

Mayor and Council Newsletter

Borough of Island Heights
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Official Council Meeting Minutes

July 13, 2021

MAYOR DOYLE read the following:

This Regular Meeting of the Mayor and Council of the Borough of Island Heights is Hereby Called to Order. Notice of this Meeting was Provided in Accordance with the Open Public Meetings Act by Publication in the Asbury Park Press and the Star Ledger on December 5, 2020 and Notice was Also Posted on the Bulletin Board in the Municipal Building, on the Borough Television Channel and the Borough Website.

MAYOR DOYLE led all in the:

PLEDGE TO THE FLAG OF THE UNITED STATES OF AMERICA

MAYOR DOYLE requested the:

ROLL CALL OF THE MAYOR AND COUNCIL:

Council Member Baxter	Present	X	Absent_____
Council Member Fumo	Present	X	Absent_____
Council Member Gabriel	Present_____		Absent X
Council Member Pendleton	Present	X	Absent_____
Council President Thompson	Present	X	Absent_____
Council Member Weber	Present	X	Absent_____
Mayor Doyle	Present	X	Absent_____
Borough Attorney Mr. Zabarsky	Present	X	Absent_____

MAYOR DOYLE introduced the:

ORDINANCES:

Ordinance 2021-09 – Amending and Supplementing Borough Code Chapter 4, Section 4-14.1 of the Borough Code Entitled “Prohibited Conduct” – Final Reading and Proposed Adoption

The Public Hearing on Proposed Ordinance 2021-09 is now open, persons who wish to comment on the Proposed Ordinance, please ask to be recognized and state your name for the record:

Public Comments:

None

Motion to Close Public Hearing:

Motion: Mr. Weber
Second: Mr. Fumo

Voice Vote: In Favor: Unanimous Opposed _____

Motion to Adopt Proposed Ordinance 2021-09 as Introduced:

Motion: Ms. Thompson
Second: Ms. Pendleton

Voting Record:

Mr. Baxter	Mr. Fumo	Mr. Gabriel	Ms. Pendleton	Ms. Thompson	Mr. Weber	Mayor Doyle
<u>Yes</u> /No	<u>Yes</u> /No	Yes/No	<u>Yes</u> /No	<u>Yes</u> /No	<u>Yes</u> /No	<u>Yes</u> /No
Abs.	Abs.	<u>Abs.</u>	Abs.	Abs.	Abs.	Abs.

ORDINANCE 2021-09

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 4 SECTION 4-14.1 OF THE CODE OF THE BOROUGH OF ISLAND HEIGHTS, ENTITLED “PROHIBITED CONDUCT”

WHEREAS, in 2020's general election, New Jersey voters approved a ballot measure supporting the legalization of recreational marijuana for persons at least 21 years of age; and

WHEREAS, the issue of recreational marijuana has been a prevalent topic in the New Jersey legislature since the election of Governor Phillip D. Murphy in 2017; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16) (CREAMM Act), which concerns the development, regulation, and enforcement of a recreational cannabis marketplace for persons 21 years of age or older; and

WHEREAS, the Act already provides that the fines or civil penalties that may be assessed for the smoking of tobacco in designated places under N.J.S.A. 26:3D-55, et seq., known and cited as the "New Jersey Smoke-Free Air Act," shall be applicable to the smoking, vaping, or aerosolizing of cannabis items; and

WHEREAS, the Smoke-Free Air Act allows a municipality to enact an ordinance preventing an individual from smoking or carrying lighted tobacco in any public place, including, but not limited to, places of public accommodation; and

WHEREAS, municipalities are given the discretion to enact an ordinance making it unlawful for any person who is of legal age to consume a cannabis item in a manner not from smoking, vaping, or aerosolizing in a public place, as well; and

WHEREAS, pursuant to N.J.S.A. 40:48-1 et seq., the governing body of every municipality may make, amend, repeal and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this state or the United States, as it may deem necessary and proper for the good government, order and protections of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by law; and

WHEREAS, the Borough of Island Heights is a body politic and corporate in law pursuant to N.J.S.A. 40A:60-1 et seq.; and

WHEREAS, the Legislature of the State of New Jersey in N.J.S.A. 40:48-2, provides that the governing body of a municipality may make, amend, repeal, and enforce such ordinances, regulations, rules and by-laws not contrary to the laws of this State or of the United States, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by any law; and said Legislature in the New Jersey Smoke-Free Air Act, provides for prohibitions regarding smoking, and therein, by N.J.S.A. 26:3D-63, expressly authorizes municipalities to enact ordinances under the authority of N.J.S.A. 40:48-1 or 40:48-2, or by any other statute or regulation adopted pursuant to law for the purposes of protecting life and property from fire or protecting public health, and prohibiting smoking, and further, expressly authorizes municipal ordinances to provide restrictions on or prohibitions against smoking equivalent to, or greater than those provided under the New Jersey Smoke-Free Air Act; and

WHEREAS, the Legislature of the State of New Jersey in N.J.S.A. 2C:33-13b, provides that the owner and/or operator of a public place, such as public parks and recreational areas, may prohibit smoking on such property.

