

Mayor and Council Newsletter

Borough of Island Heights
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Official Council Meeting Minutes

October 19, 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	X	Absent_____
Council Member Pendleton	Present	X	Absent_____
Council President Thompson	Present	X	Absent_____
Council Member Weber	Present_____		Absent X
Mayor Doyle	Present	X	Absent_____
Borough Attorney Mr. Zabarsky	Present	X	Absent_____

Mayor Doyle noted that Mr. Weber had an excused absence due to illness.

MAYOR DOYLE introduced a PRESENTATION:

**Sgt. Paul Rutledge (Officer in Charge) of the Island Police Department
Operations Update:**

Sgt. Rutledge provided the Mayor and Council with an update on ongoing Police Operation since he assumed command twenty months ago.

Sgt. Rutledge explained that the Department has sought to become more engaged with the community through the use of social media, including the Official Department Facebook Page and several community outreach programs such as their bike helmet program for youngsters in the Borough and their display of Department Patches to promoted awareness of causes such as; breast cancer screening, autism awareness and youth cancer programs.

Sgt. Rutledge thanked the Mayor and Council for the new equipment and vehicles that have been purchased for the Department that will enhance effectiveness and safety. He thanked a generous donor who provided for the purchase of a Polaris All Terrain and Weather Vehicle that the Department has been using for special operations and events.

Sgt. Rutledge reported on the targeted traffic enforcement that the Department has undertaken to deter speeding in the Borough and provide a safe environment for our school children and other pedestrians. He said that all of the Officers are now certified in the use of traffic radar.

Sgt. Rutledge detailed the enhanced training that has been made available to our Officers including; body worn cameras, cannabis legalization, child car seats, criminal investigations, law enforcement intelligence and internal affairs.

Sgt. Rutledge explained that all of these enhancements in our Police Department Operations have been preparing the Department for the Accreditation Process

which is now underway. Working with consultants contacted by the Borough, Sgt. Rutledge and our Officers are now preparing for a rigorous Accreditation Process that will involve an audit of all of our Police Department Policies and Procedures and assure that our Police Department is in compliance with all applicable laws and regulations. The New Jersey Association of Chiefs of Police Accreditors will visit the Department in 2022 and once the process is completed, our Police Department will join most of the other Departments in Ocean County in holding an Accreditation from the NJACOP.

Sgt. Rutledge answered questions from some members of the public who were in attendance at the meeting and concluded his presentation with the thanks of the Mayor and Council.

MAYOR DOYLE introduced the ORDINANCES

ORDINANCE 2021-10

Second Reading – Public Hearing and Proposed Adoption

The Public Hearing on Proposed Ordinance 2021-10 is now Open, Persons who wish to Comment on the Proposed Ordinance please ask to be Recognized and State Your Name for the Record:

Ms. Thompson commented that the proper signage to being enforcement of these new four-way stops will be very important and that perhaps the County will want to use message boards or other similar means temporarily until drivers get used to the new traffic patterns.

Mayor Doyle entertained a:

Motion to Close the Public Hearing:

Motion: Mr. Fumo
Second: Ms. Thompson

Voice Vote: Yes: Unanimous No_____

Mayor Doyle entertained a:

Motion to Adopt Ordinance 2021-10 as Introduced

Motion: Mr. Baxter

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>	Yes/No	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	<u>Abs.</u>	Abs.

ORDINANCE 2021-10

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEWJERSEY, AMENDING BOROUGH CODE CHAPTER 7 – “TRAFFIC”

Language that is Underlined is new language and shall thus replace the existing language in the Ordinance.

§ 7-6.2 **Stop Intersections.**

[Ord. No. 75-7; Ord. No. 97-03 § 1; Ord. No. 97-11 § 1; Ord. No. 97-13 § 1; Ord. No. 2005-07 § 3]

Pursuant to the provisions of N.J.S.A. 39:4-140, the following described intersections are hereby designated as stop intersections. Stop signs shall be installed as provided therein.

Intersection	Stop Sign(s) On
Bay Avenue and VanSant Avenue	Exit from Post Office
Bay Avenue and VanSant Avenue	Bay Avenue
Bay Avenue and Summit Avenue	Bay Avenue
East End Avenue and Summit Avenue	East End Avenue
East End Avenue and VanSant Avenue	East End Avenue
Ensor Place and Ocean Avenue	Ensor Place
Bayview and Ocean Avenue	Bayview
Cedar Place and Ocean Avenue	Cedar Place
Ocean Bend and Ocean Avenue	Ocean Bend
Holly Avenue and Ocean Avenue	Holly Avenue
Lake Drive and Ocean Avenue	Lake Drive
Highland Avenue and Ocean Avenue	Highland Avenue
Cedar Avenue and Ocean Avenue	Cedar Avenue
Cedar Avenue and VanSant Avenue	Cedar Avenue
Cedar Avenue and Summit Avenue	Cedar Avenue
Beech Avenue and VanSant Avenue	Beech Avenue

