

**BOROUGH OF ISLAND HEIGHTS
COUNCIL MEETING
AUGUST 18, 2015, 7:00 PM**

Mayor Silver opened the meeting by reading the STATE OF PUBLIC NOTICE

This meeting of the Mayor and Borough Council was called to order pursuant to the provisions of the Open Public Meeting Law. Notice of this meeting was sent to the Asbury Park Press on December 20, 2014; in addition a copy of notice is posted on the bulletin board in the Municipal Building, and filed in the office of the Borough Clerk.

Mayor Silver led the Flag Salute

ROLL CALL

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver
Present	x		x	x	x	x	x
Absent		x					

SCHOOL BOARD PRESENTATION

Presenters: Loren B. Fuhring, Superintendent; Frank Frazee, School Business Administrator; Steven Segal and James Houston of Spieze Architectural Group.

Frank Franzee spoke to those in attendance regarding the upcoming Bond referendum for the School Board, for the purpose of building improvements. The total 2.4million, the overall referendum is \$4.2 million. The State will pay for 40% of the budget if the referendum passes.

Lauren Fuhring: presented aspects of what she feels “makes” Island Heights. She discussed the CHOICE program, which allows other students to attend the school, and is funded by the State. The school currently has 13 students and receives \$165,000.00 from the State. This has resulted in more programs, funding and overall, completely benefited the school. The average class size is 16, which is significantly less than other schools. This is the only CHOICE school in Ocean County. Students are more advanced in Spanish than other schools. Other aspects include Character Education programs; technology is provided to the students such as Chromebooks, laptop centers, and interactive whiteboards. She spoke additionally on the follow powerpoint information:

“NJ School Choice Program, “Small class size, “Highly qualified teachers, “Recognized as a reward school from the NJ Department of Education, “Full year Spanish for all grade levels, “Music, Art and Physical Education Programs, “Enrichment program for all grade levels, “5th/6th Middle School Preparation programs. After school activities for grades 2-6, Band, Homework Club, Sports, Running Club, Integrated STEM programs, Character Education Programs, New Basic Skills Program through Title I, Technology, One-to-One Chromebooks for grades 4-6, Chromebook cart, iPad cart, and Laptop Centers within the classrooms.

Frank Franzee: spoke on the school budget with the following Powerpoint:

Local Tax Levy	\$ 1,838,925	
State Aid	120,413	2013-14 -- \$119,507
State School Choice Aid	178,010	2014-15 -- \$285,708
Revenue from another LEA	40,000	2015-16 -- \$298,423
Maintenance Reserve	10,000	
Miscellaneous	5,452	
Grants	32,598	
Debt Service Tax Levy	77,958	
Total Revenue	\$ 2,303,356	

Steven Segal of Spieze Architectural Group: States that patchwork costs much more in the long run instead of replacing with new facilities and less maintenance costs. Primarily the needs are mechanical and HVAC, communication upgrades for life-safety aspects, and how best to secure the building; roofing replacements to keep out mold; door replacements that are in need of repair; the bathrooms are the same as when the parents when to school; ADA compliance issues; windows, boilers; emergency lights; compressors that are 50-60 years old. Some of these replacements will lead to reduced energy costs. The overall upgrades can only be done if the referendum

passess, and the school can capture the 40% State share. It will 3.89% interest on the 20 year bond. The estimated tax impact is \$16/month based on the average assess home. The school compiled this list of needs based on the highest school priorities and critical needs. The application was sent to the State in April, and within 30 days, the application was approved and is allowed for the September referendum. If approved, the bid would go out in February. The debt service is 40% and supported by the State.

Public Questions:

Frank Mayone, Central Ave: Have anyone drawn up budget to dissolve the school rather than restore the school?
There is already a problem with the water,

Steven Segal of Spieze Architectural Group: The concept for having your own school know is the advantages of having small class size.

Frank Franzee: There are programs in place such as Senior Tax Freeze. The requested upgrades, and the programs in place are in the best interests of the children. Seaside park looked into dissolving and that failed, and Island Heights is part of that school system.

Attendee: The cost per student is about \$15,000. \$1.5 million is what is costs just for the kids, and that's without special needs or transportation, without any additional costs..

Fran (Attendee): was the kindergarten teacher and secretary. During her time, they learned a lot and was always worrying about the superintendent. One of her classes had 65 at Saint Joseph's, and all learned. She feels that the education at St. Joes is less and has a better education.

