ord. No. 82-4 §3; Ord. No. 2012-03 §4)

**SECTION 2. Section 12-2.3, Fees,** shall be amended and supplemented as follows:

- a. Calendar year badges or tags to permit bathing, swimming, fishing or crabbing shall be provided and fees for the same shall be established by the following ranges:
  1. Seasonal badge or tag from \$2.00 to \$60.00. After June 1<sup>st</sup>, \$2.00 to \$60.00.
  2. Daily badges \$5.00 to \$25.00 per day.
  3. Children's Daily Badge, for ages 6 to 13, from \$2.00 to \$5.00.

The Mayor and Council shall establish fees within the above ranges by resolution adopted yearly.

(1975 Code §48-3; Ord. No. 82-4 §4; Ord. No. 83-3 §1; Ord. No. 89-10 §1; Ord. No. 91-04 §1; New; Ord. No. 2007-01 §I; Ord. No. 2012-03 §5)

**SECTION 4. Repealer**

All Ordinances of the Borough of Island Heights which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

**SECTION 5. Unlawful**

1. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason declared invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 6. Effective Date**

This ordinance shall become effective upon publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced by the Borough Council of the Borough of Island Heights at a meeting held on September 13, 2016. Notice is hereby given that the Ordinance was considered for final adoption and passed at a meeting to held by the Mayor and Council on September 27, 2016 at 7:00 p.m., at the Borough Hall, located at One Wanamaker Municipal Complex, Island Heights, NJ 08732-0797.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Borough Clerk

Public Hearing – No Public Comment

First:   Bendel                      Second:   Snow  

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
X		Bendel	X			
		Berglund	X			
		Pillion			X	
	X	Snow	X			
		Thompson		X		
		Mayor Silver	X			

Councilwoman Thompson explained that she voted “no” because she does not believe that we should charge children for recreational badges.

**4. RESOLUTIONS**

**Resolution 2016-217 A Resolution to Affirm the Borough of Island Heights’ Civil Rights Policy with Respect to all Officials, Appointees, Employees, Prospective Employees, Volunteers, Independent Contractors, and Members of the Public that Come into Contact with Municipal Employees, Officials and Volunteers**

**RESOLUTION 2016-217  
A RESOLUTION TO AFFIRM THE BOROUGH OF ISLAND HEIGHTS’ CIVIL RIGHTS POLICY WITH RESPECT TO ALL OFFICIALS, APPOINTEES, EMPLOYEES, PROSPECTIVE EMPLOYEES, VOLUNTEERS, INDEPENDENT CONTRACTORS, AND MEMBERS OF THE PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL EMPLOYEES, OFFICIALS AND VOLUNTEERS**

**WHEREAS**, it is the policy of the Borough of Island Heights to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as

subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

**WHEREAS**, the governing body of the Borough of Island Heights has determined that certain procedures need to be established to accomplish this policy

**NOW, THEREFORE BE IT ADOPTED** by the Borough of Island Heights that:

**Section 1:** No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.

**Section 2:** The prohibitions and requirements of this resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.

**Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.

**Section 4:** The Mayor and Council shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.

**Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.

**Section 6:** The Mayor and Council shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this resolution.

**Section 7:** The Mayor and Council shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.

**Section 8:** At least annually, the Mayor and Council shall cause a summary of this resolution and the procedures established pursuant to this resolution to be communicated within the Borough. This communication shall include a statement from the governing

body expressing its unequivocal commitment to enforce this resolution. This summary shall also be posted on the Borough's web site.

**Section 9:** This resolution shall take effect immediately.

**Section 10:** A copy of this resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 27th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment - None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-218 Special Item Of Revenue and Appropriation – Chapter 159**

**RESOLUTION 2016-218  
SPECIAL ITEM OF REVENUE AND APPROPRIATION - CHAPTER 159**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Island Heights has received \$11,841.04 from 2016 FEMA-Donated Resources and wishes to amend its 2016 Budget to include this amount as a revenue;



**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Island Heights hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$11,841.04.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 27th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
 Katherine Fenton-Newman, CMR  
 Acting Municipal Clerk

These funds were received as a result of Winter Storm Jonas. This resolution authorizes these funds to be put into the budget.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
	X	Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-219 Authorizing the Auction of Three (3) Borough-Owned Vehicles by Priced Rite Towing on Wednesday, October 5, 2016 at 11:00 A.M.**

**RESOLUTION 2016-219  
 RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
 COUNTY OF OCEAN, STATE OF NEW JERSEY  
 AUTHORIZING THE AUCTION OF THREE (3) BOROUGH-OWNED VEHICLES  
 BY PRICED RITE TOWING ON WEDNESDAY, OCTOBER 5, 2016 AT 11:00 A.M.**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Island Heights, County of Monmouth, State of New Jersey, as follows:

1. A sale at public auction shall be conducted by Priced Rite Towing, a designee of the Borough of Island Heights, at 24 Germania Station, Toms River, New Jersey, 08755 of certain personal property such as:

	Item Description	Vehicle Identification No.	Minimum Bid
1	2003 Mazda B23 Pick Up Truck	4F4YR12D83TM17570	\$5,000.00
2	2005 Audi A4 4-Door	WAULT68E05A029374	\$5,000.00
3	2008 Kia Optima 4-Door	KNAGE124485226558	\$5,000.00

2. Said items are no longer needed for public use and said sale shall take place on Wednesday, October 5, 2016 at 11:00 a.m. prevailing time.
3. In each instance, the sale of personal property shall be made at public auction, item by item, as is, with a minimum bid as listed above, and shall be sold in each case to the highest bidder for cash and the monies received from said sales shall be turned over to the Chief Financial Officer for deposit in the General Municipal Treasury.
4. Items can be inspected the day of the auction beginning 15 minutes prior to the start of the auction and during the auction.
5. The Acting Borough Clerk shall publish in a newspaper circulating within the Borough of Island Heights, County of Ocean, State of New Jersey, and a notice of the aforementioned sales of the personal property, listing the items for sale, shall be posted on the bulletin board in the Municipal Building.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 27th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

These vehicles were impounded by the Police Department for various reasons. The owners did not come back to pick them up.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			

		Mayor Silver	X			
--	--	-----------------	---	--	--	--

**Resolution 2016-220 Approving the 3<sup>rd</sup> Annual Island Heights Grade School PTO  
Trunk or Treat, Friday, October 28, 2016**

**RESOLUTION 2016-220  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY  
AUTHORIZING THE 3<sup>rd</sup> ANNUAL ISLAND HEIGHTS GRADE SCHOOL PTO  
TRUNK OR TREAT, FRIDAY, OCTOBER 28, 2016**

**WHEREAS**, the Island Heights Grade School PTO has held its Annual Trunk or Treat in the Borough Hall Parking Lot for three (3) years; and

**WHEREAS**, the PTO would like the event to take place in the Borough Hall Parking Lot from 6:00 p.m. to 7:30 p.m. on Friday, October 28, 2016; and

**WHEREAS**, the PTO will begin setting up at 5:00 p.m. and will be done with clean up by 8:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights authorize the Island Heights Grade School PTO to hold its 3<sup>rd</sup> Annual Trunk or Treat in the Borough Hall Parking Lot on Friday, October 28, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 27th day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment:

Melissa Wudzki from the PTO, and Trunk or Treat organizer explained that this is a fun event. The cars are set up and decorated for Halloween. The children come and Trick or Treat among the cars. They do a food drive to take cans and food donations which are taken over to the local food pantry. They do some games and have a lot of fun. It starts for the kids at 6:30 to Trick or Treat. The cars set up at 5:00. She requested that the lights be put on from 6:30 to 8:00 p.m.

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			

		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-221 Approving Raffle License #2016-5 for the Island Heights Grade School**

**RESOLUTION 2016-221  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPROVING RAFFLE LICENSE #2016-5 FOR THE ISLAND  
HEIGHTS GRADE SCHOOL**

**BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby approve Raffle License #2016-5 for the Island Heights Grade School for a Raffle to be held on November 8, 2016.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk of the Borough of Island Heights do hereby certify that the foregoing resolution was duly adopted by the Borough of Island Heights Borough Council at a meeting held on the 27th day of September, 2016.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

**Public Comment:**

Melissa Wudzki explained that every year the six grade, along with their parents, puts together a spaghetti dinner to raise money for their class trip. The raffle is done in conjunction with the spaghetti dinner.

**Roll Call:**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-222 Approving Bill List  
Public Comment - None**

Roll Call

Motion made approving Bill List but excluding payment to Seal Team.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-224 Appointing Timothy A. Magee as Part-Time Laborer**

**RESOLUTION 2016-224  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, APPOINTING TIMOTHY A. MAGEE AS PART TIME  
LABORER**

WHEREAS, the Borough of Island Heights is in need of a part-time Laborer; and

WHEREAS, Timothy A. Magee has applied for the position;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Timothy A. Magee as part-time Laborer for the Borough of Island Heights, at an hourly of \$12.50 per hour, not to exceed 28 hours per week.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 27<sup>th</sup> day of September, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			

		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

## 5. ITEMS FOR DISCUSSION

### A. Referendum to Exceed Budget Cap

Attorney Michael O’Connell said, while he was in Trenton, he asked if a referendum to raise the budget passed does the budget amount stay up permanently or for just a year. Trenton told him that if the referendum passed, the new amount becomes your base for your budget. There is no need to hold a referendum every year.

### B. Air B&B Enforcement

The Mayor asked another municipality to get him their Air B&B regulations but they have not gotten back to him yet.

Attorney O’Connell said that he asked another municipality what they have done to regulate their Air B&Bs. They addressed the issue through zoning to not allow for short term habitability. It would preclude hotel/motel overnight stays.

## 6. COUNCIL REPORTS

Councilman Bendel stated that he and the Mayor were going to bring up the Air B&B issue at the Mayor’s meeting but it turned out to be inappropriate to do so at the time. The discussion at the Mayor’s meeting was strictly about the recent bombing in Seaside Park.

Councilman Berglund reported that Public Works installed a new hydrant at Camp Walk. The old one was not functional.

40 feet of new sewer was put in around Summit Avenue.

Geese are a problem in the parking lot. Other towns have successfully kept the geese away by encouraging other people to fly their drones around the geese. It appears that if drones are flown over geese multiple times they will not come back. Councilwoman Snow prefers that dogs run them off. Councilman Berglund said that the geese are no longer afraid of dogs. The Mayor said we are going to take a scientific approach by allowing drone owners to come in and scare off the geese.

Council President Asay said that New Jersey Natural Gas asked for a 24% rate increase in the spring. He and other Council Members let the Board of Public Utilities (BPU) that they were not happy with that increase. It would be too much for the residents to endure. The BPU has reached an agreement with NJ Natural Gas and the increase will only be 7.5%. Almost all of the increase will be offset by the decreased in the price of natural gas.

Councilwoman Thompson had no report.

Councilwoman Snow called on Judith Carluccio and Angela Whitehill from the Methodist Restoration Association to provide an update on the work at the Camp Meeting.

Judith Carluccio, 100 Laurel Avenue, is the chairperson of the Camp Meeting Restoration Association. She was happy to report that the first leg of the journey to revitalize Camp Meeting, the stairway reconstruction, is almost completed. It was helped along a great deal by Jon Broadbeck who has been a friend of their campaign. He took the old staircase out and trimmed the trees on the Camp Meeting grounds. According to their gardeners, he did a masterful job. It looks wonderful. They won't plant a garden until next spring. Their contractor has been on the job all day and they are thinking of using the rest of the money donated to erect a low wall along Ocean Avenue.