WHEREAS, the Mayor and Council of the Borough of Island Heights is concerned by the potential health problems posed by the use of tobacco and any other matter that can be smoked, including smoke or vapor from an electronic smoking device, and therefore believes the banning of the use such products within the Borough of Island Heights will address these concerns, and is necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by law.

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

SECTION I.

A. The Borough Code of Island Heights, Chapter 4 is hereby amended and supplemented under § 4-14.1 titled “Prohibited Conduct,” such that Section 4-14.1(j) shall read as follows:

Smoking his hereby Prohibited within any Public Place or any Borough Building or portion of any Borough Building owned or leased by the Borough of Island Heights, Ocean County, New Jersey.

As used in this article, the following terms shall have the meanings indicated:

CANNABIS ITEM – Any item available for lawful consumption pursuant to the NJ Cannabis regulatory enforcement assistance and marketplace modernization act.

PUBLIC PLACE - Any place to which the public has access that is not privately owned; or any place to which the public has access where alcohol consumption is not allowed, including, but not limited to, a public street, road, thoroughfare, sidewalk, bridge, alley, plaza, park, playground, recreation area, swimming pool, shopping area, public transportation facility, vehicle used for public transportation, parking lot, public library, or any other public building, structure, or area, and shall include, but not be limited to, the public outdoor locations enumerated in Borough Code Chapter 19, Section 19-2.1.

SMOKING – The burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe, including any handheld electronic device which vaporizes a liquid (e.g., e-cigarettes, e-cigs, electronic nicotine delivery systems, electronic non-nicotine delivery systems, personal vaporizers, PVs), or any other matter or substance which contains tobacco, marijuana, cannabis, cannabis item or any other matter that can be smoked.

SECTION II.

All ordinances or parts thereof, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of their inconsistencies.

SECTION III.

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION IV.

This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and approved on first reading at the regular meeting of the Borough Council of the Borough of Island Heights, in the County of Ocean, held on the 15th day of June, 2021 and will be considered for second reading and final passage at the regular meeting of said Borough Council to be held on the 13th day of July, 2021 at 7:00 p.m. at the Borough Hall located at 1 East End Avenue, Island Heights, New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard.

FIRST READING:	June 15, 2021
PUBLICATION:	June 23, 2021
FINAL READING:	July 13, 2021
PUBLICATION WITH STATEMENT:	July 17, 2021

Sean Asay
Borough Clerk

MAYOR DOYLE introduced the:

APPROVAL OF PRIOR MEETING MINUTES

Resolution 2021-121	Approving the Proposed Minutes for the Regular Meeting Conducted on June 15, 2021
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Motion: Mr. Weber
Second: Ms. Pendleton

Comments/Discussion: None

Voting Record:

Mr. Baxter	Mr. Fumo	Mr. Gabriel	Ms. Pendleton	Ms. Thompson	Mr. Weber	Mayor Doyle
<u>Yes/No</u>	<u>Yes/No</u>	Yes/No	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>
Abs.	Abs.	<u>Abs.</u>	Abs.	Abs.	Abs.	Abs.

MAYOR DOYLE introduced the:

RESOLUTIONS on the CONSENT AGENDA

Resolution 2021-122 Approving Change Order #1 for the 2020 CDBG Ramp and Sidewalk Project (Earle Asphalt) Totaling \$18,700.00 to be Funded with Remaining 2018 and 2020 CDBG Funds and 2016 – 2020 Clean Communities Grant Funds

Motion: Mr. Fumo
Second: Ms. Thompson

Resolution 2021-123 Authorizing the Mayor, the Chief Financial Officer and the Borough Clerk to Open a New Account at Ocean First Bank in which the Funds Provided by the American Rescue Plan will be Deposited

Motion: Ms. Thompson
Second: Ms. Pendleton

Resolution 2021-124 Approving the Submission of the 2022 Department of Transportation Municipal Aid Application in a Proposed Amount Totaling \$541,000.00