Frank Franzee: The Superintendent is a requirement of every school. The school is not in support of all state mandates but these are requirements. The class size is state regulation and we abide by the law.

Attendee, 1 River avenue: has there been any evaluation on the expected growth and size of the school? In ten years, there may be more CHOICE students than Island Heights students?

Council Member Thompson: How do you determine the amount of CHOICE students?

The Superintendent responded stating that the number is determined by the State, which currently stands at 13. More students may be expected since the number of those students is fund-driven by the State.

Brian Gabriel, 185 Summit: My entire family went to the school. Besides coming on the heels with water and sewer in the town. This referendum notice was sent out with the students. It would be nice to have this sent to all residents for them to digest it.

Steven Segal of Spieze Architectural Group: The School did advertise and the Board approved the referendum. This is available on the website, handed out to students as well to save costs.

Brian Gabriel, 185 Summit: why weren't any of these projects addressed as a Capital project?

Frank Franzee: The Board have been conscious of the tax rate. The current law does not allow more than 2%, and that is about \$35,000. Special education costs, and others are feeling the burden of health benefits, which eat up that 2%. The funding in the town is different, and the school's capital projects is included in the 2%.

Brian Gabriel, 185 Summit: Maybe, maybe not; I don't know and that's a good point. What is the surplus of the school budget?

Frank Franzee: It's below the maximum. The \$250,000 is the maximum. There was money set aside for some capital projects, and utilizing \$22,000 will not do anything substantial for maintenance needs.

Brian Gabriel, 185 Summit: interrupted Mr. Franzee and asked how much we spend on maintenance?

Frank Franzee: about \$341,000 on the upkeep on the building.

Brian Gabriel, 185 Summit: Is the school being mandated for ADA noncompliant issues or something we are trying to get in compliance?

Steven Segal of Spiezle Architectural Group: Its both. The doors are not ADA compliant but they are also 60 years old and are not up to fire code.

Brian Gabriel, 185 Summit: There's no way to determine how many kids are coming to town, and I believe it will be less. A lot of homes up for home, which can be considered affordable but these families can't afford to live here. We have a demographic problem. When does it become unaffordable?

Bob Snedden, 169 Van Sant: Does reflects an increase of \$200 year, for how long?

Frank Franzee: 20.

Steven Segal of Spiesel Architects: The breakdown of costs was provided at the June School Board meeting.

Doug Bailey, 192 Central Avenue: Is there a projection of enrollments? I assume this CHOICE program can be eliminated ?

Lauren Fuhring: We've been stable in our numbers, but we don't have a projection.

Council Member Thompson: Asked for projection clarification.

Lauren Fuhring: 116 - 122, our enrollment hasn't dropped but the projection is based on who's having children and it's tough to project.

Council Member Thompson: We have a proposed project in absence of an enrollment projection?

Frank Franzee: Its one of the requirements to have a long-range projection plan but enrollment is not part of this. There's an enrollment section .

Steven Segal of Spiezle Architectural Group: every 5 years there's a long range projection which includes funding, and a section on enrollment but mainly addresses the needs of building, critical needs, and enrollment assessment. Right now, the state section for enrollment is not open. Currently, we enter a cohort based on birth rate projections over the last five years. This looks consistent, but it's not done for a specific demographic.

Council Member Pillion: What is your role and have you looked at the Census Data?

Steven Segal of Spiezle Architectural Group: We just use the forms provided by the State. You can request a demographic study but this costs money that is not funded by the State.

Council Member Thompson: we have a great ocean county planning department, and requests the board speak with them to see if they can provide projects and so that we can get a handle of the projection.

Frank Franzee: If the referendum is rejected, the board can go out again for another referendum, and after that the school can petition the State Commissioner, who can arbitrarily make it a mandate.

Brian Gabriel, 185 Summit: are we still paying for the addition on the school

Frank Franzee: There is approximately \$77,00 per year, starting in 2005, and the balance is \$533,000 minus \$60,000.

Resident: prior to the referendum, will there be a chance for public questions?

Frank Franzee: any member of the public can come to a board of education meeting . The next is September 9, 2015.

Council Member Thompson: can these materials be made available to the public and for council? Can I see a detailed budget?

Frank Franzee: These are made available on the School website. The audit provides all funding available to the public as well, in addition to the user friendly public.

Council Member Berglund: You addressed a cut-off of five years, but did not take into consideration anything outside of five years? why didn't you take 3 years? If an item has a payback in two years you do it now. Everything in this budget, the school feels it has to be done now?

