

Regular Meeting  
Tally Sheet

November 13, 2014

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 appeared in the Asbury Park Press on December 19<sup>th</sup>, 2013, notice is also posted on the bulletin board and in the municipal building.

Pledge to the flag and a moment of silence. Roll

Call:

Council President	Jeff Silver	Council Member	Kieran Pillion, Jr.*
Council Member	Sean Asay	Council Member	Sandra Snow
Council Member	John Bendel	Mayor	James Biggs
Council Member	Steve Berglund	Borough Attorney	Wm. Hierung, Jr. Esq.

\*Absent

Mr. Michael O'Donnell, Borough Engineer at the request of the Mayor and Council gave the following project updates.

At this time Michael O'Donnell, Borough Engineer, appeared before the governing body. He stated that the process for the DOT grants starts with a letter from the DOT to the Borough. The Borough can submit a project for a specific amount, but the DOT has a pool from which they divide the funds for the submitted projects from all municipalities who applied for funds and the amount they give the Borough may be less than the amount for which the Borough submitted. The projects chosen by his office are chosen on the basis of age and road condition. Based upon the amount received from the DOT the scope of the work can be amended in order to fit the amount received. Made a recommendation regarding the erosion problems at the end of Park Ave. to place some rip rap in the area and have the County come in and finish the paving under Schedule "C". After Sandy, the problem was worse and sent a letter to the Borough to either install a bulkhead or to place some rip rap. The time frame of grant applications varies depending upon the application. The time frame sometimes seems short due to the approval process of the Borough. Notices for grant applications are usually sent to the Borough. Cost of the mod design is not covered by a grant and would be approximately \$15,000.00 to \$17,000.00. I would like to meet with representative from Council to discuss the projects and to help with the application for the Flood Hazard Risk Reduction and Resiliency Grant.

A discussion was held regarding Toms River being responsible for their side of Dillon's Creek.

First reading and introduction of Ordinance 2014 – 07 entitled, AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY AMENDING CHAPTER XXVI ENTITLED "TREES" IN ORDER TO PROVIDE FOR AN EXEMPTION IN CONNECTION WITH THE CONSTRUCTION OF A SINGLE-FAMILY DUPLEX, MULTI-FAMILY OR COMMERCIAL BUILDING.

Motion by Mr. Bendel second Mr. Silver.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Second Reading and adoption of Ordinance 2014-06 entitled, AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING REPAIRS TO JAYNES AVENUE AND MAPLE AVENUE, AND APPROPRIATING \$225,000.00 THEREFORE AND PROVIDING FOR THE ISSUANCE OF \$95,000.00 IN GENERAL IMPROVEMENT BONDS OR NOTES TO FINANCE THE SAME

Motion by Mr. Silver second Mr. Bendel.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Public Hearing on Ordinance 2014-06.

Motion by Mayor Biggs second Mr. Bendel to open the Public Hearing on Ordinance 2014-06. Unanimous voice vote. \*

\*Mr. Pillion – Absent

Motion by Mr. Bendel second Mr. Silver to close the Public Hearing on Ordinance 2014-06. Unanimous voice vote. \*

\*Mr. Pillion – Absent

Adopt Resolution 2014 – 70 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE IN THE 2014 BUDGET OF THE BOROUGH OF ISLAND HEIGHTS PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159, P.L. 1948)

Motion by Mr. Berglund second Mr. Silver.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Adopt Resolution 2014-71 entitled, RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY PROVIDING FOR TRANSFERS BETWEEN BUDGET APPROPRIATIONS CONTAINED IN THE 2014 MUNICIPAL BUDGET.

Motion by Mr. Silver second Mr. Asay.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Adopt Resolution 2014-73 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING THE TENNIS BADGE FEES FOR 2015.

Motion by Mr. Silver second Mr. Asay.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Adopt Resolution 2014-74 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING THE 2015 FEES FOR BADGES.

Motion by Mr. Silver second Ms. Snow.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Ms. Schippert – complaint about nails and fishing lines from crabbers being left on bulkheads and the hazard that they pose to the public and wildlife.

Approve Resolution 2014-75 entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF THE OCEAN COUNTY RECYCLING CENTER USE AND REVENUE SHARING AGREEMENT

Motion by Mr. Silver second Ms. Snow.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Approve obligations chargeable to the 2014 operating budget.

Motion by Mr. Bendel second Mr. Silver.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

The following will be acted on as a consent agenda.