Motion: Mr. Baxter
Second: Mr. Fumo

Resolution 2021-125 Approving the Hiring of Zachary Berlinski as a Part Time Laborer for the Department of Public Works at an Hourly Rate of \$14.00 with an Effective Date of June 12, 2021

Motion: Ms. Pendleton
Second: Mr. Fumo

Resolution 2021-126 Authorizing Borough Participation in the Receipt of Funds Authorized by the American Rescue Plan Totaling \$175,738.50

Motion: Ms. Thompson
Second: Mr. Fumo

Resolution 2021-127 Approving the Closure and Use of a Portion of Chestnut Avenue (River Avenue to Ocean Avenue) by the Ocean County Artists Guild for their Artisans Market on September 25, 2021 Between the Hours of 8 AM and 5 PM

Motion: Ms. Pendleton
Second: Mr. Fumo

Resolution 2021-128 Authorizing the Refund of Escrow Funds Related to the AT&T Cellular Antenna Upgrade Project in the Amount of \$2,610.00 to Overland Contracting of Overland Park, KS

Motion: Mr. Fumo
Second: Mr. Weber

Resolution 2021-130 Authorizing and Approving the Acceptance of Grant Funds from the Office of the Attorney General for the Acquisition and Deployment of Body Worn Cameras for the Island Heights Police Department in an Amount Totaling \$20,380.00

Motion: Ms. Pendleton
Second: Mr. Fumo

Resolution 2021-131 Approving the Issuance of a Raffle License for a 50/50 Raffle to be Conducted by the Island Heights Yacht Club Auxiliary on August 1, 2021 Pending Issuance of a Registration Number to the Organization by the LGCCC and their Submission of a License Application to the Borough Clerk

Motion: Mr. Fumo
Second: Mr. Weber

Comments/Discussion by Council Members of Items on the Consent Agenda:

None

Comments/Discussion from the Floor on Items on the Consent Agenda:

John Pendleton – Will the proposed 2022 DOT Grant Project include any work at Boy Scout Island?

Mayor Doyle – Yes, some work at Boy Scout Island is included in the proposal

Mayor Doyle entertained a:

Motion for Adoption of all of the Resolutions on the Consent Agenda:

Motion: Ms. Thompson
Second: Ms. Pendleton

Voting Record:

Mr. Baxter	Mr. Fumo	Mr. Gabriel	Ms. Pendleton	Ms. Thompson	Mr. Weber	Mayor Doyle
<u>Yes</u> /No	<u>Yes</u> /No	Yes/No	<u>Yes</u> /No	<u>Yes</u> /No	<u>Yes</u> /No	<u>Yes</u> /No
Abs.	Abs.	<u>Abs.</u>	Abs.	Abs.	Abs.	Abs.

Note: Mayor Doyle abstained as to Resolution 2021-131

MAYOR DOYLE introduced the:

BILL LIST AND PROCUREMENTS

Resolution 2021-129

Approving Payment of all of the Items on the Bill List Submitted by the Purchasing Agent

Motion: Mr. Weber
Second: Mr. Fumo

Discussion/Comments: None

Voting Record:

Mr. Baxter	Mr. Fumo	Mr. Gabriel	Ms. Pendleton	Ms. Thompson	Mr. Weber	Mayor Doyle
<u>Yes</u> /No	<u>Yes</u> /No	Yes/No	<u>Yes</u> /No	<u>Yes</u> /No	<u>Yes</u> /No	<u>Yes</u> /No
Abs.	Abs.	<u>Abs.</u>	Abs.	Abs.	Abs.	Abs.

DISCUSSION & PRIVILEGE OF THE FLOOR

Doug Sabey – I think that DPW should pick up debris on our beaches regularly

Nancy White – I live in Toms River, I teach yoga classes, some of my students would like me to teach a class in Island Heights, could I use this room?

Mayor Doyle – Since the Borough assumed the Construction Office responsibilities back from Toms River this room is used as additional office space during the day and for official committee and board meetings in the evenings. Perhaps you could consider some outdoor sites for yoga or contact the Methodist Church or the Elementary School as they have abundant space.

Bob MacNeal – Can DPW empty the dog waste containers more frequently? They sometimes overflow and visitors sometimes fill them with trash.

Mayor Doyle – The dog waste containers are generally emptied daily during the week but DPW is not staffed on the weekends and this time of year these issues can be hard to keep up with as our staffing is limited.

John Pendleton – While we are working to find contractors to make repairs to our athletic courts, perhaps we could just replace the tennis nets now as this will have no impact on any resurfacing project.