Frank Franzee: Five years is the State requirement. We broke it down into priorities. Yes, the school feels these are priorities. The state is giving us \$1.6 million, and they are covering 40% of our needed costs.

Council Member Berglund: Why not go for \$5 million now?

Frank Franzee: We only look at critical safety issues.

Resident: how much would it cost to close the school and send everyone elsewhere?

Frank Franzee: That would be a negotiated cost. It's \$15,000 average cost per student, not including special needs and other costs.

Council Member Pillion: What number will be on the referendum? \$4million?

Frank Franzee: yes

Council Member Thompson: is the facility currently flood compliant?

Frank Franzee: we added flood doors and vents from Sandy money with a temporary berm to prevent another flood.

Council Member Thompson: If it's not flood compliant, and if you invest more than 50% of the property, then you have to make the entire property flood compliant.

Frank Franzee: I do know that our flood insurance did a flood certification, but I don't want to answer you on that since i'm not 100% sure.

Council Member Asay: We talked. Is there a cost to the Island Heights' parents of the CHOICE program? This comes out of the schools budget from where they come from. What is the build capacity?

Superintendent: 170.

The Mayor asked that the School Board send information over to the Clerk based on the requests of Council Member Thompson.

Mayor Silver motioned for a short recess, seconded by Council Member Asay, and unanimous Council consent.

Mayor Silver motioned to come back into Public Session, seconded by Council Member Asay, and unanimous Council consent.

APPROVAL OF MINUTES

Resolution 2015-68 Approving the minutes of July 21 Council Meeting

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay			x	
		Bendel				x
		Berglund	x			
		Pillion	x			
		Snow	x			
	x	Thompson	x			
x		Mayor Silver	x			

ORDINANCES

Ordinance 2015-06

Amending and Supplementing Chapter V (General Licensing) of the Borough Code to Regulate the Practice of Neighborhood Canvassing (2nd reading)

ORDINANCE 15-06

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER V (5-1), OF THE BOROUGH CODE TO REGULATE THE PRACTICE OF NEIGHBORHOOD CANVASSING

BE IT ORDAINED by the Borough Council of the Borough of Island Heights, Ocean County, New Jersey, as follows:

1. Chapter 5 (General Licensing) of the Borough Code is hereby amended and supplemented to establish the following provisions:

CHAPTER V

Canvassing and Soliciting for Real Estate

5-1.1. Definitions.

For the purposes of this article, the following words and phrases are defined as follows:

CANVASSING - Door-to-door soliciting or solicity by the use of circulars, visitations, or any other means, where the canvasser or his or her employer has not been invited or requested by the owner (as defined below), to obtain a listing of real property or to confer with the owner regarding a real estate transaction.

OWNER - The lessee, sublessee, assignee, managing agent or other person having the right of ownership or possess or to sell, rent, or lease any real property.

PURCHASER - Any occupant, prospective occupant, lessee, prospective lessee, buyer, prospective buyer, or any agent thereof.

5-1.11. License and notice requirements.

- A. Any person, corporation, partnership, limited liability company, or other institution or entity that canvasses in order to obtain listings of real property, or to bring about the sale, lease, or purchase of real property, must provide advance written notice to the Borough Clerk before engaging in such activities. The advanced notice must provide the following information:
 - a. The names and addresses of the persons engaging in the canvassing or soliciting
 - b. The names and addresses of the individuals or companies by which such persons are employed.
 - c. A listing of the street or streets in the Borough in which the canvassing or soliciting will take place
 - d. The starting and ending dates in which the canvassing or soliciting will take place.
- B. The notice required hereunder must be filed with the Borough Clerk no less than 14 business days prior to the scheduled start date.
- C. Provided the notice requirements have been satisfied, the Borough Clerk shall issue a permit allowing the canvassing or soliciting to take place. This permit shall be valid for a period not to exceed 30 days from the date of issuance. Once expired, the permit must be renewed following the same notice requirements.

5-1.12 Do not knock registry.

- A. Any owner of real property within the Borough who refuses to be canvassed or solicited for the sale or rental of their property may enroll in the Borough's "No Knock" registry established pursuant to ORDINANCE 15-06 and this said portion, the provisions of which are incorporated herein.