Intersection	Stop Sign(s) On
Beech Avenue and Summit Avenue	Beech Avenue
Tennent Avenue and VanSant Avenue	Tennent Avenue
Tennent Avenue and Summit Avenue	Tennent Avenue
Laurel Avenue and Ocean Avenue	Laurel Avenue
Laurel Avenue and VanSant Avenue	Laurel Avenue
Laurel Avenue and Summit Avenue	Laurel Avenue
Laurel Avenue and Lake Avenue	Laurel Avenue
Dirmitt Avenue and Bay Avenue	Dirmitt Avenue
Dirmitt Avenue and East End Avenue	Dirmitt Avenue
Thomas Avenue and East End Avenue	Thomas Avenue
Westray Avenue and East End Avenue	Westray Avenue
Cedar Place and Park Avenue	Cedar Place
Park Avenue and Ensor Place	Park Avenue
Park Avenue and Westray Avenue	Park Avenue
Fletcher Place and Ensor Place	Fletcher Place
Fletcher Place and Westray Avenue	Fletcher Place
East Camp Walk and Highland Avenue	East Camp Walk
West Camp Walk and Simpson Avenue	West Camp Walk
VanSant Avenue and Simpson Avenue	VanSant Avenue
Simpson Avenue and River Avenue	Simpson Avenue
Simpson Avenue and Summit Avenue	Simpson Avenue
Simpson Avenue and Lake Avenue	Simpson Avenue
Lake Avenue and Central Avenue	Lake Avenue
Summit Avenue and Central Avenue	<u>4-way stop</u>
Ocean Avenue and Central Avenue	<u>4-way stop</u>
Simpson Avenue and Ocean Avenue	Simpson Avenue
Jaynes Avenue and Lake Avenue	Jaynes Avenue
Jaynes Avenue and Summit Avenue	Jaynes Avenue
Jaynes Avenue and Ocean Avenue	Jaynes Avenue
Jaynes Avenue and River Avenue	Jaynes Avenue
Oak Avenue and Lake Avenue	Oak Avenue
Oak Avenue and Summit Avenue	Oak Avenue
Oak Avenue and Ocean Avenue	Oak Avenue
Oak Avenue and River Avenue	Oak Avenue
Maple Avenue and Lake Avenue	Maple Avenue
Maple Avenue and Summit Avenue	Maple Avenue
Maple Avenue and Ocean Avenue	Maple Avenue
Maple Avenue and River Avenue	Maple Avenue
Chestnut Avenue and Lake Avenue	Chestnut Avenue
Chestnut Avenue and Summit Avenue	Chestnut Avenue
Chestnut Avenue and Ocean Avenue	Chestnut Avenue
Chestnut Avenue and River Avenue	Chestnut Avenue

Intersection	Stop Sign(s) On
West End Avenue and Summit Avenue	4-way stop
Sassafras Avenue and Summit Avenue	Sassafras Avenue
West End Avenue and Ocean Avenue	West End Avenue
West End Avenue and River Avenue	West End Avenue
Ocean Avenue and River Avenue	Ocean Avenue
Lake Avenue and West End Avenue	Lake Avenue
Lake Avenue and River Avenue	Lake Avenue
River Avenue and West End Avenue	River Avenue
Garden Avenue and West End Avenue	Garden Avenue
Garden Avenue and Maple Avenue	Garden Avenue
Maple Avenue and Route 37	Maple Avenue
Jackson Avenue and Maple Avenue	Jackson Avenue
Jackson Avenue and Route 37	Jackson Avenue
Garfield Avenue and Jackson Avenue	Garfield Avenue
Garfield Avenue and Garden Avenue	Garfield Avenue
Garden Avenue and Central Avenue	Garden Avenue
Jackson Avenue and Central Avenue	Jackson Avenue
Gilford Avenue and Jackson Avenue	Gilford Avenue
Central Avenue and Route 37	Central Avenue
Gilford Avenue and Garden Avenue	Gilford Avenue
Camp Walk and West Camp Walk	Camp Walk
East Camp Walk and Highland Avenue	East Camp Walk
Westray Avenue and Cedar Avenue	Westray Avenue

ORDINANCE 2021-11

Introduction and First Reading:

Mayor Doyle entertained a:

Motion to Waive Reading and Approve Ordinance 2021-11 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>	Yes/No	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	<u>Abs.</u>	Abs.

