

Mayor and Council Newsletter

Borough of Island Heights
One Wanamaker Municipal Complex
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Official Council Meeting Minutes

August 17, 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:

ROLL CALL OF THE MAYOR AND COUNCIL:

Council Member Baxter	Present	X	Absent_____
Council Member Fumo	Present	X	Absent_____
Council Member Gabriel	Present	X	Absent_____
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 told with regret of the passing of longtime Borough resident Norman Parmley at the age of 97.

Mr. Parmley was a veteran of World War II and he worked for many years as a custodian at our Elementary School. His 21 year career with the US Navy began as soon as he turned 18, in 1942, enlisting with a friend after the attack on Pearl Harbor. During World War II he served in the Pacific Theatre. Later in his naval career he circumnavigated the world in support of two Operation Deep Freeze scientific expeditions to Antarctica. For his career of naval service, Norman earned four Good Conduct Medals, the Korean Service Medal, the China Service Medal, the United Nations Service Medal, the National Defense Service Medal and the Navy Occupation Service Medal. Norman retired from the Navy Chief Petty Officer in 1962. After retiring from the Navy, Norman was the custodian for the Island Heights Elementary School, a position he held for 15 years before finally retiring in 1996.

He was a fixture in our community for decades and he will be missed by all. Mayor Doyle asked for a Moment of Silence to honor Norman Parmley.

Mayor Doyle reported that Kalin Cimorelli is headed to Williamsport, Pennsylvania as a member of the Toms River East Little League Team to participate in the Little League World Series. The Mayor and Council expressed their congratulations to Kalin and the team on their achievement.

Mayor Doyle introduced the:

ORDINANCE:

Ordinance 2021-08 – Amending and Supplementing Borough Code Chapter 32 – Zoning - Second Reading, Public Hearing and Proposed Adoption:

The Public Hearing on Proposed Ordinance 2021-08 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:

Luis Taveras – Will cannabis deliveries still be permitted in the Borough if this Ordinance is adopted?

Mr. Zabarsky indicated that such deliveries would be permitted as long as they complied with all of the other conditions of the legalized cannabis statute.

No other Public Comments

Motion to Close Public Hearing:

Motion: Mr. Gabriel
Second: Ms. Pendleton

Voice Vote: In Favor: Unanimous Opposed_____

Mayor Doyle entertained a:

Motion to Adopt Proposed Ordinance 2021-08 as Introduced:

Motion: Ms. Thompson
Second: Mr. Fumo

Voting Record:

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

ORDINANCE NO. 2021-08

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING AND SUPPLEMENTING CHAPTER 32 OF THE CODE OF THE BOROUGH OF ISLAND HEIGHTS ENTITLED “ZONING”

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;

- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Mayor and Council of the Borough of Island Heights has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Island Heights in particular, it is at this time necessary and appropriate, and in the best interest of

the health, safety and welfare of Borough of Island Heights' residents and members of the public who visit, travel, or conduct business in the Borough of Island Heights, to amend the Borough of Island Heights' zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Island Heights; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

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

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Island Heights, except for the delivery of cannabis items and related supplies by a delivery service.
2. Section 32-7 entitled "Prohibited Uses" of the Borough of Island Heights Code is hereby amended by adding to the list of prohibited uses, so as Section 32-7 shall be amended and shall read as follows: "All uses not expressly included in the ordinances are prohibited. Adult book stores as defined in N.J.S.A. 2C:34-3A are expressly excluded in all zones within the Borough. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service shall be prohibited."
3. Any article, section, paragraph, subsection, clause, or other provision of the Borough of Island Heights Code inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.
4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.
5. This ordinance shall take effect upon its passage and publication and filing with the Ocean County Planning Board, and as otherwise provided for by law.