- B. Current “no knock” registrants are protected against the canvassing or soliciting activities regulated by this article without having to re-register.
- C. The unauthorized canvassing or soliciting of property owners who are valid “no knock” registrants constitutes a violation of this article.

5-1.13. Prohibited discrimination

No person shall engage in the following acts:

- A. Promote, influence, or attempt to promote or influence a property owner, occupant, or tenant to list for sale, sell, or remove from a lease real property by referring to race, color, sexual orientation, ethnicity, or religious affiliation of neighbors, prospective buyers or other occupants or prospective occupants of real property.
- B. Induce directly or indirectly, or attempt to induce or directly or indirectly, the sale or listing for sale of real property by representing that the presence or anticipated presence of persons of any particular race, religion, or national origin in the area has resulted or may result in:
 - (1) The lowering of property values
 - (2) A change in the racial, religious, or ethnic composition of the block, neighborhood, or area in which the property is located.
 - (3) An increase in criminal or antisocial behavior in the area.
 - (4) A decline in the quality of the schools serving the area.
- C. Make any representation (or misrepresentation) concerning the listing or sale of the anticipated listing for sale or the sale of any real property in any residentially zoned areas for the purpose of inducing or attempting to induce the sale or listing for sale of other real property in such area.
- D. Make any representation to any prospective purchaser that any block, neighborhood or area has, will, or might undergo an adverse change with respect to the religious, racial, or ethnic composition of the block, neighborhood or area for the purpose of discouraging the purchase of property in a particular area.
- E. Place a sign purporting to offer for sale any property that is not in fact offered for sale.
- F. Advertise for sale or rental property which is non-existent or which is not actually for sale or rental.
- G. Engage in or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, cause panic, incite unrest, create or play upon fear with the purpose of inducing or attempting to induce the sale or listing for sale of real property.
- H. To solicit or canvass any owner whose name and property address is included on the list maintained by the Borough Clerk of persons requesting that they not be canvassed or solicited.
- I. To engage in any economic reprisal or any other form of intimidation against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under the terms of this article.
- J. To aid, abet, incite, compel or coerce any person to engage in any of the practices forbidden by this article or to obstruct or prevent any person from complying with the provisions of this article.
- K. Refer, directly or indirectly or by implication, to race, color, creed, ethnicity, or sexual orientation in any advertisement or other solicitation offering real property for sale or rental.
- L. Solicit or attempt to solicit the sale or rental or the listing for sale or rental of real property without furnishing in written form to the owner or occupier of such real property the name of the person or organization soliciting such sale, rental or listing.
- M.

5-1.14 Exemptions

This article does not apply to real estate that is publicly advertised for sale or to “open houses,” sponsored by the owner or listed real estate agent for a specific home on a specific day.

1. All other parts of Chapter 5 remain in full force and effect.
2. All ordinance or parts of ordinances which are inconsistent herewith are repealed, but only to the extent of the inconsistency.
3. If any part of this ordinance is invalidated for any reason by competent authority, that part is severed and the remaining provisions shall remain in full force and effect.

4. This ordinance shall take effect following its final passage by the Borough Council, and twenty days after publication as required by law

Joseph Kostecki
Borough Clerk

The Borough Clerk opened the Public Hearing on Ordinance 2015-06

Seeing no comments or questions, Council Member Asay motioned to close public hearing, seconded by Council Member Pillion, and full Council consent.

Council Member Thompson: Did you confirm that there are no redundancies within our code?

Municipal Clerk confirmed in the affirmative

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	x			
		Bendel				x
		Berglund	x			
	x	Pillion	x			
		Snow	x			
		Thompson	x			
x		Mayor Silver	x			

Ordinance 2015-07 Amending Ordinance 2009-04

ORDINANCE NO. 2015-07

BOND ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2009-04 OF THE BOROUGH FINALLY ADOPTED JULY 28, 2009 TO PROVIDE FOR AN AMENDMENT OF THE PURPOSE SET FORTH IN SECTION 3(a) AND THE USEFUL LIFE IN SECTION 6(b) THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(a) of Bond Ordinance No. 2009-04 (“Bond Ordinance”) of the Borough of Island Heights, in the County of Ocean, New Jersey (the “Borough”), finally adopted July 28, 2009, is hereby amended in its entirety to read as follows:

“(a) Purpose. the rehabilitation and repair of the sanitary sewer system (root treatment) and the repair/replacement of sewer pumps, and including all work and materials necessary therefore or incidental thereto, as more fully described on a list on file in the Borough Clerk’s office

Appropriation and Estimated Cost:	\$20,000
Amount of Bond or Notes:	\$19,000
Amount of Down Payment:	\$1,000
Period or Average Period of Usefulness:	10 years”

Section Two. Section 6(b) of the Bond Ordinance is hereby amended in its entirety to read as follows:

“6(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 10 years.