ORDINANCE 2021-11

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER 32 - SECTION 32-4 OF THE CODE OF THE BOROUGH OF ISLAND HEIGHTS, ENTITLED “RESIDENTIAL DISTRICTS” AND CHAPTER 4 OF THE CODE OF THE BOROUGH OF ISLAND HEIGHTS, ENTITLED “POLICE REGULATIONS” CREATING NEW SECTION 4-19 TO BE ENTITLED “SHORT TERM RENTALS”

WHEREAS, the New Jersey Legislature has, pursuant to N.J.S.A. 40:52-1(d) and (n), specifically authorized municipal corporations, including the Borough of Island Heights, to regulate “furnished and unfurnished rented housing or living units and all other places and buildings used for sleeping and lodging purposes and the occupancy thereof” and the “rental of real property for a term of less than one hundred seventy-five (175) consecutive days for residential purposes by a person having a permanent place of residence elsewhere”; and

WHEREAS, in recent years, there has arisen a proliferation of interest and other media advertising often on websites dedicated to the rental of Dwelling Units for short terms and for a period of less than thirty (30) days (“Short Term Rental”); and

WHEREAS, the Borough’s experience, as well as common experiences, dictates the conclusion that Short Term Rentals frequently result in public nuisance, noise complaints, sanitation issues, overcrowding and illegal parking within the residential neighborhoods of the Borough, and essentially convert residential dwelling units into illegal de-facto hotels, motels, boarding houses and other commercial enterprises in violation of the Borough’s Zoning and other Codes as well as state statutes; and

WHEREAS, the Borough wishes to deter the cyber-social phenomenon of any Owner renting his/her residential Dwelling Unit(s) on various websites as well as the listing of Short-Term Rental(s) by website businesses, of any Dwelling Unit(s), that constitutes an illegal business operating in violation of the Borough’s Zoning Code and other public nuisance ordinances; and

WHEREAS, the Borough additionally wishes to prevent overcrowding which can result when the Borough’s occupancy limits are exceeded; and

WHEREAS, problems also frequently associated with such Short-Term Rental(s) can result when the Borough’s overcrowding, excessive noise, unruly behavior, obscene language, fighting, littering, parking of vehicles on lawns, public urination, sanitation issues, poor maintenance of the property and grounds, and violation of trash collection ordinances; 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.,

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 32 is hereby amended and supplemented under § 32-4 titled “Permitted Uses,” to read as follows:

- a. In the Medium Density and Low-Density Residential Districts, no building or structure shall be erected, enlarged, altered or used for any purpose or purposes other than one (1) or more of the following:
 1. A dwelling house for one (1) family only, or one (1) housekeeping unit only, on one (1) lot; provided, however, that nothing herein contained shall prevent the use of a minor part of the dwelling house for an office or studio by a person or persons residing in the dwelling house or the display on the premises of one (1) small announcement sign showing the name or names of the person or persons using such office or studio, and the profession or business conducted in connection therewith.
 - b. Public buildings, parks, playgrounds, schools and other municipal uses.
 - c. 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.
 - d. Non-Binding Referendum by Mail Vote Prior to Amendment of Permitted Uses in the Medium Density Residential District.
 1. In the Medium Density Residential District, no ordinance shall be enacted to permit any building or structure to be erected, enlarged, altered or used for any purpose or purposes other than one (1) or more of the purpose or purposes listed in Subsections a, b or c of the existing ordinance, without first being subject to a non-binding referendum, which shall take place following the first reading of the ordinance and prior to final adoption.
 2. Such vote shall be conducted by mail ballot to all registered voters of the Borough of Island Heights, which shall be mailed fifteen (15) days subsequent to the first reading of the ordinance. Said ballots shall then be returned to the Borough Clerk within thirty (30) days of the mailing. The ballots shall be opened on the thirtieth day, checked for valid signatures by the Borough Clerk and the votes shall be recorded. The results of the vote shall be announced at

the next subsequent Council Meeting and shall be published according to customary means in a newspaper of local circulation.

- B. The Borough Code of Island Heights, Chapter 4 is hereby amended and supplemented so as to create new § 4-19 to be titled “Short Term Rentals” to be read as follows:

Section 4-19.1 Purpose.

It is the purpose of this section to regulate short-term rental uses in order to help preserve housing for long-term tenants and to minimize any potential deleterious effects of short-term rental properties on other properties in the surrounding neighborhoods in which they are located.

Section 4-19.2. Definitions.

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

ADVERTISE or ADVERTISING — Any form of solicitation, promotion, and communication for marketing, used to solicit, encourage, persuade, or manipulate viewers, readers, or listeners into contracting for goods and/or services in violation of this Ordinance, as same may be viewed through various media including but not limited to, newspapers, magazines, flyers, handbills, pamphlets, commercials, radio, direct mail, internet websites, or text or other electronic messages for the purpose of establishing occupancies or uses of rental property, for Consideration, which are prohibited by this Ordinance.