Mrs. Carluccio said that since that is looking so beautiful, the sidewalk is looking like a disaster and asked if the Borough could replace the sidewalk. The Mayor spoke with the contractor and is inclined to replace a couple of pieces of sidewalk by the front apron. The sections are about 6 feet wide.

Angela Whitehill said that putting in a wall along Ocean Avenue was a lot more expensive than they thought it would be. They will definitely put in daffodils whether or not they put in the wall. Then they will have a show of color in the spring of something pretty. She also emphasized that Jon Brodbeck did a great job pruning. Mrs. Whitehill said the pavilion needs a new roof and they are pretty sure they can't take it down because it was put up with a State grant. She asked the Borough if they would put up a new roof.

Councilman Bendel said that the structure really does not suit the area and should not have been put up in the first place. If it could be demolished we could go from there.

Mrs. Carluccio said that would be a whole lot more expensive. George Thompson has offered to do a simple design change for the pavilion. She hasn't seen it yet. Councilman Bendel said he took back his statement and said, "Go with George." Mrs. Carluccio said they would need more funding in order to do that.

Mrs. Whitehill said they would like to put in a real garden there. They would like to put in some dogwoods because they are indigenous to Island Heights. They would also like to put in plants that are low maintenance and maybe a dry stream bed.

Mrs. Carluccio said that now that it looks so much better, they are hoping people will give them more contributions.

They provided the Borough Clerk with the insurance certificate and license of the contractor.

Councilwoman Snow reported that the Recreation Committee has officially been resurrected and has set dates for meetings. They had their first meeting and are taking minutes. The committee will be meeting four times a year. They have laid out their schedule for Halloween.

- The **Annual Autumn Bonfire** will be on Summit Avenue Beach on October 22 between 6 and 8 p.m.
- The **Halloween Parade** will be on Saturday, October 29<sup>th</sup> at 11:00 a.m.
- The next **Recreation Committee meeting** will be November 27<sup>th</sup> in order to gear up for the Christmas Tree Lighting. She urges anyone who is interested in volunteering to do so. This is one of the most fun committees you can volunteer for. You don't have to do a lot and it's a great feeling.

Councilwoman Snow also reported that the Environmental Committee is losing two wonderful volunteers, Betty and George Wood. They are moving out of the area to be closer to their daughter and son-in-law. They have been a fixture in town and will be greatly missed.

Councilwoman Snow wanted everyone to know that Jon Bon Jovi's Soul Kitchen on Hooper Avenue is having an event Saturday, October 22<sup>nd</sup>, 12 to 2 p.m. They are inviting local Fire, Police and EMS to serve up their mouth-watering chili entries. Guests will sample the chili and vote for their favorite. There is a \$10 per person charge to enter the event.

Councilman Pillion asked Lt. Kevin Arnold to give the police report. Lt. Arnold said that since school has opened they have been passing out flyers giving a warning to motorists saying that nothing will be tolerated in the school zone area. He is trying to get in touch with the County to extend the school zone from Laurel and, on the other side, at least to Jaynes. Lt. Arnold will look into seeing if the school zone can be expanded. Either way, there will be stronger enforcement in the area.

Councilman Pillion asked if Lt. Arnold had any success in reaching out to the County to lower the speed on West End Avenue. Is it in the purview of the municipality through its ordinances? Lt. Arnold said the speed limit can be changed.

Councilman Pillion said that our Chief has reached out to the County Sheriff's Department and has acquired for our event, extra personnel, bomb sniffing dogs and a command center that sets up for the Sail Fest. He thinks the extra presence of law enforcement has a positive impact of tamping down the rowdiness that has happened in the past.

Councilman Asay stated he needed to discuss some issues in Executive Session.

Mayor Silver reported the figures for the 2016 Recreation Badge sales. Our walk-in sales totaled \$14,875.00. Our Badge Checkers sold \$11,880. The total amount of badges sold for 2016 was \$26,755. That amount has never been done in Island Heights. There were outstanding sales this year.

Mayor Silver, Councilwoman Snow and Councilman Berglund are working with a sign company to get some proofs for the entrance. The sign will go to the left side by the top cap of the stone column coming into the complex. The sign will tell people where all the offices are.



The Mayor also wants to address the sign at Triangle Park that is split.

**PRIVILEGE OF THE FLOOR**

Brook Smith, 136 West End Avenue – Wanted to follow up about the speed limit on the road. Mayor Silver said that it is not a County Road. He said that during the winter months you need enough speed to get up the hill if there is ice and snow. He was thinking that the speed should be lowered from 35 to 30 miles per hour. Two more radar units have been ordered for the police cars.

Mrs. Smith said that she has been thrilled by the police presence.

**7. EXECUTIVE SESSION - 8:13 P.M.**

**Resolution 2016-223 Executive Session  
Public Comment  
Roll Call**

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**8. RECONVENE REGULAR MEETING 8:45 p.m.**

**First: Thompson      Seconded: Snow      All In Favor**

**9. Motion was made to have purchasing agent, Joseph KostECKI, advertise for contract bids for garbage and/or recycling services with two options. Option 1 would be for what we currently have and Option 2 would be for weekly trash collection and recycling by an outside contractor.**

**First: Asay      Seconded: Pillion      All in Favor**

**10. ADJOURNMENT 8:50 p.m.**

**First: Bendel      Second: All in Favor**

**Submitted By:**

**Katherine Fenton-Newman  
Acting Borough Clerk/Registrar**

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
October 11, 2016  
7:03 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay  
Councilmember Bendel  
Councilmember Berglund  
Councilmember Pillion

Councilmember Snow  
Councilmember Thompson  
Mayor Silver  
Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present	X	X	X	X	X	X	X	X
Absent								

**1. PUBLIC COMMENT**

Mayor Silver announced Benedict L. DeFonzo’s passing. Mr. DeFonzo passed away on October 7, 2016 and lived on Ocean Avenue. He was Co-Director of Athletics at Southern Regional High School until his retirement in 1999. He was Ocean County Athletic Director of the Year in 1997-1998 and inducted into the Southern Regional Athletic Hall of Fame in 2007. He has two sons, David and Andrew, and is grandfather to six. He loved spending time with his family, playing tennis, enjoying boating and fishing and was an avid Penn State Football fan. He was a member of the Planning Board for a long time. Visitation will be at Anderson and Campbell Funeral Home, 703 Main Street, Toms River on Thursday, October 13 from 4-8 p.m. He will be greatly missed.

Mayor Silver congratulated Terry Kempton on being inducted into the Barnegat Bay Sailing Hall of Fame.

**2. COMMUNITY UPDATE**

- A. Christine Maloney, Island Heights Library Branch Manager, providing an update on the Island Heights Library.

Ms. Maloney said that the summer reading program had amazing statistics this year. 700 books were read collectively. One child read 106 books over the summer. All the children who participated in summer reading got taken to see the Blue Claws.

Upcoming Events:

1. Flower Arranging with the Whiting Flower Shop. Registration completely filled up in 3 days.
2. There will be a Paint Party in December. Everyone gets their own canvass and will learn to paint. This will be on the same day as the Island Heights Walking Tour.
3. The day before the Paint Party, the Library will have a band come in and do holiday songs.

The Friends of the Library are working with Jason Austin of the Little Plant Company who will make the front gardens native plant gardens.

### **3. PROCLAMATIONS**

A. National Friends of Libraries Week 2016 – October 16-22, 2016

B. Halloween Proclamation 2016

No one under the age of 18, unless accompanied by an adult, will be permitted on the streets after the hour of 8 p.m. from Friday, October 21, 2016 through Monday, October 31, 2016.

No one under the age of 18, unless accompanied by an adult, will be permitted on the streets after the hour of 10 p.m. on Monday, October 31, 2016 (Toms River Parade).

Trick or Treating will be between the hours of 4 p.m. and 8 p.m. on Sunday, October 30, 2016.

### **4. ENVIRONMENTAL COMMITTEE REPORT**

Mary Judge reminded everyone that they have a Sustainable Island Heights Facebook page through the Sustainable New Jersey Program and encourages everyone to look at it. There is a Green Team in town and they are working on getting certified as a Sustainable Community. The first level of certification should happen in November.

Rob Harrington did pro bono work designing the bioswale and has won the Firman E. Bear Environmental Excellence Award for that work and received a \$500 award.

The committee is having a planting, weeding and putting the bioswale to bed day on Sunday, October 16<sup>th</sup> beginning at 10:00 a.m. Local participation would be appreciated.

Mary Judge asked the Mayor and Council to post a link to the Barnegat Partnership's 12

minute State of the Bay video to the Borough's website. She also would like a link posted on the Borough's website to the Jersey Friendly Yards website.

Councilman Berglund and Mary Judge will be attending the New Jersey Shade Tree Federation Meeting at the end of October in order to get the core training and earn continuing education hours for the entire year per the community forestry plan requirements.

The Environmental Committee is always welcoming new members and to the Sustainable Jersey Green Team. It is not a big commitment. If you have a project you would like to work on, your participation is appreciated.

Clean Ocean Action's Beach Sweep is taking place on Saturday, October 22. The Brownswoods will be cleaned. The meeting place is on the corner of Whittier and Washington. Please sign up on Clean Ocean Action's website and come out and help for an hour or two on Saturday.

**5. APPROVAL OF MINUTES**

- A. Minutes of September 13, 2016 Regular Meeting
  - B. Minutes of September 27, 2016 Regular Meeting
- Minutes approved as consent agenda.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
X		Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**6. RESOLUTIONS**

**Resolution 2016-225 A Resolution Setting the 2017 Fees for Recreation Badges**

**RESOLUTION 2016 – 225  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
SETTING THE 2017 FEES FOR BADGES.**

*The Mayor and Council of the Borough of Island Heights have set the following fee schedule effective November 1, 2016 until December 31<sup>st</sup>, 2017. All badge fees are non-refundable.*

**Recreational Badges purchased from November 1<sup>st</sup>, through December 31<sup>st</sup>, 2016**

14 Years of Age and Older	Season	\$15.00
6 Years to 13 Years of Age	Season	\$ 2.00

**Recreational Badges purchased from January 1<sup>st</sup>, through May 31<sup>st</sup>, 2017**

14 Years of Age and Older	Season	\$20.00
6 Years to 13 Years of Age	Season	\$ 4.00
14 Years of Age and Older	Daily	\$ 5.00
6 Years to 13 Years of Age	Daily	\$ 5.00

**Recreational Badges purchased June 1<sup>st</sup> through December 31<sup>st</sup>, 2017**

14 Years of Age and Older	Season	\$30.00
6 Years to 13 Years of Age	Season	\$ 5.00
14 Years of Age and Older	Daily	\$10.00
6 Years to 13 Years of Age	Daily	\$ 5.00

**Boat Ramp Resident Fee** \$50.00

**Boat Ramp Commercial Fees** \$500.00

**Tennis Badge With Key Fee** Residents Only \$30.00

Public Comment:

A resident asked why the Borough is charging for children now. Mayor Silver stated if people go to any other town that offers crabbing or fishing along the waterfront, there is always a fee involved. Now Island Heights will charge a fee.