Section Three. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available for public inspection.

Section Four. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: “NOTICE OF PENDING BOND ORDINANCE” (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of the bond ordinance.

Section Five. After final adoption of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: “NOTICE OF ADOPTION OF BOND ORDINANCE” (with appropriate completions, insertions, and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section Six. This ordinance amends Bond Ordinance No. 2009-04 of the Borough finally adopted July 28, 2009. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section Seven. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by Section Four hereof and the Local Bond Law, N.J.S.A. 40A:2-1, et seq.

The foregoing ordinance is hereby approved:

Date: September _____, 2015

Jeffrey B. Silver, Mayor

Municipal Clerk: These are all ordinance amending old ordinance and utilizing left over money for other projects.

Council Member Thompson: Are the amounts reflected in the bond?

Municipal Clerk: These are what’s left in the bond

Council Member Pillion: has these been reviewed by the CFO?

Municipal Clerk: Yes but drafted by the Auditor. These are the left over on the original amount.

Mayor Silver: We also changed the verbiage to utilize these for other projects.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
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x		Asay	x			
		Bendel				x
		Berglund	x			
		Pillion	x			
		Snow	x			
		Thompson	x			
	x	Mayor Silver	x			

Ordinance 2015-08 Amending Ordinance 2009-08
ORDINANCE NO. 2015-08

BOND ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2009-08 OF THE BOROUGH FINALLY ADOPTED OCTOBER 29, 2009 TO PROVIDE FOR AN AMENDMENT OF THE PURPOSE SET FORTH IN SECTION 3(a) AND THE USEFUL LIFE IN SECTION 6(b) THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(a) of Bond Ordinance No. 2009-08 (“Bond Ordinance”) of the Borough of Island Heights, in the County of Ocean, New Jersey (the “Borough”), finally adopted October 29, 2009, is hereby amended in its entirety to read as follows:

“(a) Purpose. the replacement of pump stations and the repair or replacement of water and sewer lines, and including all work and materials necessary therefore or incidental thereto, as more fully described on a list on file in the Borough Clerk’s office

Appropriation and Estimated Cost: \$70,000
Amount of Bond or Notes: \$66,500
Amount of Down Payment: \$3,500
Period or Average Period of Usefulness: 16.65 years”

Section Two. Section 6(b) of the Bond Ordinance is hereby amended in its entirety to read as follows:

“6(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 16.65 years.

Section Three. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available for public inspection.

Section Four. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: “NOTICE OF PENDING BOND ORDINANCE” (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of the bond ordinance.

Section Five. After final adoption of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions, and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section Six. This ordinance amends Bond Ordinance No. 2009-08 of the Borough finally adopted October 29, 2009. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section Seven. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by Section Four hereof and the Local Bond Law, N.J.S.A. 40A:2-1, et seq.

The foregoing ordinance is hereby approved:

Date: September _____, 2015

Jeffrey B. Silver, Mayor

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
		Berglund	x			
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

Ordinance 2015-09

Amending Ordinance 2010-06

ORDINANCE NO. 2015-09

BOND ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, NEW JERSEY, AMENDING ORDINANCE NO. 2009-04 OF THE BOROUGH FINALLY ADOPTED APRIL 27, 2010 TO PROVIDE FOR AN AMENDMENT OF THE PURPOSE SET FORTH IN SECTION 3(a) AND THE USEFUL LIFE IN SECTION 6(b) THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section One. Section 3(a) of Bond Ordinance No. 2010-06 ("Bond Ordinance") of the Borough of Island Heights, in the County of Ocean, New Jersey (the "Borough"), finally adopted April 27, 2010, is hereby amended in its entirety to read as follows:

"(a) Purpose. Repair and/or replacement of water distribution facilities, including, but not limited to the repair and or replacement of 76 fire hydrants and the repair and/or replacement of water and sewer lines, including all work and materials necessary therefore or incidental thereto, as more fully described on a list on file in the Borough Clerk's office

Appropriation and Estimated Cost: \$275,860

Amount of Bond or Notes: \$275,860
 Period or Average Period of Usefulness: 20.53 years”

Section Two. Section 6(b) of the Bond Ordinance is hereby amended in its entirety to read as follows:

“6(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance is 20.53 years.

