

In Attendance:

President of Council	Al Gabriel	Council Member	Jeff Silver
Council Member	John Bendel	Council Member	Brian Taboada
Council Member	Greg Heizler	Mayor	James Biggs
Council Member	Joe Rogalski	Borough Attorney	William Hiering, Jr.

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order the meeting was held at the Island Heights Municipal Building, Wanamaker Complex, Island Heights, New Jersey.

Mayor Biggs read the notice of the meeting in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting dates appeared in the Asbury Park Press on December 10, 2010, notice is also posted on the bulletin board and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

President of Council	Al Gabriel	Council Member	Jeff Silver
Council Member	John Bendel	Council Member	Brian Taboada
Council Member	Greg Heizler	Mayor	James Biggs
Council Member	Joe Rogalski	Borough Attorney	William Hiering, Jr.

Motion by Mr. Gabriel second Mr. Taboada to adopt on second reading Ordinance 2011 -11 entitled, ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY FURTHER AMENDING ORDINANCE 2000-02 ENTITLED, "AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REPAIR AND REPLACEMENT OF THE BULKHEAD AT THE WANAMAKER AND SUMMIT AVE. BEACH PROPERTIES, THE CONSTRUCTION OF GAZEBOS ON THE WANAMAKER PROPERTY, THE REGARDING AND LANDSCAPING OF BOTH PROPERTIES AND APPROPRIATING THE SUM OF \$620,000.00 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$590,000.00 IN GENERAL IMPROVEMENT BONDS TO FINANCE THE SAME" TO FURTHER AMEND THE PURPOSES OF SAID ORDINANCE AS AMENDED BY ORDINANCE 2005-04.

Mayor Biggs opened the Public Hearing Ordinance 2011 – 11, there being no public comment, motion by Mr. Bendel second Mr. Taboada to close, the hearing unanimous voice vote.

Adoption Ordinance 2011 - 11

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion by Mr. Gabriel second Mr. Heizler to adopt Resolution 2011 – 09 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF FUNDS BETWEEN APPROPRIATIONS RESERVES PER N.J.S.A. 40A:4-59.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	No	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion by Mr. Gabriel second Mr. Taboada to adopt Resolution 2011 – 10 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SCHEDULE “C” AGREEMENT WITH THE COUNTY OF OCEAN FOR 2011.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion by Mr. Gabriel second Mr. Silver to adopt Resolution 2011 – 11 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTERLOCAL AGREEMENT BETWEEN THE BOROUGH OF ISLAND HEIGHTS AND LONG BEACH TOWNSHIP TOWNSHIP POLICE DEPARTMENT TO ACT AS THE LEAD AGENCY REGARDING THE MOBILE DATA TERMINAL LOOK – UP SERVICES.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion by Mr. Taboada second Mr. Bendel to approve payment of obligations chargeable to the 2010 operating budget and the 2011 Temporary Operating Budget as presented.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion by Mr. Bendel second Mr. Taboada to approve payment of the vouchers held at the meeting of January 18<sup>th</sup>, 2011 to Birsdall Services Group in the amount of \$25, 540.77.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes*

Mayor Biggs

Yes

\*Mr. Taboada objects to the following charges: Inv. #1725350 - \$63.00 for monthly reporting; Inv. #172349 - \$107.00 Groin  
Mr. Bendel did ask Mr. Applegate if the submission of the monthly reports as stopped.

Motion by Mr. Taboada second Mr. Heizler to approve the following: Birdsall Services Group: Proposal for Professional Engineering, Surveying and Environmental Permitting Services; Coastal General permit No. 14, Replacement of Legally Existing Bulkhead, Long Point Bathing Beach; Block 56, Lot 17:

		<u>ORIGINAL PROPOSAL</u>	<u>REVISED 2/8</u>
Hydrographic & Outbound Property Survey	Fixed Fee:	\$6,800.00	\$4,000.00
NJDEP Coastal General Permit #14 Application	Fixed Fee:	\$4,500.00	N/C
NJDEP Tideland License Application	Fixed Fee	\$2,500.00	\$2,500.00
Permit Level Engineering Plans	Fixed Fee	\$2,250.00	N/C
	<b>Total Lump Sum Fee</b>	<b>\$16,050.00</b>	<b>\$6,500.00</b>

Mr. Taboada presented the following presentation with regards to the proposal for Professional Services (see attached final page of minutes).