CONSIDERATION — Soliciting, charging, demanding, receiving or accepting any legally recognized form of consideration including a promise or benefit, a quid-pro-quo, rent, fees, other form of payment, or thing of value.

DWELLING UNIT — Any structure, or portion thereof, whether furnished or unfurnished, which is occupied in whole or in part, or intended, arranged, or designed to be occupied, for sleeping, dwelling, cooking, gathering and/or entertaining, as a residential occupancy, by one or more persons. This definition includes an apartment, condominium, building, cooperative, converted space, or portions thereof, that is offered to use, made available for use, or is used for accommodations, lodging, cooking, sleeping, gathering and/or entertaining of Occupants and/or guest(s) for Consideration, for a period of thirty (30) days or less.

HOUSEKEEPING UNIT — Constitutes a family-type situation, involving one or more persons, living together that exhibit the kind of stability, permanency and functional lifestyle equivalent to that of a traditional family unit, as further described in the applicable reported and unreported decisions of the New Jersey Superior Court.

OCCUPANT — Any individual using, inhabiting, living, gathering, entertaining, being entertained as a guest, or sleeping in a Dwelling Unit, or portion thereof, or having other permission or possessory right(s) within a Dwelling Unit.

OWNER — Any person(s) or entity(ies), association, limited liability company, corporation, or partnership, or any combination, who legally use, possess, own, lease, sub-lease or license (including an operator, principal, shareholder, director, agent or employee, individually or collectively) that has charge, care, control, or participates in the expenses and/or profit of a Dwelling Unit pursuant to a written or unwritten agreement, rental, lease, license, use, occupancy agreement or any other agreement.

PERSON — An individual, firm, corporation, association, partnership, limited liability company, association, entity, and any person(s) and/or entity(ies) acting in concert or any combination therewith.

RESIDENTIAL OCCUPANCY — The use of a Dwelling Unit by an Occupant(s).

Section 4-19.3. Short Term Rental Property Prohibited Uses.

- a. Notwithstanding anything to the contrary contained in the Borough Code, it shall be unlawful for an Owner, lessor, sub-lessor, or any other person(s) or entity(ies) with possessory or use right(s) in a Dwelling Unit, their principals, partner or shareholders, or their agents, employees, representatives and other person(s) or entity(ies), acting in concert or a combination thereof, to receive or obtain actual or anticipated consideration for soliciting, advertising, offering and/or permitting, allowing or failing to discontinue the use or occupancy of any Dwelling unit, as defined herein, for a period of less than thirty (30) days.
 1. A Dwelling Unit may be occupied by residential tenants providing the rental term is not less than 30 days.
 2. A Dwelling Unit occupied by a residential tenant must be registered with the Borough of Island Heights and receive a registration number. Any and all advertising or offers to rent a dwelling house must include the Borough-issued registration number.
 3. Nothing in this Ordinance will prevent formation of an otherwise lawful occupancy of a Dwelling Unit for a rental period thirty (30) days or more.
- b. A Tourist/Guest House may be occupied by transient tourist/guest rooming accommodations for less than a thirty-day period, provided the following:
 1. All short-term rentals consisting of less than a thirty-day period require the owner to maintain residential occupancy of the tourist/guest house, and off-street parking shall be provided per Subsection 30-1.7.
 2. Residences used for tourist/guest house purposes must be registered with the Borough of Island Heights and receive a registration number. Any and all

advertising or offers to rent a tourist/guest house must include the Borough issued registration number.

3. Use of any residence for tourist/guest house purposes is limited to May 1 through September 30 annually.
- c. The residential occupancy of an otherwise lawful and lawfully occupied Dwelling Unit for a period of thirty (30) days or less by any person who is a member of the Housekeeping Unit of the Owner, without Consideration, such as house guests, is permitted.

Section 4-19.4. Advertising Prohibited.

- a. It shall be unlawful to advertise, solicit or promote by any means actions in violation of this Ordinance.

Section 4-19.5. Enforcement; Violations and Penalties.

- a. The provisions of this Ordinance shall be enforced by the Police Chief or other Borough Police Officer, the Code Enforcement Officer, the Building Code/Construction Official, Fire Official, Health Department, other Sub-Code or Code Official, as their jurisdiction may arise, including legal counsel for the Borough or other persons designated by the Borough Council, to issue municipal infractions directing alleged violators of this Ordinance to appear in court or to file civil complaints.
- b. A violation of this Ordinance is hereby declared to be a public nuisance, a nuisance per se, and is hereby further found and declared to be offensive to the public health, safety and welfare.
- c. Any person found to have violated any provision of this Ordinance, without regard to intent or knowledge, shall be liable to the penalty stated in Chapter I, Section 1-5. Each day of such violation shall be a new and separate violation of this Ordinance.
- d. The penalty imposed herein shall be in addition to any and all other remedies that may accrue under any other law, including, but not limited to, eviction proceedings and/or injunction, reasonable attorney's fees or other fees and costs, in the Borough's Municipal Court or the Superior Court of New Jersey in the vicinage of Ocean County, or in such other Court or tribunal of competent jurisdiction, by either summary disposition or by zoning or construction code municipal proceeding.