Changes have been made to the recreation badges for presales. There will be two separate preseason sales. A children's badge has been added and fees set as follows:

**Recreational Badges purchased from November 1<sup>st</sup>, through December 31<sup>st</sup>, 2016**

14 Years of Age and Older	Season	\$15.00
6 Years to 13 Years of Age	Season	\$ 2.00

**Recreational Badges purchased from January 1<sup>st</sup>, through May 31<sup>st</sup>, 2017**

14 Years of Age and Older	Season	\$20.00
6 Years to 13 Years of Age	Season	\$ 4.00
14 Years of Age and Older	Daily	\$ 5.00
6 Years to 13 Years of Age	Daily	\$ 3.00

**Recreational Badges purchased June 1<sup>st</sup> through December 31<sup>st</sup>, 2017**

14 Years of Age and Older	Season	\$30.00
6 Years to 13 Years of Age	Season	\$ 5.00
14 Years of Age and Older	Daily	\$10.00
6 Years to 13 Years of Age	Daily	\$ 5.00

**Boat Ramp Resident Fee** \$50.00

**Boat Ramp Commercial Fees** \$500.00

**Tennis Badge With Key Fee** Residents Only \$30.00

All badges and fees are non-refundable when purchased.

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel			X	
X		Berglund	X			
		Pillion			X	
		Snow	X			
		Thompson		X		
		Mayor Silver	X			

Councilwoman Thompson expressed her opinion that the Borough should not charge fees for children, which is the reason she voted “no.”

**Resolution 2016-226 Authorizing the Mayor and Acting Borough Clerk to Execute a Memorandum of Understanding with the New Jersey Office of Emergency Management Regarding the Application of the Borough of Island Heights to receive Grants for FEMA Public Assistance and/or Hazard Mitigation Programs under the**

**Stafford Act.**

**RESOLUTION 2016-226**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE MAYOR AND ACTING BOROUGH CLERK TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE NEW JERSEY OFFICE OF EMERGENCY MANAGEMENT REGARDING THE APPLICATION OF THE BOROUGH OF ISLAND HEIGHTS TO RECEIVE GRANTS FOR FEMA PUBLIC ASSISTANCE AND/OR HAZARD MITIGATION PROGRAMS UNDER THE STAFFORD ACT**

**WHEREAS**, the Borough of Island Heights wishes to enter into a Memorandum of Understanding with the New Jersey Office of Emergency Management (hereinafter referred to as the "NJOEM") relating to applications for grants under the Federal Emergency Management Agency (hereinafter referred to as "FEMA") Public Assistance and/or Hazard Mitigation programs for presidentially declared major disasters; and,

**WHEREAS**, NJOEM, on behalf of the State of New Jersey, is the grantee of FEMA funding for disaster assistance; and,

**WHEREAS**, FEMA has determined that the Borough of Island Heights, the subgrantee, is eligible to apply for and/or receive FEMA funding under the Public Assistance and/or Hazard Mitigation programs; and,

**WHEREAS**, NJOEM has a fiduciary responsibility to FEMA to insure disaster relief funds are spent responsibly by eligible subgrantees; and,

**WHEREAS**, the Memorandum of Understanding is a part of the Borough's application to receive such disaster assistance and FEMA funding; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Borough Council of the Borough of Island Heights, County of Monmouth, State of New Jersey, that the Mayor and the Acting Borough Clerk, if applicable, of the Borough of Island Heights is hereby authorized, on behalf of the Borough, to execute a Memorandum of Understanding with NJOEM. A copy of the Memorandum of Understanding shall be on file in the office of the Acting Borough Clerk.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Borough Clerk of the Borough of Island Heights do hereby certify that the foregoing resolution was duly adopted by the Borough of Island Heights Borough Council at a meeting held on the 11th day of October, 2016.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Borough Clerk

Public Comment - None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			



		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-227 Special Item of Revenue and Appropriation – Chapter 159**

**RESOLUTION 2016-236  
SPECIAL ITEM OF REVENUE AND APPROPRIATION - CHAPTER 159**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Island Heights has received \$1,309.68 from 2016 FEMA Winter Storm Jonas and wishes to amend its 2016 Budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Island Heights hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$1,309.68.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 9th day of November, 2016, in the Borough Hall, Island Heights, New Jersey.

---

Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Adding \$1,301.99 for Body Armor to the budget.

Public Comment - None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
X		Bendel	X			
		Berglund	X			

		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-228 Bill List**

Public Comment

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**7. PURCHASE ORDER**

**Resolution 2016-229 Approving the Following Purchase Order**

Vendor: Reiner Pump Systems  
 Item: ABS Submersible Pumps, Guiderail Assemblies w/hardware,  
 Orifice Plates, ACHH Plus Duplex Control Panel, Go Floats  
 Amount: \$17,815.00

For Fletcher Avenue pump station.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
		Bendel	X			
X		Berglund	X			
	X	Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**8. ITEMS FOR DISCUSSION**

**A. 2017 Budget Committee**

Mayor Silver asked for volunteers from the Council to sit on the 2017 Budget Committee. Councilwoman Thompson and Council President Asay volunteered.

## 9. COUNCIL REPORTS

Councilwoman Thompson reported that the new steps at the Camp Meeting Park are starting to go in. There was concern that the height was higher than the previous steps. Councilwoman Thompson spoke to the mason working on the steps. He explained that the reason for the height of the steps is because the prior steps were getting a lot of water runoff. This makes them slippery because it causes algae to grow on them. It also denigrates the quality of the material. The steps needed to be about 4 inches higher so the water would not run off of the park and onto the steps.

Councilwoman Thompson said the Chief Financial Officer provided a revenue report for receipt of fees and collections year to date through September. The report is a benchmark to see if the Borough is in line with where it is expected to be with certain accounts. The report indicates if collections are above or below what was collected last year at this time. A lot of areas are on target or above. A couple of areas are below target. However, when the totals are all combined, the collection rate is at 99% of revenues. Councilwoman Thompson thanked, through the Mayor, the Chief Financial Officer for the report. It was very informative and helpful.

The Chief Financial Officer has confirmed that the waterfront access fund, which was asked about by Mr. Kempton during a previous meeting, is still on deposit. The funds are still available.

Councilwoman Thompson reported that she had a follow up discussion with Mr. Cocco regarding code enforcement issues. She stated that they are “a real bear to wrestle” and that we need diligence. She appreciates his time and focus on these issues.

Councilwoman Snow thanked Councilman Berglund for graciously stepping up and taking her place in going to the conference with Mary Judge. Due to a conflict in scheduling, Councilwoman Snow could not go.

Trunk or Treat is definitely scheduled. The PTO is handling that. The bonfire is the 22<sup>nd</sup> from 6 p.m. to 8 p.m. The flyer will go out through the schools the week of the event. The following week is the Halloween Parade at 11 a.m. A flyer will go out through the school the week of the event.

Mary Judge commented that Suez Water is giving out grants for water use and reuse. She would like to get a rehydration station in order for people to be able to refill their refillable water bottles. This will reduce the use of plastic water bottles which are a tremendous environmental disaster. The water would come from our water system and there would be a nominal cost to replace the water filters. Ms. Judge asked permission to apply for the \$1,000 grant if there weren't matching funds required. The Mayor said she could apply for the grant.

Councilman Pillion reported that the Island Heights Police Department has launched its annual food drive and Toys for Tots. Bring food or toys to the lobby of the Police Department. He commends Lt. Kevin Arnold and the members of the police department for hosting the drive again for the 18<sup>th</sup> year.

Councilman Pillion reported that the Fire Company is holding their annual 50/50 cash raffle. Tickets can be purchased from any fireman or at the Island Heights Fire Company on Friday beginning at 7:00 p.m. It is a very important fundraiser for the fire company. The raffle date is November 23<sup>rd</sup>.

Councilman Pillion has spoken with Brook Kelly Smith, the woman who appeared before Council and lives on West End Avenue. She is pursuing an effort to identify areas where the speed limit should be lowered in town. She will make another presentation at a future Council meeting when she has her data compiled.

Councilman Bendel had no report.

Councilman Berglund had no report.

Council President Asay remarked that the Borough's speed limit ordinance, 7-11, indicates that "the following shall be the speed limits in town" but it was never completed. He said this is an opportunity to see this through and have the recommendations of the Lieutenant, the residents and other interested parties to come up with a list. The State law is already 25 miles per hour in a residential area. Maybe the streets that should be above 25 miles per hour should be identified in the ordinance with all other streets being 25 miles per hour.

Mayor Silver read a letter from Comcast formally accepting Ordinance 2016-10 granting the renewal of municipal consent to Comcast of New Jersey, LLC. They will petition the New Jersey Board of Public Utilities for issuance of a Renewal Certificate of Approval in this matter.

Council President Asay thanked Bob MacNeal and Mr. Bendel for their assistance in drafting the ordinance. It will be interesting to get the government access channel up and running whenever the Board of Public Utilities approves it.

## **10. PRIVILEGE OF THE FLOOR**

Maureen DeSanto, 15 Fletcher Avenue – Her daughter, Lauren, ran a fund raiser through her school for Locks of Love. She donated 10 inches of her hair to children with cancer. Unfortunately, only Lauren and Maureen got their hair cut and were the only donations made. Lauren would like to run another fundraiser in November. She asked if there was a way for them to get the word out. She said last time she went through the school and it didn't generate much interest. Councilman Pillion asked if she would like to put something in the Borough's newsletter.

Councilwoman Snow asked her to explain how Locks of Love works. Mrs. DeSanto said that last year her daughter wanted to donate her hair to children with cancer. She had long hair and wanted to donate it to use for wigs. Locks of Love takes the hair, it has to be at least ten inches, and they make wigs for children who lose their hair due to chemotherapy. They also take monetary donations because it is a not-for-profit organization. The hair dresser in town at Ambiance Salon didn't charge her for Lauren's haircut and charged Maureen \$40 and donated

50% to Locks of Love. The hairdresser said that she is willing to do it again at 50% for a haircut.

Lauren and Maureen will branch off on their own and run this fundraiser themselves. Councilwoman Snow suggested reaching out to Central Regional School because it seems to be a popular charity for teenagers and young adults. She asked if they had some timeline in mind. The hairdresser said that sometime in November would be good. Mrs. DeSanto said she would call and get dates. Councilwoman Snow will reach out to the High School and see if something could be circulated through the High School.

Tim Paar, President of the Island Heights Volunteer Fire Company read a letter to the Mayor, Councilmembers and the Chief Financial Officer which said the following:

“We are writing to you on behalf of the Island Heights volunteer Fire Company to request a meeting with the Mayor, our liaison and the CFO, to discuss the Fire Company’s budget for 2017.

Due to the current issues with our building and our current financial situation, it is important that we work with the Mayor and the town Council to come up with a plan on keeping the Fire Company operating efficiently in Island Heights.

We look forward to the opportunity to meet with you to discuss our operating budget. Please contact us to discuss your availability. Thank you for your time.”

Signed by Timothy Paar, President and Andy Parks, Chief.

Bob MacNeal, 237 Ocean Avenue said that it was his understanding that when construction happened they needed to put up a silt fence. The house (Stewart’s House) never put up a silt fence. There was a downpour and their front and side yard washed down the street. There is a lot of sand and silt that washed down the street. The Mayor said the construction official needs to address this and have them clean it up.