MAYOR DOYLE introduced the:

APPROVAL OF PRIOR MEETING MINUTES

Mayor Doyle entertained a Motion:

Resolution 2021-130 Approving the Proposed Minutes for the Regular Meeting
Conducted on July 13, 2021

Motion: Ms. Pendleton
Second: Mr. Fumo

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 2021-131 Approving the Purchase of a Model Year 2020 or Newer, Ford
F-550 Dump Truck under County Cooperative Purchasing
Contract B-2021-79 from Winner Ford of Cherry Hill, New
Jersey in an Amount Not to Exceed \$98,855.00

Motion: Mr. Fumo
Second: Mr. Weber

Resolution 2021-132 Approving the Use of Wanamaker Field by the Island Heights
Fire Company on October 16, 2021 (Rain Date October 17th)
Between the Hours of 7 AM and 10 PM for the Trucktoberfest
Fund Raiser and Approving the Issuance of a Social Affair
Permit for the Event

Motion: Mr. Baxter
Second: Mr. Fumo

Resolution 2021-133 Approving the Use of Wanamaker Field by Soccer Shots
Childrens Soccer Program on Thursdays Between the Hours of
4 PM and 6 PM (September 2, 2021 – October 28, 2021) and

Saturdays Between the Hours of 8 AM and 1 PM (August 28, 2021 – November 13, 2021 - Excluding October 16th)

Motion: Mr. Weber
Second: Mr. Fumo

Resolution 2021-134 Approving the Use of Wanamaker Field by Boy Scout Troop 50 (Alan Fumo) on November 20th and 21st 2021 for a Scout “Mini Jamboree and Thanksgiving Celebration”

Motion: Ms. Pendleton
Second: Mr. Gabriel

Resolution 2021-135 Approving a Town Wide Yard Sale on September 25, 2021 (Rain Date September 26th)

Motion: Ms. Pendleton
Second: Ms. Thompson

Resolution 2021-136 Approving the Awarding of a Contract for the Installation of Permanent Pickleball Nets and Poles for Court Divider Nets to Nickolaus Construction of Vincentown, New Jersey in an Amount Not to Exceed \$10,400.00

Motion: Mr. Gabriel
Second: Ms. Pendleton

Resolution 2021-137 Approving Change Order #1 for the Lake Drive/Holly Avenue Water Main Project in the Amount of \$4,674.40 for a New Project Total of \$151,987.53

Motion: Ms. Thompson
Second: Mr. Fumo

Resolution 2021-138 Approving an Amendment to the Borough Cash Management Plan for 2021 Allowing the Chief Financial Officer to Make Certain Bill List Disbursements to be Ratified by the Mayor and Council at their Subsequent Meeting

Motion: Ms. Thompson
Second: Ms. Pendleton

Resolution 2021-139 Approving the Insertion of a Special Item of Revenue in the 2021 Budget of the Borough Pursuant to N.J.S.A. 40A:4-87 (Chapter 159, P.L. 1948), Specifically Reimbursement Received from the County of Ocean under the Coronavirus Aid, Relief and Economic Security Act (CARES) in an

Amount Totaling \$22,685.88

Motion: Ms. Thompson

Second: Mr. Baxter

Resolution 2021-140

Accepting the Resignation of Zachary Berlinski and Derek Kaiser from the Borough Public Works Department with an Effective Date of August 21, 2021

Motion: Mr. Weber

Second: Mr. Fumo

Resolution 2021-141

Authorizing the Mayor and the Borough Clerk to enter into an Agreement with Dish Wireless, LLC of Englewood, Colorado for the Lease of Space on the Borough Water Tower for Cellular Wireless Antenna Equipment

Motion: Ms. Pendleton

Second: Mr. Gabriel

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 – Why did the employees resign from DPW?

Mayor Doyle – One of the employees was working here for the summer and he is returning to school, the other employee took a job with a law enforcement agency.

Mayor Doyle entertained a:

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

Motion: Mr. Weber

Second: Mr. Baxter

Voting Record:

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

MAYOR DOYLE introduced the:

BILL LIST AND PROCUREMENTS

Mayor Doyle entertained a Motion:

Resolution 2021-142

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

Motion: Ms. Thompson

Second: Mr. Gabriel

Discussion/Comments: 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>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	Abs.	Abs.