GOVERNING BODY REPORTS

Mr. Baxter – Our receipts from Municipal Court are up 50% over last year.

We have sold over 1,100 Recreation Badges.

Our new Ordinance is in effect that prohibits parking at our beaches and Boy Scout Island after 10 PM, signage is on order.

Ms. Pendleton – Our Board of Health is finalizing the details of the Red Cross Blood Drive that will be held at our Elementary School on August 23, 2021 from 2 PM to 8 PM.

The Recreation Committee will be running our next “Movie Night” on July 30, 2021 starting at about 8:30 PM, Goonies is the scheduled movie. Tie-die night will be on July 19, 2021 at 6 PM at Wanamaker Field. Please make sure to register for the Summer Recreation Events so the Committee has a count.

Our Farmers Market is up and running and despite some tough weather we have had a good turnout and we are always looking to welcome new vendors and community organizations.

We are starting to prepare our new public space on Van Sant Ave. for plantings and other improvements that will coming in the fall.

The Peto Museum continues their summer concert series on July 28th and August 17th and they will be having their “Peto Cup” fundraiser at the Yacht Club on August 6, 2021.

Our Artists Guild will be having a concert and art show on July 25, 2021 and the public is welcome.

Mr. Fumo – The Elementary School Summer Academy is up and running with good attendance. A number of improvements are going on inside the school including the painting of classrooms in preparation for the fall.

Our Library is open on a full schedule and welcomes our residents with several great summer reading programs.

Mr. Weber – Our Police (Officer Mellot) worked with our First Aid Squad recently to rescue a baby from a locked car, the heat was a factor but there were no injuries. All of our Officers are now certified in the use of Body Worn Cameras. Operation “Sweet Summer” is now in effect wherein our children are rewarded for wearing their helmets with a free ice cream cone.

Our Fire Company was on the water doing safety checks during the July 4th Fireworks and they also assisted Lavallette with their show. Their annual fund raiser is now underway.

Our First Aid Squad has their newest ambulance (217) in service now and it has already been out at several calls for service.

Ms. Thompson – Our 2021 Municipal Tax Rate has been certified by the County and it is up slightly due to our school debt service.

Residents are reminded to please pay your water/sewer utility bills and that if you cannot afford to pay the full amount you can arrange a payment schedule with the Borough. As we operate our own utility we cannot afford to carry large balances due to the Borough.

Thanks to our administrative staff including our code and construction officials who work to keep us all safe.

I met a woman recently on our Central Ave. Dock who told me that Island Heights is her happy place and how great it must be for those who live here, agreed.

Mayor Doyle – Milling and paving will be underway shortly on Lake Ave. to complete that road.

We expect to break ground for the new Wanamaker Gazebo by the beginning of August.

The July 4th Fireworks were a success with a good crowd and very few behavior problems reported, a great time for all.

Mayor Doyle entertained a Motion for:

ADJOURNMENT at 7:30 PM and the meeting was adjourned by unanimous consent.

Respectfully Submitted,

**Sean Asay
Borough Clerk**

PLEASE CALL TO CONFIRM MEETINGS

Items of Interest:

- ❑ **All municipal offices will be closed** on Monday, September 6, 2021 in observance of Labor Day.
- ❑ The **Island Heights Board of Education** regularly scheduled meeting is Wednesday, September 8, 2021 at 6:15 PM at the Island Heights Grade School, 115 Summit Avenue, Island Heights.
- ❑ The **Island Heights Planning Board** regularly scheduled meeting is Thursday, September 9, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Island Heights Mayor and Council** regularly scheduled meeting is Tuesday, September 14, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Island Heights Environmental Committee** regularly scheduled meeting is Wednesday, September 15, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Central Regional Board of Education** regularly scheduled meeting is Thursday, September 16, 2021 at 7:00 PM at the Board of Education building, Forest Hills Parkway, Bayville.

AT THIS TIME PLEASE CALL TO CONFIRM OFFICE HOURS.

The **Municipal Clerk's Office, Tax Collector & Water/Sewer Office**, are open Monday – Friday 9:00 AM until 3:00 PM and Monday evening 6:00 PM until 8:00 PM; Fire Official, Construction and Municipal Court are open Monday evening 6:00 PM until 8:00 PM. The Tax Assessor is available by appointment only. Please call the borough hall at (732) 270-6415 for days and times of offices not listed above.

purchasingagent@islandheightsborough.gov
April D. Elley, Newsletter Editor (732) 270-6415