Approve the following purchase order request(s):

Requesting Dept.: OEM  
 Vendor: Motorola c/o Allcomm Technologies  
 Item/Service: 1 Motorola Trunk Base Station Radio  
 Total: \$8,582.25

Requesting Dept.: IH First Aid Squad  
 Vendor: Motorola c/o Allcomm Technologies  
 Item/Service: 4 Motorola Minitor VI Pagers  
 Total: \$2,020.00

Requesting Dept.: OEM  
 Vendor: AGT Battery Supply  
 Item/Service: Batteries for Motorola devices  
 Total: \$1,008.72

Motion by Mr. Silver second Mr. Asay.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Approve voucher for All Time Tire Service in the amount of \$2495.50 for the purchase of tires for the backhoe.

Motion by Mr. Silver second Mr. Berglund.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Approve a voucher in the amount of \$1,500.00 for the future purchase of de-icing materials. (no vendor stated)

Motion by Mr. Silver second Mr. Berglund.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Authorizing the Mayor and Clerk to execute an Interlocal Agreement for Certain Sanitary Sewer Services between the Borough and Toms River MUA. (term of agreement August 1, 2014 to July 31, 2019).

Motion by Mr. Silver second Mr. Asay.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

NEW BUSINESS:

Approve the minutes from the October 28, 2014 Meeting.

Motion by Mr. Bendel second Mr. Silver.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Discussion of possible projects for the Flood Hazard Risk Reduction And Resiliency Grant. Possible projects are as follows:

- a) Repairs to Park Ave. at the Bay
- b) Further repairs to Camp Meeting bluff
- c) Repairs to Simpson Ave.
- d) Drainage Improvements to River Ave.
- e) Improved flow of Dillon’s Creek
- f) Elevated roadway at base of West End

Motion by Mr. Silver second Mr. Asay to entertain suggestions from the public for projects for the Flood Hazard Risk Reduction and Resiliency Grant.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

Mr. Silver stated that Well #10 is in need of some repairs and that the original installer, A.C. Schultzes prepared a proposal to complete the work.

Approve proposal from A.C. Schultzes in the amount of \$34,000.00 for the Well #10 Pump Rehabilitation.

Motion by Mr. Bendel second Mr. Silver.

Mr. Silver	Yes	Mr. Pillion	Absent
Mr. Asay	Yes	Ms. Snow	Yes
Mr. Bendel	Yes	Mayor Biggs	Yes
Mr. Berglund	Yes		

#### OLD BUSINESS:

Mr. Berglund updated the governing body regarding the stabilization of the Camp Meeting bluff. Need to have Public Works backfill the gabions, but there is a problem getting the material into the gabions. The borough engineer contacted him to let him know that CAFRA is requesting photos showing the backfill material in the gabions as proof that the work was done. There was a suggestion made to slurry the backfill into the gabions and the Engineer says it will work because the fabric in the gabions will allow the water to drain while retaining the soil.

#### COMMITTEE REPORTS:

Ms. Snow: The 1<sup>st</sup> Annual “Trunk or Treat” was a success. There were twenty-five (25) individuals registered. There was a good turnout and the event was well-handled. The Pasta Dinner at the school went well. It was well-run and the school proved to be an excellent site for the event. The annual bonfire that was held on November 8<sup>th</sup> was successful.

Mr. Pillion: Absent

Mr. Berglund: Many opportunities for projects come from grants. Thank you to Mr. Asay for forwarding information. There is a training session tomorrow for municipal officers in how to apply for grants, which I will be attending.

Mr. Asay: The First Aid Squad would like to congratulate and welcome new members who have just graduated EMT training. They are Carrie Bowens and Matthew Shmelter from Toms River.

Mr. Bendel: I received a letter from Lizzie Schippert who lives at 11 West End Avenue, which I forwarded to Mayor and Council regarding the construction on Sassafra Lane. The Island Heights Cultural & Heritage Association will be having the Ocean Black Sheep showing aerial photos of Island Heights after Sandy on November 17<sup>th</sup>. The 2015 calendars from Cultural & Heritage are on sale at the museum. There is a 50/50 raffle. Visit the Cottage House during the House Tour on December 6<sup>th</sup>.

Mr. Silver: The final grading has been completed at the old Water Treatment Plant which will allow for the installation of the irrigation system, and the landscaping. The old water tower is scheduled for demolition prior to the end of the year.

#### PRIVILEGE OF THE FLOOR:

Extended to the following:

Ms. Schippert: Read the following statement into the record:

#### STATEMENT FOR ISLAND HEIGHTS TOWN COUNCIL MEETING NOV 13, 2014

This statement is about the town. And the 'town forest' and its canopy and the essential support it gives to the sandy soil and the shade it provides during increasingly hot summers. And the wildlife and songbirds supported all year 'round by a variety of mature trees. And the protection from windstorms which those trees provide.

I am referring specifically to two properties on which new and very large houses will soon be built; 107 Sassafra Lane and 113 West End Avenue, which also borders on Sassafra.