Mary Judge said that the tree ordinance seems to be unenforceable. Is there any other way to fix the tree ordinance to make it enforceable? Council President Asay told Joe Cocco to send him his suggestions and he will rewrite the ordinance.

Joe Cocco, Zoning and Code Enforcement Officer, said he is seeing a lot more residents coming in for Tree Permits. Councilman Bendel stated, requiring permits for removing trees is not saving trees it is just making money.

## **11. ADJOURNMENT 8:10 P.M.**

**First: Bendel      Second: Berglund      All In Favor**

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
October 25, 2016  
7:02 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay  
Councilmember Bendel  
Councilmember Berglund  
Councilmember Pillion

Councilmember Snow  
Councilmember Thompson  
Mayor Silver  
Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present		X	X	X	X	X	X	X
Absent	X							

**1. PUBLIC COMMENT - None**

**2. APPROVAL OF MINUTES**

**A. Minutes of October 11, 2016 Regular Meeting**

A correction was made to the meeting minutes on page 7. The Halloween Parade was noted as starting at 10 a.m. when it actually started at 11 a.m. All votes on minutes are as amended.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**3. RESOLUTIONS**

**Resolution 2016-230 Authorizing the Execution of an Agreement with the County of Ocean in Connection with the Community Development Block Grant Program**

Public Comment - None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-231 Approving Fifth Amendment to PCS Site Agreement**

Public Comment - None

Roll Call

PCS Site Agreement with T-Mobile is expiring. This would amend agreement to add 24/7 access to the site and also add a generator, if needed. Council asked for more information on generator.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-232 Authorizing the Execution of a Shared Services Agreement  
with the County of Ocean Pursuant to N.J.S.A. 40:8A-1 et.seq.,  
for the Prosecutor's Driving While Intoxicated Program**

Public Comment - None

Roll Call

Councilwoman Thompson called attention to the Prosecutor's letter which stated Ocean County frequently leads the State in Traffic Related Fatalities.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-233 Authorizing the Execution of a Shared Services Agreement  
with the County of Ocean Pursuant to N.J.S.A. 40:8A-1 et.seq.,  
for the Prosecutor's Drug Recognition Expert Callout  
Program**

Public Comment - None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel	X			
		Berglund	X			
		Pillion	X			
X		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-234 Authorizing the Acting Municipal Clerk to Advertise for  
Proposals for Requests for Professional Services**

Public Comment - None

Roll Call

Councilwoman Thompson asked that the Resolution language be amended to include Best Practices language. The vote was based on the resolution amended to include Best Practices language.



MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel	X			
		Berglund	X			
		Pillion	X			
	X	Snow	X			
X		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-235 Bill List**

Public Comment - None  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
	X	Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**4. ITEMS FOR DISCUSSION**

- A. Transportation Trust Fund Freeze** – Mayor Silver read a statement announcing the Governor’s Executive Order freezing the Transportation Trust Fund has been lifted. The Mayor explained that now the Borough can move forward on several projects that had been put on hold.
- B. Speed Limit on West End Avenue** – Mayor Silver stated he has been speaking with the County regarding the double yellow line on West End Avenue. The Borough Engineer is working with the Mayor’s contact at the County to add a double yellow line continuing up West End Avenue.

There was a discussion on how to proceed with the lowering of the speed limit on West End Avenue. Mayor Silver offered a trial program to see what would work. Councilman Berglund thought that the speed limit changes should be done globally with corridors coming into town with a higher speed limit than 25 mph and residential areas with a lower speed limit of 25 mph. Councilman Bendel would support a global approach. Councilwoman Snow supported a global approach with a phased in process to assist with manpower and costs. Councilman Pillion is in support of a 25 mph speed limit on all roads in the borough. He also offered that the Township of Brick is willing to do the signs because they make their signs in-house. Brick is willing to enter into a shared services agreement to provide services. Councilwoman Thompson believes 25 mph

throughout the town is a very wise thing to do and also supports petitioning the County to lower the speed limits on County roads in the town.

Lt. Arnold said that approximately 95% of the borough's streets are already 25 mph. West End Avenue will be tricky because dropping down to 25 mph from 35 mph would almost create a hazard. There will be a lot of summonses issued where the speed drops suddenly. Councilwoman Snow thought maybe the police could issue warnings at first instead of giving tickets. Lt. Arnold said that is up to the discretion of the officer making the stop. The Mayor said that he agrees with trying to reduce the speed limit all in one shot.

Brooke Smith, 136 West End Avenue, submitted a Petition to the Island Heights Council to reduce the speed limit on West End Avenue to 25 miles per hour. The petition contained 91 signatures. Mrs. Smith also submitted a letter from Patricia Robinson, 144 West End Avenue, stating she was in favor of reducing the speed limit on West End Avenue.

Mayor Silver will reach out to the County to see what the procedure is to reduce the speed limit. He would like to reduce the speed limit on County and borough roads at the same time. However, if it is a long process to reduce the speed limits on the County roads, the Mayor would like to move forward lowering the speed limit on borough roads and then work with the County in a second phase. Mayor Silver expects to have an answer from the County at the next meeting.

Councilman Pillion said he received a letter from Mrs. Cheryl Harker, who supplied material on the LED devices that warn drivers of their speed. Each cost one to two thousand dollars per device. She is concerned about the speed on Ocean Avenue. Councilman Pillion said that the speed issue is not only a concern on West End Avenue; it is in other areas of town.

## **5. COUNCIL REPORTS**

Councilman Bendel reported the he was approached by a citizen who expressed her concern about the Air B&B issue. Mayor Silver said it still is an issue that is being addressed. The Mayor said that New York is trying to prohibit them from operating.

Councilman Berglund reported that during this cycle there were 30 faulty water meters that needed to be repaired. The meters are getting old and Public Works will be repairing them.

Councilman Berglund asked that the Council approve a community garden expansion. He requested 20 additional feet to the east of the garden for additional beds and one additional row 8 feet to the south. There are 14 people on the waiting list. The expansion would allow all the people on the waiting list to have a plot and maybe 1 or 2 more spots for anyone else who would like to come in. Councilman Berglund said that this would also benefit the butterfly garden and community garden because all the pollinators will be in the middle of the garden. Council approved the expansion unanimously.

Councilman Pillion reported that the Police Blotter had been made available to the Mayor and Council and will be available on the Police Facebook page.

Councilman Pillion deferred to Chief Parks of the fire department for information regarding the fire department. Chief Parks reported that they are in the middle of their fund raising drive. They are currently doing a 50/50 for \$100 each ticket. Anyone interested in a ticket can see any fireman. Councilman Pillion said the fire department ladies auxiliary is running a paint party fundraiser on November 5<sup>th</sup> at 7:00 p.m. at 15 Lake Avenue. Tickets are \$40 to paint a Sunset Sailboat. It is a bring your own bottle event. For tickets and/or information contact Sandy at 732-312-4388.

Councilwoman Snow reported that the bonfire went off well with 25 to 50 people attending. The next event coming up is the Halloween Parade on Saturday, October 29<sup>th</sup> at Letter Park starting at 11 a.m. There will be a pumpkin patch. The parade will go up to the pavilion where donuts and cider will be served.

Melissa Wudzki said that so far there are 15 cars signed up for Trunk or Treat. Usually a handful of cars sign up the night of Trunk or Treat. Participating cars must be parked by 5:30. She asked that people who are treating bring a non-perishable food item to donate for the program that the sixth graders do at the school. The information went home via flyer with the children at school.

Councilwoman Thompson met with the Assessor. Every year by October 1, the Assessor needs to file any changes to the assessment rolls with the County. This year there was a total of 17 new additions to the tax rolls. These include new homes, new additions, pool installations, etc.

Councilwoman Thompson said that there were 111 permits issued to date by the Code Enforcement/Zoning Officer, Joe Cocco. There were 17 permits in October, 14 in September and 17 in August. Joe Cocco stated that there were a total of 115 permits issued last year and we are ahead of that number this year.

## **6. PRIVILEGE OF THE FLOOR**

Maureen DeSanto of 15 Fletcher Place stated that she had School Board Business to share. The Island Heights Elementary School cordially invites all Military Veterans to the 2<sup>nd</sup> annual Veteran's Day Celebration, Wednesday, November 9<sup>th</sup> at the Island Heights Grade School. At 9 a.m. the Island Heights PTO will provide light refreshments. At 9:30 a.m. the Island Heights students will honor all military veterans. At 10 a.m. there will be classroom visits. Veterans and family members of Veterans are all invited. Anyone can RSVP by calling 732-929-1222.

Island Heights Grade School will hold an Open House Literacy Fair on Friday, November 4<sup>th</sup>, from 5 p.m. to 7 p.m. The theme is "Every Hero Has A Story." Come check out the school and learn about the Real Life Superheroes of Island Heights! There will be prizes, fun, food, local authors, visit the classrooms.

**7. ADJOURNMENT at 8:15 P.M.**

**First: Bendel**

**Second: Pillion**

**All In Favor**

**Respectfully Submitted by:**

---

**Katherine Fenton-Newman  
Acting Municipal Clerk**

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
November 9, 2016  
7:03 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay  
Councilmember Bendel  
Councilmember Berglund  
Councilmember Pillion

Councilmember Snow  
Councilmember Thompson  
Mayor Silver  
Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Attorney O'Connell
Present	X	X	X		X	X	X	X
Absent				X				

Also present, Margaret Gorman, Chief Financial Officer.

**1. PUBLIC COMMENT**

Mayor Silver congratulated Councilwoman Snow on her re-election and Melissa Wudzki on her election to Council.

**2. APPROVAL OF MINUTES**

A. Minutes of October 25, 2016 Regular Meeting

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay			X	
X		Bendel	X			
		Berglund	X			
		Pillion				X
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**3. RESOLUTIONS**

**Resolution 2016-236 Resolution – Special Item of Revenue and Appropriation – Chapter 159, FEMA Winter Storm Jonas \$1,309.68**

**RESOLUTION 2016-236  
SPECIAL ITEM OF REVENUE AND APPROPRIATION - CHAPTER 159  
2016 FEMA WINTER STORM JONAS - \$1,309.68**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Island Heights has received \$1,309.68 from 2016 FEMA Winter Storm Jonas and wishes to amend its 2016 Budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Island Heights hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$1,309.68.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 9th day of November, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

This is a reimbursement for the Fire Department from FEMA. We will put the money in the budget and reimburse the Fire Department with a check after the money has been deposited.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion				X

		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

**Resolution 2016-237 Resolution – Special Item of Revenue and Appropriation –  
Chapter 159, 966 Equipment Grant FY17 \$11,642.99**

**RESOLUTION 2016-237  
SPECIAL ITEM OF REVENUE AND APPROPRIATION - CHAPTER 159  
966 EQUIPMENT GRANT FY17 - \$11,642.99**

**WHEREAS**, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

**WHEREAS**, said Director may also approve the insertion of an item appropriation for an equal amount, and

**WHEREAS**, the Borough of Island Heights has received \$11,642.99 from 966 Equipment Grant FY 17 and wishes to amend its 2016 Budget to include this amount as a revenue;

**NOW, THEREFORE, BE IT RESOLVED** that the Governing Body of the Borough of Island Heights hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2016 in the sum of \$11,642.99.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 9th day of November, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

This is an Emergency Management Grant from the State.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			

		Berglund	X			
		Pillion				X
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-238 Resolution – Authorizing the Mayor to Execute and the Borough Clerk to Attest to a Shared Services Agreement Between the Borough of Island Heights and the Township of Toms River for Street Sweeping Services**

**RESOLUTION 2016-238  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE MAYOR TO EXECUTE AND THE  
BOROUGH CLERK TO ATTEST TO A SHARED SERVICE AGREEMENT  
BETWEEN THE BOROUGH OF ISLAND HEIGHTS AND  
THE TOWNSHIP OF TOMS RIVER FOR  
FOR STREET SWEEPING SERVICES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Island Heights in the County of Ocean, and State of New Jersey, as follows:

1. The Mayor is authorized to execute and the Borough Clerk to attest to a Shared Services Agreement between the Borough of Island Heights and the Township of Toms River, for street sweeping services.
2. A copy of the Shared Services Agreement is attached to this resolution as a Schedule “A”, and made a part hereof.
3. A certified copy of this resolution shall be provided by the Office of the Borough Clerk to each of the following:
  - a) Mayor Thomas Kelaher, Township of Toms River
  - b) Paul Shives, Business Administrator, Township of Toms River
  - c) Anthony Merlino, Assistant Attorney, Township of Toms River
  - d) Louis A. Amoruso, Public Works Director/Assistant Business Administrator, Township of Toms River
  - e) Margaret Gorman, CFO, Borough of Island Heights
  - f) April D. Elley, Purchasing Agent, Borough of Island Heights



**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Borough Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution duly adopted on the 9th day of November, 2016.