Mayor Doyle introduced the:

DISCUSSION & PRIVILEGE OF THE FLOOR

No further comments from the floor

Mayor Doyle requested the:

GOVERNING BODY REPORTS

Mr. Fumo – Our Elementary School will be in session as of 9/7/21 with full day sessions and an expanded aftercare program. All students will be required to wear face coverings in keeping with the Governor’s Order.

Central Regional Schools will return to full day sessions on the same date under the same conditions. Our new seventh grade students will be given an orientation on 8/24/21 to prepare for their first day at their new school.

Our Library is open on a full schedule and it deserves our support. They will order in books for you and contact you when they become available.

Mr. Weber – Our Fire Company is having their first Car Show at Wanamaker Field on 8/21/21, please give them your support. Our Fire Company recently celebrated as several of their new members graduated from the Firefighter Training Academy.

Our Police Department has been increasing speed enforcement around the Borough and recently focused on Lake and Ocean Avenues.

Our First Aid Squad has been busy with 27 calls for service in July alone. They continue working on upgrades at their building which will include painting the exterior of the building. At one call one of our Police Officers drove the ambulance to assist the Squad.

Norm Parmley was my neighbor and a friend, he was a remarkable person and he led an amazing life dedicated to service.

Mr. Gabriel - Our Public Works has started work on the replacement Gazebo at the Wanamaker Complex but they did lose two seasonal employees so it will be harder to keep up with routine maintenance. In addition, DPW installed two new water services this month and effected repairs on two others.

Mr. Baxter – Our Construction Office reports that we now have six new homes under construction in the Borough. To date, the Office has completed 440 inspections this year with revenue of over \$45,000.00. Several news articles have reported on the increasing value of residential property in our area.

Our Code Enforcement Office continues with active enforcement at the waterfront areas and 1150 recreation badges have been sold.

Ms. Pendleton – Our Blood Drive is coming up on August 23rd at our Elementary School and the response has been strong, please remember to sign up in advance.

Our summer recreation program created some great experiences for our children and they still have two Monday evening events left in August.

Work on our new Public Space on Van Sant Ave. continues, we now have access to water on site which will allow for more plantings, we are looking for volunteers to help us with the plantings.

Our Cultural and Heritage Society has volunteered to decorate the Wanamaker Gazebo for Christmas this fall.

Ms. Thompson – As exemplified by the Resolution that we adopted tonight related to our Cash Management Plan, work to professionalize the administration of the Borough continues and changes like this make us more efficient.

Ocean County has expanded our Recycling Program; residents should check our website or Ocean County Solid Waste Management to see what additional items can now be recycled including chip board, plastic bottle caps and other hard plastic containers.

Work continues on improving our pickleball courts with permanent nets as we voted to award a contract tonight, next we will be working to improve our tennis and basketball courts.

Mayor Doyle – Work on the replacement Gazebo at the Wanamaker Complex is underway.

We have ten new pieces of recreation equipment that was purchased with grant funds that will be put in place over the next several weeks.

We have completed the installation of new sidewalks and crosswalks and new signage will be in place before school starts to protect the safety of our children coming to school.

The County worked with us to complete the paving of River Ave. and the west end of Ocean Ave. In the fall we will start work on Highland Ave. and Camp Walk.

Work will start soon on the Park Ave. termination to provide public access to the Bay.

The new Police Polaris is on the road thanks to a generous donor and they continue to work towards accreditation for the Department.

Mayor Doyle entertained a Motion for:

ADJOURNMENT at 7:35 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, October 11, 2021 in observance of Columbus Day.
- ❑ The **Island Heights Board of Education** regularly scheduled meeting is Wednesday, October 13, 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, October 14, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Island Heights Mayor and Council** regularly scheduled meeting is Tuesday, October 19, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Island Heights Environmental Committee** regularly scheduled meeting is Wednesday, October 20, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Central Regional Board of Education** regularly scheduled meeting is Thursday, October 21, 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