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.

ORDINANCE 2021-12

Introduction and First Reading:

Mayor Doyle entertained a:

Motion to Waive Reading and Approve Ordinance 2021-12 as Introduced:

Motion: Ms. Pendleton
Second: Ms. Thompson

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>	Yes/No	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	<u>Abs.</u>	Abs.

ORDINANCE NO. 2021-12

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, A BOND ORDINANCE AUTHORIZING THE CONSTRUCTION OF ROADWAY IMPROVEMENTS TO BAY AVENUE, DIRMITT AVENUE, THOMAS AVENUE AND EAST END AVENUE, AND APPROPRIATING THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF THREE HUNDRED THOUSAND DOLLARS (\$300,000) OF BONDS TO FINANCE THE APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS

THE MAYOR AND COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS (not less than two-thirds of the full membership thereof affirmatively concurring), **DOES HEREBY ORDAIN AS FOLLOWS:**

Section 1. Appropriation for Project-Down Payment

The improvements described in Section 3 of this Bond Ordinance are hereby respectfully authorized as general capital improvements to be made or acquired by the Borough of Island Heights, in the County of Ocean, New Jersey (the “**Borough**”). For said improvements or purposes stated in Section 3, there are hereby appropriated the sums of money therein stated as the appropriations made for said improvements or purposes, said sums being inclusive of all appropriations heretofore made therefore and amounting in the aggregate to THREE HUNDRED THOUSAND DOLLARS (\$300,000.00). In accordance with N.J.S.A. 40A:2-11c, no down payment is required as this Bond Ordinance authorizes a project funded by a State Grant.

Section 2. Authorization of Bonds

For the financing of said improvements or purposes and to meet the THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the maximum principal amount of THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) pursuant to the Local Bond Law of New Jersey (the “**Local Bond Law**”) and any other law applicable thereto. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes stated in Section 3, negotiable note(s) of the Borough in the maximum principal amount of THREE HUNDRED THOUSAND DOLLARS (\$300,000) are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. Description of Projects

The improvements hereby authorized and the purposes for the financing of which said obligations are to be issued, the appropriations made for and the estimated costs of such purposes (including all work or materials necessary therefore or incidental thereto), and the estimated maximum amount of bonds or notes to be issued for such purposes are as follows:

<u>IMPROVEMENT OR PURPOSE</u>	<u>APPROPRIATION AND ESTIMATED COST</u>	<u>AMOUNT OF BONDS OR NOTES</u>
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Construction of Roadway Improvements to Bay Avenue, Dirmitt Avenue, Thomas Avenue and East End Avenue pursuant to the 2021 NJDOT Municipal Aid Program, including milling and overlay, paving and curbs, such new roadway pavement to be at least equal in useful life or durability to a road of Class B construction, as referred to in Section 40A:2-22 of the Local Bond Law, together with the construction or reconstruction of drainage facilities, demolition

of unfit structures, pavement preparation, pavement construction or reconstruction, asphalt concrete resurfacing, driveway, curb, sidewalk and shoulder restoration, handicapped accessible curb ramps, and all other necessary or desirable structures, appurtenances and work or materials, all as shown on and in accordance with the plans and specifications therefore on file or to be filed in the office of the Borough Clerk and hereby approved, including the costs of surveying, construction planning, engineering, preparation of plans and specifications, permits, bid documents and construction inspection and administration.

		\$300,000.00
	\$300,000.00	
Total	<u>\$300,000.00</u>	<u>\$300,000.00</u>

The excess of the appropriation made for such improvements or purposes aforesaid over the estimated maximum amount of bonds or notes to be issued therefore, as stated above, not including the amount of any grant, is the amount of the said down payments for said purposes.