\_\_\_\_\_  
Katherine Fenton-Newman, Acting Borough Clerk

Mayor Silver explained that he has been unable to get the County to come and do Street Sweeping Service. Toms River has given Island Heights a better rate than the County to provide street sweeping services. Toms River will charge an hourly rate of \$150, not to exceed 12 hours, for the Borough roads. Toms River will not sweep the County roads.

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion				X
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-239 Authorizing the Transfer Between Appropriation Accounts in the 2016 Budget**

RESOLUTION 2016-239  
A RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING  
THE TRANSFER BETWEEN APPROPRIATION ACCOUNTS  
IN THE 2016 BUDGET

WHEREAS, N.J.S.A. 40A:4-58 provides for making transfers between Budget Appropriation accounts during the last two months of the fiscal year; and

WHEREAS, N.J.S.A. 40A:4-59 provides that transfers may be made between appropriations during the first three months of the subsequent fiscal year, and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Island Heights, County of Ocean, State of New Jersey (not less than two-thirds of all members affirmatively confirming) that the following transfers be and the same are hereby made between the appropriation accounts in the 2016 budget:

CURRENT FUND

TRANSFER FROM:

<u>ACCOUNT#</u>	<u>TITLE</u>	<u>AMOUNT</u>
6-01-20-100-501	Municipal Clerk	
S&W \$ 15,000.00		
6-01-20-136-601	Advertising Regular	
OE 1,000.00		
6-01-26-195-501	Code Enforcement S&W	
10,000.00		
6-01-25-255-601	Aid to volunteer Fire	
Co OE 1,900.00		
6-01-25-275-601	Prosecutor OE	
1,000.00		
6-01-27-330-501	Board of Health	
S&W 500.00		
6-01-27-340-601	Animal Control OE	
1,000.00		
6-01-26-310-501	Building & Grounds	
S&W 8,500.00		

TRANSFER TO:

<u>ACCOUNT#</u>	<u>TITLE</u>	<u>AMOUNT</u>
6-01-20-100-601	Municipal Clerk OE	\$ 500.00
6-01-20-120-601	Elections OE	
1,000.00		
6-01-20-130-601	Financial Admin OE	
5,000.00		
6-01-20-145-601	Tax Collection OE	
100.00		
6-01-20-155-608	Advertising &	
Legal Notices 2,000.00	Engineering OE	
6-01-20-165-601	B&G OE	
10,000.00		
6-01-26-310-601	Electricity	
10,000.00		
6-01-31-430-601	Unemployment	
10,000.00		
6-01-36-476-601		
Comp Insurance 300.00		

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Chief Financial Officer.

CERTIFICATION

I, Katherine Fenton-Newman, Acting Clerk of the Borough of Island Heights, County of Ocean, State of New Jersey, and am duly authorized to certify resolutions adopted by the Mayor and Council at a meeting held on the 9th day of November, 2016.

---

**Katherine Fenton-Newman, CMR**  
**Acting Borough Clerk**

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion				X
	X	Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-240 Bill List**

Public Comment - None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion				X
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-241 - CDBG Grant 2014 Bid Award for Handicap Ramps removed and moved to November 29, 2016 meeting.**

**4. PURCHASE ORDER**

**Resolution 2016-242 Approving the Following Purchase Order**

Vendor: This & That Uniforms  
 Item: Initial Equipment for Police Department

Amount: \$2,950.00

This item was for equipment for new part-time officers.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion				X
		Snow	X			
	X	Thompson	X			
		Mayor Silver	X			

## 5. ITEMS FOR DISCUSSION

### A. Speed Limit on West End Avenue

Mayor Silver spoke with Mark, the County Engineer. In order to lower the speed limits on County Roads there must be a formal letter of request from the Borough to the County Engineer. There is a review period. The County performs a study to see if the speed reduction is warranted. It takes 8 to 12 months to accomplish the study. A letter will be sent to the County asking for the reduction. Additionally, the Borough will continue with an ordinance to lower the speed limit to 25 miles per hour on all Borough controlled roads.

### B. Best Practices Worksheet

Chief Financial Officer Gorman explained that the Best Practices Worksheet was forwarded to the Borough by the Department of Community Affairs. She and the Acting Borough Clerk, Katherine Fenton-Newman worked on answering the questions on the Best Practices Worksheet. There were questions which needed to be answered "yes," "no" or "not applicable." As the Council reviewed the Worksheet, Mrs. Gorman told the Council that we need to work on the areas that had "no" answers and make them "yes" answers next year. The State uses this to base the last State Aid payment.

### C. Airbnb

Council President Asay shared that he was in contact with a Taxation Director in another State who said that their State reached an agreement, at the State level, with Airbnb to collect their State Occupancy and Room Tax. Airbnb also agreed that they would collect any local room tax, once the agreement with the State was reached. If the State of New Jersey makes a similar agreement with Airbnb, the Borough could adopt an ordinance on room tax and add it to the State's agreement. The Borough Attorney suggested that one of the members of Council should make Senator Singer aware.

### D. Camp Meeting Stairway

Mayor Silver said that the volunteers ran out of donation money when they installed the new stairway at Camp Meeting. He arranged to have 28 feet of new sidewalk put in. He said he did that under the assumption that this would be the year end project of the Council to give back money, like they did last year for the Post Office carpeting. The concrete cost was \$900 which would amount to \$128 per Council member which will be deducted from the Council's next paycheck. The form for the Council to fill out

for the deduction will be put in the Council's mailboxes.

## 6. COUNCIL REPORTS

Councilman Bendel announced that there will be a rabies clinic held at the Department of Public Works. The date is Saturday, January 14<sup>th</sup> from 10 a.m. to 11 a.m. at the Borough Garage.

Councilman Bendel expressed congratulations to Sandra Snow and Melissa Wudzki on their election to Council.

Councilman Berglund announced that the Antique Tractor people will be plowing the expansion of the Community Garden probably within a week. They are doing it now so people can start getting their beds ready now. This way in the Spring they can go straight into planting.

Councilman Berglund commented on volunteerism in the town. He said Mary Thoden, 183 Van Sant has been planting thousands of bulbs in the flower bed that is exiting the parking lot by the post office. While Councilman Berglund and Mrs. Thoden were planting Bill Dudeck of 241 VanSant, stopped and asked what they were doing and asked how he could help. Two days later he dropped off a bag of 90 daffodils to Councilman Berglund. They are now planted in the flower bed. Right now there are 1,000 crocus, 190 giant daffodils, and 100 Dutch Iris. All we are missing is for volunteers to come forward and say, "Here are the Asiatic Lilies to finish the bed."

Council President Asay announced the budget committee is coming together and getting ready to take some action. There are meetings being scheduled, thanks to Chief Financial Officer, Margaret Gorman. The committee will be getting together in November.

There has been some bulkhead work down at the Dillon's Creek area. The Gilford Park Yacht Club has been doing some bulkhead work, although it is not the work the Borough would like them to do. There is additional bulkhead work being done along their beach. They still haven't repaired our bulkhead. Council President Asay is trying to urge them to repair the bulkhead.

Council President Asay also mentioned that Toms River is still pursuing putting in a boat ramp in the empty lot catty-corner to the Gilford Park Yacht Club. The Yacht Club and the Borough have objected, on the record, to the ramp. Toms River has received final approval from the Department of Environmental Protection to proceed with the boat ramp. Council President Asay spoke to some of Toms River's officials about how they might control access, what size boats they might allow there, and about what size ramp they might put in there. Hopefully they will be reasonable.

Councilwoman Snow said that the Island Heights Grade School had their first literacy fair on November 4<sup>th</sup>. Kelly Bulger, Counselor at the School, organized it. The idea was to invite different departments and volunteer groups throughout the town to set up tables to let the children know what they do. The Mayor and Councilwoman Snow's table was about government. Mayor Silver provided books on government that he handed out to students. The Police Department, Fire Department, Public Works and the Library were represented. The school did a mock voting booth where the children could vote. The Mayor gave them candy for

voting. Councilwoman Snow thanked Ocean County Waste Management for providing handouts in the forms of material, information, recycled coloring books, crayons, rulers, and pencils.

Councilwoman Snow reported that on November 9<sup>th</sup> the school held the Veteran's Day Celebration at 9:30 a.m. Veterans were invited to come into the school and participate in activities with the children. Melissa Wudzki reported that a bag pipe band preformed "Amazing Grace" and the children sang some songs. They introduced all the veterans that were there. The child that was associated with the veteran got to give them a certificate.

There was a medley of songs from the armed services and they got to acknowledge each group by category. Afterward the veterans went up to the classrooms with the children and got to spend time answering questions. The school did cards that they could mail to their favorite veteran or, if they didn't have one, mail it to someone serving overseas. All the money being raised from that is being donated to the Toms River American Legion.

Councilwoman Snow said that the Trunk or Treat went well. Melissa Wudzki said they had 18 cars and a good amount of participants. The children had a great time and a lot of food donations were collected. The Fire Department brought a truck. The children loved it. It was cold so they stopped a little early.

Councilwoman Snow said the Halloween Parade was very successful. She thanked the Fire Department, First Aid and the Police. The Fire Department always brings their old fire truck. The children love the truck and the sirens.

She thanked Alan Fumo of the Recreation Committee, Maureen DeSanto and Melissa Wudzki. Kathy Ciak was helping with the donuts and the cider. Councilwoman Snow praised the children who are volunteering more and more. She said that it is very important that we raise the next generation of volunteers and she is very appreciative of all the volunteers who help out. Nate Ciak and Jonathan Levin are always coming out to help. We have very limited resources in a small town and it is important that we have volunteers.

The Mayor met with the Cub Scouts, Pack 57 on Monday night at Borough Hall. They were working on a "Building a Better Future" badge. They came in to find out what the Mayor and Council do. They wanted to know how the Borough functions. They also wanted to know what kind of challenges the Borough has and what the day-to-day operations are. The Mayor gave them some insight on the workings of the town.