Roll Call Vote:

Mr. Gabriel	No	Mr. Rogalski	No
Mr. Bendel	No	Mr. Silver	No
Mr. Heizler	No	Mr. Taboada	No
		Mayor Biggs	Abstain

The following items will be acted on as a consent agenda:

Motion by Mr. Taboada second Mr. Bendel to approve the following purchase order requests:

Requesting Dept: Public Works – B & G  
 Vendor: Linesider Electric  
 Item/Service: See PO request  
**Total: \$4,112.50**

Requesting Dept: Public Works – B & G  
 Vendor: Jammer Doors  
 Item/Service: Repair/Replace receiver for Doors @ Post Office  
**Total: \$810.00**

Requesting Dept: Public Works – Water & Sewer Treatment Plant  
 Vendor: Yardville Supply  
 Item/Service: 150 80 lb. bags solar salt @\$9.99 + \$60.00 shipping  
**Total: \$1558.50**

Requesting Dept: Public Works – B & G  
 Vendor: Ocean County Recycling  
 Item/Service: 78 tons @\$7.00 = \$546.00  
 3 deliveries @ \$65.00 = \$195.00

**Total: \$741.00**

Requesting Dept: Finance  
Vendor: Moody's Investor Service  
Item/Service: Services rendered with General Obligations Bonds 2010  
**Total: \$6,720.00**

Requesting Dept: Public Works – Public Facility Sidewalk Salt  
Vendor: ZEP  
Item/Service: Antarctica Ice Melt 40 – 50 lb bags  
**Total: \$638.00**

Roll Call Vote:

Mr. Gabriel	Yes*	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

\*Abstains on Linesider Electric

Motion made by Mr. Gabriel second Mr. Heizler to approve application for:

Applicant: Jersey Shore Multi Sport  
Date(s) Requested: May 29<sup>th</sup> & May 30<sup>th</sup>, 2011 – Cheap Fast & Not So Easy Triathlon  
Facility: Summit Avenue Beach & Parking Lot  
Hours: Sunday, May 29<sup>th</sup> evening; Monday 5 AM – 11 AM

Applicant: Jersey Shore Multi Sport  
Date(s) Requested: May 7<sup>th</sup>, May 14<sup>th</sup>, & May 21<sup>st</sup>, 2011 – Swim Clinics  
Facility: Summit Avenue Beach & Parking Lot  
Hours: 11 AM – 12:30 PM (90 minutes)  
Certificate of Ins. Supplied need new certificate prior to event

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion made by Mr. Rogalski second Mr. Silver to adopt Resolution 2011 – 13 entitled, GRANT AGREEMENT BETWEEN BOROUGH OF ISLAND HEIGHTS AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes

Mayor Biggs

Yes

Motion made by Mr. Rogalski second Mr. Silver to adopt Resolution 2011 – 14 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO APPLY FOR A GRANT FROM THE ENERGY EFFICIENT AND CONSERVATION BLOCK GRANT PROGRAM.

Roll Call Vote:

Mr. Gabriel	Abstain	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Ms. Judge reported that the amount to be received for the grant is \$50,697.00; amount to be paid by the borough \$278.99.

#### COMMITTEE REPORTS:

Mr. Gabriel reported that they are going to be finishing up the Simpson Avenue project as soon as the weather breaks.

Mr. Bendel delivered a report from Betsy Hyle on the Island Heights Library and the Senior Advisory Committee. According to Betsy, who is involved with both groups, Island Heights has a new librarian, Rachael LaVoie-Dohn. Rachel began working at the Ocean County Library's Plumsted Branch in 2001. She was the teen services provider at Plumsted, and formed a Teen Advisory Board responsible for numerous teen programs at the branch. She obtained a Masters in Library Science in December 2010, and after working at the Stafford Branch for just over a year, she joins us here in Island Heights. We invite everyone to stop by the library to welcome Rachael and check out the children and adult programming planned for the winter months. If you are looking for a way to cure your 'cabin fever'...try the library! For the Senior Advisory Committee, Betsy reported that the Senior Get-togethers will start up again in March with a special off-site event. The usual meeting day, March 16, 2011, is also the Senior Living Expo at Ocean County College. Rather than meet for the morning at borough hall...we will carpool to OCC for the Expo. This is the first Senior Expo to be held at the college and will feature health screenings, entertainment, free food samplings from area restaurants, exhibits from area businesses and organizations, volunteer opportunities and more. We will meet at borough hall at 10:00 AM for carpooling. Please RSVP to Betsy if you are interested in attending and can either drive or need a ride. We will return our get-togethers to borough hall for future meetings on Wednesday April 20, Wednesday May 18 and Wednesday June 15. Mark your calendars...and watch the post office window and the borough website .

Mr. Heizler had no report.

Mr. Rogalski encouraged residents to be sure to lock their vehicles and remove all valuable items due to the criminal mischief occurring in the surrounding areas.

Mr. Silver reported that we have lost a few of our Green Team members and we are looking for town residents of all ages to volunteer their time and environmental/green ideas for a few hours once a month at borough hall. Please contact myself Jeff Silver to be a participant. Update on

the Wes Wilber playground at Wanamaker Complex. The new equipment has been delivered and just waiting for mother nature to cooperate. The installation is to be arranged by Rob Harrington. The Trust for Public Land grant known as TPL has finished funding us for 2 years on the river grass plantings. We are looking for other ideas on conservation that the TPL may fund to us. So please think about a project that you may like to apply. Mary Judge from the environmental committee is looking for feedback on the existing river grass plantings, if we should continue (via private funding) or left as is.