Section 4. Authorization of Notes

In anticipation of the issuance of said bonds and to temporarily finance said improvements, negotiable notes of the Borough in a principal amount equal to the said principal of bonds not exceeding THREE HUNDRED THOUSAND DOLLARS (\$300,000.00) are hereby authorized to be issued pursuant to the limitations prescribed by the Local Bond Law. All such note(s) shall mature at such time as may be determined by the Chief Financial Officer or such other Financial Officer designated by Resolution for these purposes (both being hereinafter referred to in this Section as Chief Financial Officer); provided that no note shall mature later than one (1) year from its issue date. Such note(s) shall bear interest at a rate or rates and shall be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with any note(s) issued pursuant to this Ordinance, and the signature of the Chief Financial Officer upon such note(s) shall be conclusive evidence as to all such determinations. The Chief Financial Officer is hereby authorized to sell the note(s) from time to time at public or private sale in such amounts as the Chief Financial Officer may determine and not less than par, and to deliver the same from time to time to the purchasers thereof upon receipt of the purchase price plus accrued interest from their dates to the date of delivery thereof as payment thereof. Such Chief Financial Officer is authorized and directed to report in writing to the Mayor and the Council of the Borough at the meeting next succeeding the date when any sale or delivery of the note(s) pursuant to this Ordinance is made. Such report shall include the amount, the description, the interest rate, the maturity schedule of the note(s) sold, price obtained

and the name of the purchaser. All note(s) issued hereunder may be renewed from time to time for periods not exceeding one (1) year for the time period specified in and in accordance with the provisions and limitations of N.J.S.A. 40A:2-8(a) of the Local Bond Law. The Chief Financial Officer is further directed to determine all matters in connection with said note or notes and not determined by this Ordinance. The Chief Financial Officer's signature upon said note(s) shall be conclusive evidence of such determination.

Section 5. Capital Budget

The capital budget of the Borough is hereby amended to conform with the provisions of this bond ordinance. The resolution in the form promulgated by the Local Finance Board showing full detail of the capital budget and capital program is on the file with the Clerk and is available there for public inspection.

Section 6. Additional Matters

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

(a) The said purposes described in Section 3 of this bond ordinance are not current expenses and are properties or improvements which the Borough may lawfully require or make as a general improvement, and no part of the cost thereof has been or shall be specifically assessed on property specifically benefited thereby.

(b) The period of usefulness of said purposes authorized herein as determined in accordance with the Local Bond Law is **10 years**.

(c) The supplemental debt statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk and a complete duplicate thereof has been electronically 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, and 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 for in this bond ordinance by **THREE HUNDRED THOUSAND DOLLARS (\$300,000)**, and the said obligations authorized by this bond ordinance will be within the debt limitations prescribed by the Local Bond Law.

(d) Amounts not exceeding **FORTY-FIVE THOUSAND DOLLARS (\$45,000.00)** in the aggregate for interest on said obligations, costs of issuing said obligations, architectural, engineering and inspection costs, legal expenses, a reasonable proportion of the compensation and expenses of employees of the Borough in connection with the acquisition of such improvement and property as authorized herein, and other items of expense listed in and permitted under Section 40A:2-20 of the Local Bond Law have been included as part of the costs of said improvement and are included in the foregoing estimate thereof.

(e) There is no down payment required for this Bond Ordinance as this Bond Ordinance authorizes obligations of the Borough solely for a project that will be funded by a State grant in accordance with N.J.S.A. 40A:2-11c.

Section 7. Ratification of Prior Actions

Any action taken by any officials of the Borough in connection with the improvements described in Section 3 hereof are hereby ratified and confirmed notwithstanding that such actions may have been taken prior to the effective date of this bond ordinance and shall be deemed to have been taken pursuant to this bond ordinance.

Section 8. Application of Grants

Any grant moneys received for the purpose 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 but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. Full Faith and Credit

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

Section 10. Official Intent to Reimburse Expenditures

The Borough reasonably expects to reimburse any expenditures towards the cost of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein has been or is reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same “control group” as the Borough, within the meaning of Treasury Regulations Section 1.150-1(f), pursuant to their budget or financial policies with respect to any expenditures to be reimbursed. This Section is intended to be and hereby is a declaration of the Borough’s official intent to reimburse any expenditures towards the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulations Section 1.103-18, and no action (or inaction) will be an artifice or device in accordance with Treasury Regulation Section yield restrictions or arbitrage rebate requirements.

Section 11. Effective Date

This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.

MAYOR DOYLE introduced the:

APPROVAL OF PRIOR MEETING MINUTES

Resolution 2021-153

Approving the Proposed Minutes for the Regular Meeting
Conducted on September 14, 2021

Motion: Ms. Thompson
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>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	Yes/No	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	<u>Abs.</u>	Abs.