Councilwoman Thompson reported that the Tax Collector's monthly report, for the period ending October 31, stated the monthly total of taxes, sewer, etc., collected was \$544,829.

## **7. PRIVILEGE OF THE FLOOR**

Melissa Wudzki, Councilwoman-elect, said the Literacy Fair was great. It was great to see the Fire Department, the Police Department and EMT's participate in the Trunk or Treat.

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
November 29, 2016  
7:05 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O’Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O’Connell
Present	X	X	X			X	X	X
Absent				X	X			

**1. PUBLIC COMMENT**

Council President Asay announced that David Ley passed away over the Thanksgiving Holiday. Mr. Ley was a member of the Island Heights Volunteer Fire Department for four years as well as a member of Plumsted Township’s Fire Department. He was a very energetic young man who gave a lot of time and energy to our borough and into everything that he did. He is sadly lost at a very young age. Council President Asay quoted Governor Hughes on the loss of President Kennedy in remembering Mr. Ley by saying, “Now our friend belongs to history and his courageous spirit joins the fellowship of those who never flinched in the doing of right.” Council President Asay said that he thought those were good words to leave our friend with.

Mayor Silver asked Brian Gabriel, a member of the Volunteer Fire Department for his thoughts on Mr. Ley. Mr. Grabriel said David Ley was a really good guy that would do anything for anybody. He said that David Ley didn’t get short-changed. He did things you didn’t think a man of his stature could do. He did marathons, half marathons, triathlons, cross-fit 3 or 4 days a week, hiking, diving, you name it, he did it. He probably had more adventures than anyone in the room had in their whole life. He was a good guy who will be sorely missed. Mayor Silver added that thoughts go out to David Ley and his family.

**2. APPROVAL OF MINUTES**

A. Minutes of November 9, 2016 Regular Meeting

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

### 3. RESOLUTIONS

#### **Resolution 2016-244 Resolution – Designating the Meeting Dates for the Year 2017**

Public Comment - None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

#### **Resolution 2016-245 Resolution – Authorizing the Execution of a Shared Service Agreement with the Island Heights Grade School for Snow and Ice Removal.**

Public Comment - None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

#### **Resolution 2016-246 Resolution – Awarding a Contract for 2014 Ocean County CDBG Project Handicap Access Ramp/Accessibility Improvements to MNC Concrete, LLC.**

Public Comment - None

Roll Call



The Resolution is in the amount of \$23,768.73 for work on the handicap ramps on the four corners of the intersection of Ocean and Central Avenues. It is for ADA Accessibility. There were 9 bidders. The lowest bidder did not have a bond, therefore the award went to the next lowest bidder, MNC Concrete, LLC.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion				X
		Snow				X
	X	Thompson	X			
		Mayor Silver	X			

**Resolutions 2016-247 and 2016-248 both dealt with the cancellation of the same funds, therefore they were voted on as a consent agenda with one vote for both.**

**Resolution 2016-247 Resolution – Cancelling Grant Receivable Balance for 966 Equipment Grant in the Amount of \$421.15.**  
Public Comment - None  
Roll Call

**Resolution 2016-248 Resolution – Cancelling Grant Expenditure Balance for 966 Equipment Grant in the Amount of \$421.15.**  
Public Comment - None  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-249 Resolution – Authorizing Change Order and Payment Application Number 1 Final for a Net Decrease of \$2,554.00 for the Central Avenue Emergency Sanitary Sewer Replacement**  
Public Comment - None  
Roll Call

It was noted that the final amount for this project was below what was estimated.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-250 Bill List**

Public Comment - None

Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**4. PURCHASE ORDER**

**Resolution 2016-251 Approving the Following Purchase Order**

Vendor: MorphoTrak, LLC

Item: Maintenance & Support Contract for LiveScan Unit

Amount: \$2,897.06

This contract is needed to comply with the State Bail Reform Initiative.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
		Berglund	X			
		Pillion				X
		Snow				X
	X	Thompson	X			
		Mayor Silver	X			

The following two purchase orders (Resolutions 2016-252 and 2016-253) were read as a consent agenda and were voted on as one as they were both part of the 966 Grants from the Nuclear Power Plant:

**Resolution 2016-252 Approving the Following Purchase Order**

Vendor: Motorola c/o Allcomm Technologies  
 Item: 1 - Motorola APX8000 Trunked Portable Radio  
 Amount: \$8,563.35

**Resolution 2016-253 Approving the Following Purchase Order**

Vendor: Motorola c/o Allcomm Technologies  
 Item: 4 – Motorola Minitor VI Pagers, Including Charges and Warranty  
 Amount: \$2,121.60

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-254 Approving the Following Purchase Order**

Vendor: GP Jager Inc.  
 Item: Chlorine Briquettes  
 Amount: \$2,857.44

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	X			
	X	Bendel	X			
X		Berglund	X			
		Pillion				X
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**5. ITEMS FOR DISCUSSION**

**A. Speed Limit on West End Avenue**

Mayor Silver read a draft letter to be sent to the Ocean County Engineer requesting that the speed limit on County Roads within the Borough of Island Heights be reduced to 25 miles per hour.

Ann Kempton, 76 River Avenue, commented that she has noticed a lot of police presence on many different roads which is causing motorists to slow down. She feels the police presence has been awesome.

Patrick Smith, 136 West End Avenue, said he has noticed more police presence on West End Avenue. He stated that the speeding is continuing when the police are not present. He said if the speed limit is 35, people are going 40 or more down the street. He asked if there was a timeline for the speed reduction.

Mayor Silver said that word needs to get out to the town as to our intentions. The County will go at their own pace as far as conducting a study on the speed limits. The Mayor felt that nothing will happen until spring with the Borough's Ordinance for lowering the speed limits in town. Council President Asay explained that Council had previously discussed adopting an ordinance in the winter but will not enforce it until the spring or summer. This will give the Borough the chance to change the signage and make everyone aware of the change.

Barry Constantine, 191 Central Avenue, said that Central Avenue is experiencing the same speeding problem as the rest of the Borough. He asked if the Borough will be doing anything different to the people who will be violating the 25 miles per hour speed than it could be doing when they violate 35 miles per hour speed. He said enforcement is just not happening. He believes that the new drivers in town need an education. The speed should be monitored and enforced to let them know the community is concerned about the traffic. Mr. Constantine believes that lowering the speed limit will only produce more violators and they are not respecting the 35 miles per hour now. He doesn't believe they are all criminals. They just need to be educated. It was also suggested to petition the County to put speed monitoring devices on their roads.

Brian Gabriel, 185 Summit Avenue, shared the same sentiments as Mr. Constantine. He said the majority of traffic is from Toms River residents going to the Island Heights Post Office. He said he sees them speed through town going to get their mail every day. There should be a traffic sign and a notice posted that says, "Speed Limit Will Be Strictly Enforced." Mr. Gabriel thinks that a strong police presence in different areas in town strictly enforcing the speed limit will go a long way to help reduce speeding. Toms River has lent us traffic signs in the past and we should ask to borrow them again.

Patrick Smith said that he feels 25 miles per hour is appropriate. Councilwoman Thompson added that when Mr. Smith's wife appeared at a previous Council Meeting, she brought interesting statistics with her. The statistics showed what happened when pedestrians were struck by vehicles going 35, 30 and 25 miles per hour. When a pedestrian is struck by a vehicle going 25 miles per hour, the death rate falls dramatically than if they were hit at a higher speed. This is why she got quickly on board with a town-wide 25 mile per hour speed limit. The Borough is a family oriented town that doesn't have sidewalks on all properties and as a result we need to make the town more pedestrian friendly. Mr. Smith said that the speed limit could be any speed. However, it must be enforced to make it effective. He believes the existing speed limits need to be enforced now.

A member of the public said that it will take the County a long time to do their studies and reduce the speed limit on their roads. What we can do early on is do a better a job of policing the roads and controlling the speeders coming into town.

Mayor Silver said he will make an attempt to borrow a mobile radar unit from one of the adjoining towns.

The letter requesting the speed limit reduction on County roads within the borough will be sent to the County Engineer by the Clerk.

## 6. COUNCIL REPORTS

Councilman Bendel reported that there were two local power outages in less than a week.

Councilman Berglund said the expansion of the Community Garden took place. The plowing was done. The existing fences were removed and will continue to be put in their new spots this Saturday. Wood chips to put in the pathways were delivered today.

The Community Garden was vandalized. He caught two “kids” that were jumping on things, smashing and throwing things and making a mess. Any vandalism that takes place in the Community Garden is vandalism against a borough property. It would be the same as if the Borough Hall was vandalized. The rules for visitors will be tightened up when it comes time for the annual meeting of the members of Community Garden.

The number of beds went from 48 to 68 beds with the expansion. All the beds are fully subscribed now and there is a waiting list again.

Councilman Berglund reported a couple of meetings ago that there were 30 water meters inoperable. Because the meters are old and there are no funds to replace them with new ones, Public Works rebuilds them. In the last month of the year, vacations must be taken, so the rate of repair has been slower in this quarter.

Additionally, the old roll off truck needs a new clutch. The estimate to repair it is about \$3,000. Mayor Silver said a newer roll off truck is coming from the County. Councilman Berglund said when they went to pick up the new truck in Toms River the title hadn't cleared, so they were unable to pick it up. Hopefully next week Public Works will be able to start moving stuff out again.

Council President Asay followed up on the Airbnb discussion with a handout of a November 28, 2016 article from the Asbury Park Press. The article profiled a resident who is now making \$10,000 a year renting out two rooms in her house through Airbnb. The article goes on to speak of Airbnb in a number of communities. He also attached some pages from the Airbnb website which talks about their willingness, support and desire to collect taxes on behalf of government entities. They want to be a good neighbor and keep their operation going. He shared the handout with Borough Attorney, Michael O'Connell and asked that he do some preliminary research on what it would take to have an occupancy tax in Island Heights as one possible way to deal with the issue.

Toms River was planning to introduce an ordinance where they were going to outlaw the practice. After the stake-holders came in and made their case, it got tabled and pulled back. Now they are in the process of negotiating what they are going to do. Council President Asay said this type of activity would be difficult to stop. If the entity was willing to collect a tax that the Borough imposed to cover some of the Borough's cost, there would be no cost to the Borough. It would be simply receiving a check for that collection. This is one possible manner to address the room renting phenomena going on in town.

Mayor Silver cited the Asbury Park Press article in which it says Ocean Grove charges a \$65.00 initial application fee, where the town comes and inspects the property. In order to update the application, they charge \$15 each time a new guest comes in.

Fred DeFeo, 176 Lake Avenue, said he was totally against Airbnb. He is in a residential zone and the house next to him was just sold and there are three illegal apartments there. He understands that the woman who just purchased it wants to live there in the summer and rent out three separate apartments as Airbnb all year long. It's a single family residential zone and he would like to see an ordinance that would eliminate that happening.

Council President Asay said our existing ordinances on the topic are in conflict with each other. Mayor Silver said that the ordinance is vague right now. Council President Asay said there is a decision needed to be made. We could collect revenue from it or we could go around policing it. Right now we have staffing issues which make it difficult to enforce our existing summer and winter rentals. It's a balancing act to decide what course of action to take.