Mr. Taboada had no report.

**NEW BUSINESS:**

Motion by Mr. Silver second Mr. Heizler to approve Mr. Taboada to proceed with the Long Point Bathing Beach revised plan for the replacement of the bulkhead at Long Point Permit #1510 – 07- 0005.1 WFD070001 issued on November 20<sup>th</sup>, 2007. The only change in the plans is in the bulkhead sheating material which replaces the luminum with Vinyl. The revised plans will be obtained from engineer who originally prepared the plan, O'Donnell, Stanton & Associates for a cost not to exceed \$100.00.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

Motion made by Mr. Silver second Mr. Taboada to authorize Birdsall Services Group to submit at no cost to the borough a commitment letter to the State of NJ DEP re: Clean Water Financing Program with the following items of interest; 1) Purchase of Jet Vac; 2) Drainage behind Grade School.

Roll Call Vote:

Mr. Gabriel	Yes	Mr. Rogalski	Yes
Mr. Bendel	Yes	Mr. Silver	Yes
Mr. Heizler	Yes	Mr. Taboada	Yes
		Mayor Biggs	Yes

**PRIVILEGE OF THE FLOOR:**

Extended to the following:

Dr. Harris

Adopt Resolution 2011 – 12 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO ENTER INTO EXECUTIVE SESSION. There being no matters for executive session, therefore this resolution was not acted on.

Motion to adjourn made by Mr. Gabriel second Mr. Rogalski, unamious voice vote.

Respectfully submitted, Ellie Rogalski, RMC/CMC

Attachment:

***Birdsall Engineering and Island Heights Long Point Bulkhead.***

***Wednesday 1/19/2011 7:50 AM*** – Sent first email to Mayor Biggs regarding Spending on Long Point Engineering. In this email I explained why we do not need to spend any additional money to complete the job as all design and permitting had been completed. No reply from Mayor.

**Tuesday 1/25/2011 2:18 PM** – Sent email to Mayor Biggs criticizing the proposal for a lump sum fee of \$16,050 from Birdsall Engineering for Long Point engineering.

1. Fees for a CAFRA permit, which we already have and don't expire until after 2012;
2. Fees for a tidelands application, which is a free and easy application
3. And of course engineering design services, which we already paid for and have a sealed set of plans from OSA.

No reply from Mayor.

Elissa Commins replies back same day stating we do not have permit and need services. To which a prompt reply was provided to Elissa with the Authorized Permit Attached \*\* Oddly enough – Birdsall at this point had provided nearly \$1,000 of billable hours for support of the Long Point Bulkhead – See invoices:

1. #09090452 dated 10/29/2009 for 581.75
2. #09100788 dated 12/08/2009 for 32.50
3. #9110832 dated 1/26/2010 for \$339.50

Yet had no idea there was a permit for the site.

A series of 9 emails follow over the next couple of days with the Mayor and Council carbon copied on all. During this exchange, I provided Elissa with the Permit and explained away all concerns and questions presented by the engineer. Including the Tideland claim issues with the property, misconceptions by the engineer regarding tidelands (No grants and claim letter), what we can do, and tidelands interaction with Landuse/permitting. Still no reply or attempt to be contact by the Mayor

**Sunday, February 06, 2011 8:14 PM** – I notify Birdsall that their proposal, which I had been ripping apart, was still on the Borough Agenda. To which Elissa replies back on Monday, February 07, 2011 10:20 AM stating she had no idea the proposal was on the agenda.

After no correspondence back from the Mayor, email or phone, a meeting occurred with the engineer last night (Monday evening) at 6:00PM to discuss this very proposal which I had been very vocal about. I arrived at Borough hall at 7:00pm to learn of the meeting from other council members who attend. Why would the one person in this room, inclusive of our borough engineer, with the most experience and interest in this project not be informed of this meeting?

Would it not be in the Boroughs interest? Did the borough representatives to this meeting know what is part of this new proposal? Is the proposed tidelands work for a lease or a grant?

*I talked to the Lindsey Logan about this permit. She is the DEP program manager that signed this permit. I emailed Mike O'Donnell of OSA and he stated they would provide modified plans for using vinyl for \$100. I also talked to tidelands and member on the tidelands council regarding this issue. This is cut and dry. For an encumbered public park Tidelands typically charges a minimum fee (\$1,000) to clear title. The entire tidelands application is free and easily done. I personally have done several dozen of them. This all can be legally submitted by our clerk. Many people submit their own Tidelands applications. This is not work we need to be giving our engineer.*

*We require Fiscal Responsibility!! Accountability! In 2010, nearly 15% of the tax levied for our municipal budget was paid to Birdsall Engineering! (\$234,449.55 / \$1,570,719.18) This is almost 10% of our budget appropriations going to a single firm while we are asking all other departments to cut 10% and have not given any cost of living raises to borough employees in...How many years?*

*It is time to do more that preach fiscal restraint and realize it is 2011 and not 1980. This proposal from Birdsall should be DENIED.*