MAYOR DOYLE introduced the:

RESOLUTIONS on the CONSENT AGENDA

Resolution 2021-154 Approving the Hiring of Bryan Monachello as a Class II Police Officer for the Island Heights Police Department Working in a Part Time Capacity at an Hourly Rate of \$14.00 with an Effective Date of October 16, 2021

Motion: Mr. Fumo
Second: Mr. Baxter

Resolution 2021-155 Authorizing the Hiring of Emmaleigh Brodbeck as an Administrative Assistant Working in a Part Time Seasonal Capacity at an Hourly Rate of \$14.00 with Effective Date of October 16, 2021 an End Date of December 18, 2021

Motion: Mr. Fumo
Second: Ms. Pendleton

Resolution 2021-156 Authorizing the Mayor and the Borough Clerk to Enter Into an Agreement with Axon Enterprise Incorporated for the Purchase of Body Worn Cameras for the Island Heights Police Department under State Contract # T0106 with a Total Five-Year Cost of \$26,582.00

Motion: Mr. Baxter
Second: Mr. Gabriel

Resolution 2021-157 Approving the Date and Hours for Trick or Treat in the Borough as October 31, 2021 from 3:00 PM to 8:00 PM and Approving a Curfew of 9:00 PM for all Unaccompanied Minors in the Borough on Said Date

Motion: Ms. Pendleton
Second: Mr. Fumo

- Resolution 2021-158 Accepting the 2020 Borough Audit Report Prepared by Robert A. Hulsart and Company of Wall, New Jersey
- Motion: Mr. Baxter
Second: Ms. Thompson
- Resolution 2021-159 Accepting the Corrective Action Plan Contained in The Municipal Audit Report for the Year Ending December 31, 2020
- Motion: Ms. Thompson
Second: Ms. Pendleton
- Resolution 2021-160 Approving and Authorizing the Proposal from the Borough Engineer for Services Related to Phase II of the Long Point Restoration Project in an Amount Not to Exceed \$7,950.00
- Motion: Mr. Fumo
Second: Ms. Thompson
- Resolution 2021-161 Authorizing the Mayor and the Borough Clerk to Enter Into a “Schedule C” Agreement with the County of Ocean for Calendar Year 2022
- Motion: Mr. Gabriel
Second: Mr. Baxter
- Resolution 2021-162 Accepting the Resignation of Robert Kocsis from the Island Heights Police Department Effective on September 18, 2021
- Motion: Ms. Thompson
Second: Mr. Fumo
- Resolution 2021-163 Authorizing the Mayor, the Borough Clerk and the Qualified Purchasing Agent to Advertise Solicitations for Professional Services for Calendar Year 2022
- Motion: Mr. Baxter
Second: Mr. Gabriel
- Resolution 2021-164 Authorizing the Borough Clerk and the Chief Financial Officer to Issue a Refund of a Sanitary Sewer Service Bond in the Amount of \$1,500.00 to Nicholas and Amanda Musumeci for Block 38.02 – Lot 12.01 – 179 Lake Avenue

Motion: Ms. Thompson
Second: Ms. Pendleton

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

None

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

Luis Taveras – With the Body Worn Cameras for our Police Officers, where will the video data files be stored

Mayor Doyle – The video data files will be stored in a cloud storage system that is part of the contract being approved tonight.

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/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	<u>Yes/No</u>	Yes/No	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	<u>Abs.</u>	Abs.

MAYOR DOYLE introduced the:

BILL LIST AND PROCUREMENTS

Resolution 2021-165

Approving Payment of all of the Items on the Bill List Submitted by the Purchasing Agent and the Payment of the Invoice from Neal Lelievre Mason Contractors, Inc. in the amount of \$8,624.00

Motion: Ms. Thompson
Second: Mr. Baxter

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>	Yes/No	<u>Yes/No</u>
Abs.	Abs.	Abs.	Abs.	Abs.	<u>Abs.</u>	Abs.

Mayor Doyle introduced the:

DISCUSSION & PRIVILEGE OF THE FLOOR (Public Comment(s))

Several students were present at the meeting from Toms River High School South. The students told the Mayor and Council that they were attending meetings of several different public bodies as part of a Political Science Class.

Mayor Doyle acknowledged the students and thanked them for attending the meeting.

Mayor Doyle introduced the:

GOVERNING BODY REPORTS

Mayor Doyle – Several fall projects are underway around the Borough; the Park Avenue termination is being modified to allow for public access to the Barnegat Bay and the launching of small watercraft. The reconstruction of the Historic Gazebo at the Wanamaker Complex continues, our thanks to George Thompson for providing the architectural plans for the new Gazebo.

The new Van Sant Park is progressing very nicely; numerous plantings have been completed in our first new Borough Park since 1962. Some new lighting will be placed at the entrance to the Wanamaker Complex and the new Historic Marker will be placed once the Gazebo has been completed.

The new permanent nets have been put in place on our Pickleball Court.

In the spring we will have paving projects underway on Camp Walk and Highland Bend as well as Bay, Dirmitt and Thomas Avenues.

Mr. Gabriel – Mayor Doyle covered most of my report, progress continues on all Public Works Projects.