Mr. DeFeo said that anyone in the world could go on the site and rent a room in the house next to him. Before that gets out of hand he asks the Council to eliminate it.

Brian Gabriel said that the Council should get together with the Planning Board and Code Enforcement to "harden up" the ordinances. He believes that the town should try to avoid Airbnb at all costs.

Councilwoman Thompson had no report.

Mayor Silver said the Camp Meeting steps were completed and a ribbon cutting ceremony was held on Sunday. Some Council Members showed up. The Methodist Church came over. All the "girls" did a lot of hard work collecting the donations. They are collecting donations again to do the next phase of the project which will be a knee wall along the sidewalk.

Mayor Silver also reported that he and Councilman Bendel met with Ray Miller, Commander, from the American Legion. The grandson of Lenny from Central Printing, who was a resident of Island Heights, was killed in action. The American Legion would like to memorialize him in some way. The Mayor suggested to him that a monument could be put up with all the names of veterans that perished in all the great wars from Island Heights. The Borough would put in the concrete support pad and the American Legion would come up with the granite and engrave all the names on the monument. The Borough would have to designate the site where the monument would be placed.

Mayor Silver thought that Letter Park would be a good spot because there is already a monument there that speaks of everyone who has fought in our wars and lost their lives. Mr. Miller wanted to be more specific and list the individuals. Councilman Bendel believes Letter Park is the appropriate place because it is already a place of memorial. There are flags there and it is a pretty place. Mayor Silver said the example he saw from Mr. Miller said the monument would probably be about two foot by two foot in black granite. The Mayor stated he would like input from the residents about it.



**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
December 13, 2016  
7:00 P.M.**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present	X	X	X	X	X	X	X	X
Absent								

**1. PUBLIC COMMENT**

**2. APPROVAL OF MINUTES**

A. Minutes of November 29, 2016 Regular Meeting

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion			X	
		Snow			X	
		Thompson	X			
		Mayor Silver	X			

**3. RESOLUTIONS**

**Resolution 2016-256 Resolution – Authorizing Verizon Wireless to Locate and Operate Small Network Nodes in the Public Right-of-Way by Attaching to Existing and New Utility Poles**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY**



**AUTHORIZING VERIZON WIRELESS TO LOCATE AND OPERATE SMALL  
NETWORK NODES IN THE PUBLIC RIGHT-OF-WAY BY ATTACHING TO  
EXISTING AND NEW UTILITY POLES.**

**WHEREAS**, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

**WHEREAS**, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Island Heights; and

**WHEREAS**, New Jersey law permits such use provided that there is the consent of the relevant municipality;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey, that:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Island Heights, subject to the following:
  - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
  - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Island Heights.
  - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Island Heights, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Island Heights.
  - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Island Heights as an additional insured.
  - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

- F. Notwithstanding any provision contained herein, neither the Borough of Island Heights nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Island Heights by the Borough Council of the Borough of Island Heights and attested to by Borough of Island Heights Clerk who shall affix the Borough of Island Heights Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

### **STATEMENT**

This Resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Island Heights by parties that have the lawful right to maintain such poles.

#### Public Comment:

Larry Morgan from Tilson Technologies, who is under contract with Verizon Wireless, stated that Verizon wireless would like to enhance their signal strength in Island Heights. This would be done by attaching equipment onto existing utility poles. It is a new technology called small cell. It enhances the wireless signal strength. A small canister is attached to the top of a utility pole. There is about a 3 foot radial cabinet that is attached to the pole about 12 to 15 feet above the ground.

Verizon Wireless has attachment agreements with all the utilities companies in the state of New Jersey. Verizon Wireless is asking for consent to be in Island Height's right-of- way. When the engineers key-in on a specific pole they would like to utilize, they will come back with drawings and the exact location and they go through the approval processes of the Borough.

Councilman Bendel suggested a new antenna on the top of the water tower because Verizon Wireless doesn't have one there now. Mr. Morgan said he would carry the request back to Verizon Wireless.

Mr. Morgan said that this technology prevents cell phone outages in cases of emergency. Councilman Pillion asked how much the units weigh. Mr. Morgan said that they weigh around 300 pounds and the unit on top of the pole weighs approximately 200 pounds. Mr. Pillion said that there was a phone pole that snapped from the wind and he was concerned about the units causing other poles to snap. Mr. Morgan replied that in the due diligence, the structural integrity of the pole is considered. If it is in question, the utility company will replace the pole.

Councilman Berglund asked what type of radius the transceivers have. Mr. Morgan said that it depends on trees and building height. It can be as small as 500 feet and a maximum is 2,500 feet. Councilman Berglund then asked how many would be installed in a small town such as Island Heights. Mr. Morgan didn't think that many would be installed in the borough. Engineers know the weak spots and where the people tend to congregate and that is where they

would focus. They focus where there is heavy pedestrian traffic and gatherings of people. He has surveyed specific Starbucks, specific shopping malls, where a lot of customers congregate and speak on their phones. Councilman Berglund said that doesn't really apply to the borough and wanted to know where they would apply the units. Mr. Morgan was not told the exact locations and how many they are focusing on in Island Heights, but he doesn't imagine that there are many. He said there may be certain areas where signals are weak. We use are phones more for data than for voice these days and data usage is using up the signal out there right now. Verizon is looking to key in to those certain areas to enhance the signal.

The Mayor requested that Mr. Morgan come back before the Council and present the data and pole locations. Councilwoman Thompson suggested that Verizon Wireless pay a fee to the Borough to utilize the property. Councilman Bendel suggested that the issue be deferred until December 28<sup>th</sup> pending the rewording of the resolution. Mr. Morgan agreed. He asked that it be forwarded to him prior to the next meeting so he could forward it to the people he answers to. Mayor Silver referred it to Councilwoman Thompson for modification. Councilwoman Thompson stated she would be modifying the resolution to say that it would give consent to engineering with a revisit before the Council and we would be looking to negotiate a fee based on the final engineering and number of locations required.

**RESOLUTION TABLED FOR MODIFICATION TO THE RESOLUTION**

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-257 Resolution – Appointing Juan Alecia as part-time laborer at the rate of \$12.50 per hour not to exceed 28 hours per week.**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING JUAN ALECIA AS PART TIME LABORER AT THE RATE OF \$12.50 PER HOUR NOT TO EXCEED 28 HOURS PER WEEK**

WHEREAS, the Borough of Island Heights is in need of a part-time Laborer; and

WHEREAS, Juan Alecia has applied for the position;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Juan Alecia as part-time Laborer for the Borough of Island Heights, at an hourly of \$12.50 per hour, not to exceed 28 hours per week.

**CERTIFICATION**

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, 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 13<sup>th</sup> day of December, 2016, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, CMR  
Acting Municipal Clerk

Public Comment- None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-258 Bill List**

Public Comment – None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**4. PURCHASE ORDER**

**Resolution 2016-260** Approving the Following Purchase Order  
Vendor: ERS Fleet Repair  
Item: Labor and Service for 2005 GMC Truck

Amount: \$1,779.19

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
	X	Asay	X			
		Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow	X			
		Thompson	X			
		Mayor Silver	X			

**5. ITEMS FOR DISCUSSION**

**A. Town-Wide Speed Limit**

Mayor Silver stated that he received a letter from the County Engineer that they were in receipt of our letter. The County Engineer’s letter stated: “This letter is in response to a recent email to this office regarding the speed limit on all County controlled roads in Island Heights. Please be advised a member of our traffic division is investigating the situation. Thank you for bringing this matter to our attention. Thank you very much. John Ernst, Ocean County Engineer.”

Councilman Pillion said that he is concerned that they are doing the study at the most quiet time of the year instead of in the summer when there is more traffic. Mayor Silver said he would address it when he speaks to Mr. Ernst.

Mayor Silver also mentioned that he managed to get some speed calming devices installed on Summit Avenue and West End Avenue. The devices will remain here and will be rotated to other pertinent areas in town. Council President Asay suggested in front of the Camp Meeting ground as one of the locations.

**B. Parking Pay Station on River Avenue**

Mayor Silver asked for feedback from members of the Council and the citizens present about putting parking pay stations on River Avenue. The Mayor indicated it would be a new form of revenue for the town. Mayor Silver said that this would be for the peak season when parking is bumper to bumper for the entire 2,300 feet of the road. He suggested 2 pay stations: One at the pavilion and one at the curve. Mayor Silver said he hadn’t come up with how many parking spots there would be or the rates that would be charged. He said there would be decal parking passes for residents and hang tags for their guests. Handicapped parking would need to be installed. Councilman Berglund suggested finding out what the optimum spacing should be between the pay stations. He felt that two would not be sufficient.

**C. Email from Courtney and Andy Parks regarding traffic blocking their driveway during school drop-off and pick-up times.**

Mr. and Mrs. Parks’ driveway is being blocked by parents dropping off their children before school and picking up their children after school. They are asking that the Council help rectify the situation. The Mayor will direct the Police Lieutenant to meet with the school officials to work out a solution.

**6. COUNCIL REPORTS**

Councilman Bendel attended a Mayor's Meeting. The State's Homeland Security Director, Christopher Rodriguez was a speaker. He brought up a program called Hometown Security which is available to municipalities. Councilman Bendel didn't think that it would apply too much to Island Heights. It is a program where they would conduct a forum on things you should be aware of and resources that you should be aware of.

Councilman Bendel reported that the Christie administration is considering asking the legislature to do away with the requirement that municipalities publish their ads in specific newspapers.

Councilman Berglund reported the roll-off truck is working and the leaf pile has been decreased.

Council President Asay applauds efforts to monetize whatever we can for the Borough, but he does not support parking meters on River Avenue. He does not want to live in a parking permit community. He believes the administrative costs would far outstrip any revenue it might generate. In addition, it would be a burden on the Yacht Club and the people who live on the river front.

Councilman Pillion had nothing to report. He deferred to Tim Paar of the Fire Department. Mr. Paar reported that Santa will be coming Sunday, December 18<sup>th</sup> starting at 3 p.m.

Councilwoman Snow thanked the Fire Department for their help during the Christmas Tree Lighting Ceremony.

Mr. Paar thanked the Police Department for their help during the funeral services for David Ley. There were over 22 fire trucks and vehicles in the procession and the police department helped with the intersections allowing the funeral procession to pass.

Mr. Paar also reported that there is a system in place to heat the firehouse temporarily. They can get the hall up to about 65 degrees.

Councilwoman Snow reported the new website is moving ahead. The money is in place for it. She wants the various departments in town to provide her with recommendations on what they need to provide on the website. The old website will remain in place while the new platform is being built.

Councilwoman Snow was invited to become a member of the Island Heights Grade School's Green Team. They are registered with Sustainable New Jersey for Schools. The team is made up of the School Superintendent, the School Counselor, the Science Teacher (Mrs. Parisi), the School Nurse and Brook Nelson who is a teacher, and three sixth grade students. They met for the first time on November 18<sup>th</sup> and will meet once a month at the school. The goal of the team is to pursue the bronze level designation. So far the school has 80 points towards the 150 points they need to get bronze level certification. A green fair will be held on April 4, 2017 in the school gym. The public is invited to attend.

The second meeting was held on December 9<sup>th</sup>. A representative from NJ DEP gave a presentation on the NJ Watershed, the Barnegat Bay Estuary and the Rain Barrel Challenge. The

fifth grade class is going to be involved in creating, designing and decorating a rain barrel. The theme is "Because I Love Barnegat Bay." Contest winners will get a Barnegat Bay Festival Day at School. They may keep the rain barrel or they may donate it to a town entity.