This statement is about the character of this west side of town, below Summit Ave., where West End Ave. and Sassafras Ln. currently retain a century-old Currier & Ives charm. This is due in part to the alternating pattern in which the older houses had been built so each property could share in river and sunset views and benefit from the prevailing river breezes in summer. The original architects and planners of this town valued this shared enjoyment of Nature, as well as the privacy afforded by this alternating design of the structures.

No small part of that old-fashioned charm is due to the large trees hereabouts which break the force of windstorms from the Southwest and gales from Nor'easters. As a longtime resident of 111 West End Ave. I worry that this splendid balance is about to be irreversibly changed, or even destroyed, by upcoming construction of two large houses and the removal of mature trees slated to be cut down as a prelude to this construction.

I write this statement in the hope that you Council members are committed to preserving the charm and natural aesthetics of this neighborhood.

When part of the tree canopy is destroyed, limbs and trees can come down like dominoes. Neighbors to the south, at 109 West End took down a large tree about five years ago. Their mature oak lost one third of itself three years ago during Hurricane Irene. Two years ago, Hurricane Sandy tore off 40% of our huge oak when the winds came from the South. There is a strong correlation between the location of that opening in the tree canopy and the two damaged oak trees- as a straight line connects all three. Our oak tree is now dramatically off-balance with the 60% remaining leaning toward our house. That tree is currently protected from the prevailing Southwest winds by very tall trees on the 109 Sassafras property.

Most of the strong storms come from the Southwest, especially in summer. The prevailing SW wind has an unobstructed four-mile fetch over the Toms River and hits this corner of town with great force. The proposed construction at 107 Sassafras will result in the removal of virtually all of those very tall trees putting my oak tree, and consequently my house, at risk with every storm.

QUESTION: Is a new neighbor and their construction plans allowed to put an existing structure in this kind of jeopardy?

Our new neighbors next door up the hill at 113 West End Ave. also want to change the local environment considerably as they've said, and I've heard, by taking down mature trees, flattening the slope, putting in retaining walls, a giant house and a swimming pool. All on a 50x100' lot.

I fear the combined removal of many mature trees and dozens of smaller ones being taken down on both sides of Sassafras Ln. that the water table of this sandy hill will be endangered, that the stability of the slope and good drainage will be threatened, and songbirds and wildlife will disappear.

Additionally, I for sure don't want a swimming pool uphill from my basement should it ever leak or overflow.

Shortly after we moved in 19 years ago, some sewer work was being done on River Avenue. This hill, and our house, shook with each impact of the machinery. I am wondering what effect the demolition of the current house at 109 Sassafras, slope alteration both there and next door us, and construction of two big houses so close to our property will have on our 100 year old hand-plastered walls.

Here is the same question stated differently: What recourse does a longtime resident of this town have if their property is put in jeopardy?

In a year's time, Mac Mansion Lane might be the new name for Sassafras Lane. Of the 10 houses visible from the lane, three will be Mac Mansions with, I fear, the standardized landscaping of the typical Mac Mansion development. Contrary to popular belief, removal of many trees makes a property appear smaller. The third dimension, height, is removed. The light and shade and movement of tall trees and birds are gone. The actual energy stored by Nature in the trees is literally eradicated. The last few remaining mature sassafras trees on Sassafras Ln. will likely be cut down or destroyed by a retaining wall. This leafy neighborhood and its current ambience will exhibit a diminished scale and natural feeling as it becomes host to oversized and predictable housing, with the mandatory swimming pool.

To make a final point, partying noise and underage drinking, parking issues and abundant traffic disturbances have already been associated with 107 Sassafras Ln. at 4th of July and Sail Fest. These issues will likely quadruple in proportion to the size of the upcoming structure.

I call upon Council to enforce the spirit and, if necessary, letter of the Tree Ordinance and construction codes which, hopefully, will mitigate potential damage to the environment, nearby properties and aesthetics of this corner of town.

Respectfully submitted,  
Lizzi Schippert  
111 West End Avenue  
PO Box 1012  
Island Heights  
732-929-9732

Ms. Slusmon: Who on the Planning Board allows any body to build any kind of house? There aren't any historical structures left. Aren't there any ordinances for historical structures?

Ms. Judge: I have a question about the Tree Ordinance amendment.

Adopt Resolution 2014 – 72, entitled, RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY TO ENTER INTO EXECUTIVE SESSION. There being no items for executive session therefore this resolution was not acted on.

Motion by Mr. Silver second by Mr. Bendel to adjourn this meeting. Unanimous voice vote. \*

\*Mr. Pillion – Absent

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Respectfully submitted, Ellie Rogalsi, RMC/MMC