Mr. Baxter – Our Construction Office has completed over 500 inspections year to date, with six new homes under construction. We have completed sixty-five zoning reviews and sold recreation badges totaling over \$23,000.00.

Our Municipal Prosecutor reports that a significant number of pending matters have been grated adjournments but that Court activity will be increasing in the coming months.

Our thanks to the Mayor for his service as Commodore of the Island Heights Yacht Club over the past two years.

Mr. Fumo - Our Elementary School just completed a successful book fair and coin drive. The Elementary School Foundation hosted a very successful fundraising kickoff event this past weekend. Halloween will be celebrated at the Elementary School on October 29th. This year the school will have a virtual Veterans Day event with the link posted on their website.

Our Library now has evening hours on Mondays until 9 PM so please pay them a visit.

Ms. Pendleton - The September Town Wide Yard Sale was a success with fifty residents participating. Next year we will sponsor only one Town Wide Yard Sale in September.

As promised the park on the corner of Van Sant and Simpson Avenues is well underway. Topsoil was brought in and spread, compost was brought in and raked into the soil to amend and loosen it for plantings. The fall plantings have been completed and mulch has been spread on the entire garden, our Public Works finished the spreading today. Both the compost and the mulch were supplied free of charge by the County. In total twenty-six shrubs and four trees have now been planted; with azaleas, rhododendrons, hypericum, lilacs and hybrid day lilies to follow in the early spring. I want to thank our Public Works Staff for all their hard work in helping to make this new park happen, and I especially want to thank my husband John, who, without his tireless help spreading, raking, planting and watering this never would have happened as fast as it did. All involved did a great job, thank you all!! We still have some re-seeding to do in the center of the new park to bring it back to where it was and then we will install the cement chess table and stools in the shade of the large oak tree.

Our Borough Flu Clinic will be held this Thursday, October 21 at Borough Hall. Clinic hours will be from 9:00 AM to 1:00 PM. The Clinic will be conducted by the Ocean County Board of Health.

Shots will be available will be for this year's flu, Covid-19 initial shots and boosters (for those eligible) and pneumonia vaccinations, also for those eligible or who have a Doctors prescription. The Community Garden received a new load of mulch from the County, it is ready for all gardeners to spread in the pathways around their garden beds and common areas.

This Friday, October 22 at 7 PM, there will be a Spooky Halloween Movie Night here at Wanamaker Field. The movie will be "Hotel Transylvania III." The sixth graders from our Elementary School will be selling popcorn and snacks as a fundraiser for their class. On Sunday, October 31 at 10:30 AM there will be a Pumpkin Picking Scramble on Wanamaker Field for all kids in town, followed by a costume parade from the field with hot chocolate and donuts.

I am happy to announce that permanent nets have been installed on our pickleball courts. The early feedback is that all the of the pickleball players are very happy with the new permanent nets.

Ms. Thompson – Residents are asked to not feed any wild animals in the Borough. Feeding these animals is not safe or healthy for them or us. Feeding these wild animals can interrupt their breeding and hunting patterns and cause them to become very ill.

Some residents have raised questions about our year enforcement of Recreation Badges. As we continue to improve our recreation facilities the cash flow from the year-round sale of badges is critical and it helps us to pay staff to be on duty to protect our facilities from misuse and vandalism. Again in 2022 there will be early season pricing of Recreation Badges at only \$20.00 for the entire year, this pricing will end on May 1st.

ADJOURNMENT came by unanimous consent at 7:40 PM.

Respectfully Submitted,

**Sean Asay
Borough Clerk**

PLEASE CALL TO CONFIRM MEETINGS

Items of Interest:

- ❑ The **Island Heights Environmental Committee** regularly scheduled meeting is Wednesday, November 17, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Central Regional Board of Education** regularly scheduled meeting is Thursday, November 18, 2021 at 7:00 PM at the Board of Education building, Forest Hills Parkway, Bayville.
- ❑ **All borough offices** will be **closed** on Thursday, November 25, 2021 and Friday, November 26, 2021 in observance of Thanksgiving.
- ❑ The **Island Heights Mayor and Council** regularly scheduled meeting is Tuesday, November 30, 2021 has been **CANCELED**.
- ❑ The **Island Heights Board of Education** regularly scheduled meeting is Wednesday, December 1, 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, December 9, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Island Heights Mayor and Council** regularly scheduled meeting is Tuesday, December 14, 2021 at 7:00 PM held at the borough hall.
- ❑ The **Central Regional Board of Education** regularly scheduled meeting is Thursday, December 16, 2021 at 7:00 PM at the Board of Education building, Forest Hills Parkway, Bayville.
- ❑ **All municipal offices will be closed** on Friday, December 24, 2021 in observance of Christmas.
- ❑ **All municipal offices will be closed** on Friday, December 31, 2021 in observance of New Year's.

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