Mary Jerkowitz of Ocean County Solid Waste Management has provided Councilwoman Snow with information on green purchasing. She gave her information on vendors the County uses. The school is interested in doing more green purchasing.

Councilwoman Snow has also contacted Gary Giberson, who is a local resident and executive chef at the Lawrenceville School. He has spearheaded green dining at the Lawrenceville School and is an expert in this area. A member of the audience also offered Councilwoman Snow another reference.

Councilwoman Thompson reported a resident contacted her regarding a concern about dog leashing. There was an incident where a resident was walking a dog and another unleashed dog was accompanied by its owner. The unleashed dog attacked the dog on the leash. Borough Code Section 8-1.16 requires all dogs to be on a leash at all times. No exceptions. Everyone should be adhering to the leash law.

Councilwoman Thompson met with the Code Enforcement/Zoning Officer. There is a problem that exists with the clarity of what is a property maintenance code problem and people with differences of opinion on aesthetics. For example, offensive, shabby, yard furniture is not a code violation. It is unsightly, but is not a code violation. The Code Enforcement Officer is trying to work these issues out with residents. It has become apparent that there are some areas of the ordinance that need to be tightened up so that code enforcement has more strength and clarity to work with.

The Code Enforcement Officer only works 12 hours per week. He struggles with the limited hours and must set priorities. She will continue to work on improving the issues with the Code Enforcement Officer and continue to bring the areas with issues to light.

The Tax Collector reported \$1.35 million in collections for November. There was \$2,455 in recreation badges bought in November.

Councilwoman Thompson reported that the appeal deadline on new assessments has passed and none were appealed.

Councilman Bendel noted that we should remember that this is the first time in a long time that we have had active code enforcement. Councilwoman Thompson said that is the reason we are having growing pains.

Mayor Silver read a letter from Dominic Critelli, Manager for Local Aid District 3, the State of New Jersey, Local Public Agency of Eligibility for Federal Aid Funds, regarding the Safe Routes to School Program Infrastructure Project, Borough of Island Heights. "The New Jersey Department of Transportation Division of Local Aid and Economic Development has determined that the Borough of Island Heights has met all the requirements for eligibility to receive the

FHWA Federal Aid Program Funds in accordance with policy procedure number 010.00. Local Public Agency Eligibility Assessment for Federal Funds.”

This project will provide sidewalk enhancements around the Grade School. Councilwoman Snow added that Councilman Berglund started working on the grant back in early 2014.

### **PRIVILEGE OF THE FLOOR**

Bob MacNeal – 237 Ocean Avenue, thought that someone was going to clean up the debris caused by the construction site on Ocean and Ensor Avenues, by his house. That never happened. Now leaves are there and the silt and debris was never cleaned. He wants to know what is going to be done about it.

The Mayor said that since all the construction permits have been closed on the property, the Construction Official cannot fine the builder. He said that Mr. MacNeal should stop by on a Monday night and discuss the matter with Mr. Cocco the Code Enforcement Officer.

Mr. MacNeal also asked if there was any progress on the public access station by Comcast. Council President Asay is going to ask Mr. Clifton about having access to the channel before Comcast gets Board of Public Utility approval on the contract.

### **7. EXECUTIVE SESSION FOR CONTRACT DISCUSSION – Not used**

### **8. ADJOURNMENT at 8:07 p.m.**

**Motion: Bendel      Second: Pillion      All In Favor**



**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
December 28, 2016  
Noon**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the Municipal Building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present		X	X	X		X	X	X
Absent	X				X			

Also present: Chief Financial Officer, Margaret Gorman

**1. PRESENTATION**

The Toms River Rotary Club presented the Island Heights First Aid Squad with two checks. The first was in the amount of \$827.50 which represented 50% of the 50/50 Drawing at Sailfest. The second check was in the amount of \$773.00 which represented the tip jar from the adult beverage area. Diane Cullen thanked the Toms River Rotary Club on behalf of the Island Heights First Aid Squad.

The Toms River Rotary Club also brought a check for \$827.50 to present to the Island Heights Fire Department. That check represented the other half of the 50/50 Drawing. No members of the Island Heights Fire Department were present to accept the check. The Rotary Club will be sending the check to the Fire Department at a later date.

Additionally, the Toms River Rotary Club presented the Mayor and Council of the Borough of Island Heights with a 12' x 18' flag. They noticed that the flag on the big flag pole was quite small so they decided to donate a larger one to the Borough. The Council expressed their most sincere appreciation for the flag.

It was also requested that the Borough save the date of Saturday, September 9, 2017 for Sailfest. They also requested a curfew and having the dock restricted as has been done in the past. The Mayor replied affirmatively.

**2. PUBLIC COMMENT**

**3. APPROVAL OF MINUTES**

A. Minutes of December 13, 2016 Regular Meeting

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
X		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**4. RESOLUTIONS**

**Resolution 2016-260 Resolution – Authorizing the Transfer Between Appropriation Accounts in the 2016 Budget**

Chief Financial Officer Gorman explained that this resolution was to transfer money in the budget out of salary and wages in Public Works into Engineering Operating Expenses, Building and Grounds and Vehicle Maintenance totaling \$18,000.

Public Comment - None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
	X	Bendel	X			
		Berglund	X			
		Pillion	X			
		Snow				X
X		Thompson	X			
		Mayor Silver	X			

**Resolution 2016-261 Resolution – To Cancel Water-Sewer Capital Improvement Appropriation Balances of Completed Projects**

Chief Financial Officer Gorman reviewed Ordinance 08-12 for a Water/Sewer project and found all the work was completed. Therefore the funded balance of \$1,632 and the unfunded balance of \$12,500 should be cancelled. It was not worth the cost to re-appropriate the ordinance. The \$1,632 amount will be used to pay Debt Service and the \$12,500 amount was never funded.

Public Comment  
Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow				X
	X	Thompson	X			
		Mayor Silver	X			

Resolutions 2016-262 and 2016-263 were acted upon at a previous meeting and were removed from this agenda.

**Removed from Agenda: Resolution 2016-262 Resolution – Cancelling Grant Receivable Balance for 966 Equipment Grant in the Amount of \$421.15**

**Removed from Agenda: Resolution 2016-263 Resolution – Cancelling Grant Expenditure Balance for 966 Equipment Grant in the Amount of \$421.15**

**Resolution 2016-264 Bill List**

Public Comment  
Roll Call

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
		Bendel	X			
	X	Berglund	X			
		Pillion	X			
		Snow				X
X		Thompson	X			
		Mayor Silver	X			

**5. PURCHASE ORDER**

Councilmember Berglund stated that Brick MUA has larger equipment than the Borough of Island Heights, as well as a TV truck to view blockages. Therefore, the Borough uses the Brick MUA in those instances where the Borough needs that type of equipment. Councilmember Thompson wanted the minutes of the meeting to reflect that the Brick MUA is working under the supervision of the Borough of Island Heights Public Works Department.

Councilmember Berglund moved to approve Resolutions 2016-265 through 2016-268 as a Consent Agenda. Councilmember Bendel seconded the motion. All were in favor.

**Resolution 2016-265** Approving the Following Purchase Order  
 Vendor: John E. Camburn and Son, Inc.  
 Item: River Avenue Emergency Pump Station Repair  
 Amount: \$2,569.82

**Resolution 2016-266** Approving the Following Purchase Order  
 Vendor: Brick Municipal Utilities Authority  
 Item: Audit Water/Sewer Assistance (Anticipated Cost)  
 Amount: \$3,000.00

**Resolution 2016-267** Approving the Following Purchase Order  
 Vendor: Brick Municipal Utilities Authority  
 Item: Water/Sewer Services for Various Issues  
 Amount: \$2,157.07

**Resolution 2016-268** Approving the Following Purchase Order  
 Vendor: Brick Municipal Utilities Authority  
 Item: Water/Sewer Services for Various Issues  
 Amount: \$1,865.76

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay				X
	X	Bendel	X			
X		Berglund	X			
		Pillion	X			
		Snow				X
		Thompson	X			
		Mayor Silver	X			

**6. COUNCIL REPORTS**

Councilmember Bendel thanked all the Borough employees, volunteers, council members and the people who come and contribute positively to the meetings and the management of the town. It is much appreciated. He hopes everyone continues into 2017 and said, "Let's get it done!"

Councilmember Berglund reported that the two new vehicles bought for Public Works will be added to the fleet. They will be rebuilt, painted and have decals put on them. Mayor Silver said that the roll-off truck and dump truck that were bought from Ocean County for \$1.00 a piece are better than what we had before. Councilmember Berglund said they would be added to the snow plow fleet.

Councilmember Pillion stated that he concurs with Councilmember Bendel.

Councilmember Thompson specifically wanted to recognize Councilmember Pillion, as this was his last meeting as a Councilmember. She said he always looked at the business of the Council thoroughly, passionately at times, and has been a great asset. She thanked him for the time he has served and said that it has been a great pleasure serving on Council with him for the past two years that she has been on Council. Members of the Council agreed.

Councilmember Pillion welcomed Councilmember-elect, Melissa Wudzki. He was thankful that she ran for Council.

Mayor Silver reported that the Fletcher Avenue Pump Station has been completed. This was one sewage pump station on a list of pump stations that need to be repaired. There were two new pumps placed in the ground and a new control panel installed. Mayor Silver explained that pump stations are required when houses are lower than the sewer main. The pump station lifts the sewage up to the main level and gravity takes the sewage on its way. There are a number of pump stations in town that must be maintained.

## **7. PRIVILEGE OF THE FLOOR**

Barry Constantine, 191 Central Avenue, wanted to follow up on the traffic issues on Central and West End Avenues. Mr. Constantine asked that the speed sensors be moved to different areas in the Borough. He also wanted to know if there was a study underway and a protocol for the speeding issues in the Borough.

Mayor Silver replied that the speed sensors that are in place now were borrowed from the County. The Mayor said he placed them in the strategic positions they are in now. However, they are mobile, and will be moved to different strategic locations within the town. Additionally, a letter was sent to the County for the traffic study. The County acknowledged that they are in acceptance of the Borough's request. Councilman Berglund added that there is no data collected from the speed calming devices.

Mr. Constantine also remarked on the placing of a memorial in Letter Park, which was discussed at a previous meeting. He said the memorial up by the flags, is not facing Letter Park but facing Ocean Avenue, and is a very general memorial in appreciation of everyone who has served in wars. The memorial is facing in the wrong direction. He believes that the best place to put the new memorial is Memorial Park to avoid duplicity. The Mayor replied that there will be further discussion on the best location to put the new memorial.

Melissa Wudzki, 108 Jaynes Avenue, as a resident, thanked Councilmember Pillion for his service. She said she is beginning to understand the time and commitment involved in being a Councilmember as well as the work it involves. She personally thanked him for his service on the Council.

Councilmember Pillion thanked Mrs. Wudzki. He said that he was happy that someone of her stature and age has shown an interest and has stepped up.

**8. EXECUTIVE SESSION FOR CONTRACT DISCUSSION  
Resolution 2016-269 Not Used**

**9. ADJOURNMENT 12:33 p.m.**

**First: Bendel      Second: Berglund    All In Favor**