Section Three. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available for public inspection.

Section Four. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: “NOTICE OF PENDING BOND ORDINANCE” (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of N.J.S.A. 40A:2-17(b) regarding postings, publications, and the provision of copies of the bond ordinance.

Section Five. After final adoption of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: “NOTICE OF ADOPTION OF BOND ORDINANCE” (with appropriate completions, insertions, and corrections), at least once in a newspaper qualified under N.J.S.A. 40A:2-19.

Section Six. This ordinance amends Bond Ordinance No. 2010-06 of the Borough finally adopted April 27, 2010. Any inconsistencies shall be resolved by reference to this amending ordinance. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section Seven. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by Section Four hereof and the Local Bond Law, N.J.S.A. 40A:2-1, et seq.

NOTICE OF PENDING BOND ORDINANCE

PUBLIC NOTICE IS HEREBY GIVEN that the foregoing bond ordinance was duly introduced and passed upon first reading at a regular meeting of the Borough Council of the Borough of Island Heights, in the County of Ocean, New Jersey, held on August 18, 2015. Further notice is hereby given that said bond ordinance will be considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Borough Council to be held in the Borough Hall, One Wanamaker Municipal Complex, Island Heights, New Jersey on September 22, 2015 at 7pm, and during the week prior to and up to and including the date of such meeting, copies of said bond ordinance will be made available at the Borough Clerk’s office in the Municipal Complex Offices to the members of the general public who shall request same.

 Joseph Kostecki, MPA,RMC,QPA,CMR
 Municipal Clerk

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x

		Berglund	x			
		Pillion	x			
		Snow	x			
		Thompson	x			
	x	Mayor Silver	x			

RESOLUTIONS

Resolution 2015-69 Resolution to Amend Approved 2015 Budget

The Municipal Clerk stated that this amends the sewer budget. Resolution 2015-78 amends the overall budget.

Brian Gabriel: Will the public get a chance to comment?

Mayor Silver: yes.

Municipal Clerk: The public comment is allowed on the second reading of ordinances.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
		Berglund	x			
	x	Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

Resolution 2015-78 Resolution Amending the Temporary Budget for the year 2015

Brian Gabriel: are we spending money on the temporary budget based on what is still not approved?

Municipal Clerk: It's an operating temporary budget.

Brian Gabriel: are we paying those costs based on projections?

Municipal Clerk: There's nothing projected for 2016 so we are paying bills on 2015. This is not a five year plan, this is a temporary budget.

Council Member Thompson: How does this year's spending compare to last years?

Mayor: I would say we are in a equal or better so staff costs have come down dramatically.

Council Member Pillion: Year to date we've spent less this year.

Roll Call

Municipal Clerk stated the following:

2015 Budget Amendments:

Grants: Expenditures are offset by the revenues. (State grants)

Sheet 9 & 24: Clean Communities - \$4,932.58

Sheet 9 & 24: Alcohol Education Rehabilitation - \$176.80

Changes in Expenditures: (Over 10% - that is why a budget hearing has to be held.)

Inside CAP:

Sheet 12: General Administration OE – reduce \$2,000

Sheet 12: Municipal Clerk’s Office S&W – reduce \$20,000 (Retirement of clerk)

Sheet 12: Municipal Clerk’s Office OE – increase @2,000 (Codification of all Ordinances 2014-4 to present. Estimate)

Outside CAP:

Shared Services:

Sheet 22: Toms River Township – Financial Services – reduce \$20,000 (Agreement ended July 31, 2015)

Net difference in the 2015 budget is an increase of \$5,109.38 from the 2 grants.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
		Berglund	x			
		Pillion	x			
		Snow	x			
		Thompson	x			
	x	Mayor Silver	x			

Resolution 2015-70 Approving a Change in FY 2014 Municipal Aid project, removing the re-paving of Maple Ave

Council Member Asay: this is the one we removed Maple and just going to do Jaymes.

Council Member Thompson: The revised budget is \$110,000. On the agenda, we have public comment before Roll Call?

Mayor Silver: We can arrange for that. I just don’t want the Council to be influenced by the public comment. It’s to listen to your comments.

The Municipal Clerk: Roberts’s rule governs the rules and procedures of public meetings for Governing Bodies. Based on state statute, you are mandated to have one public comment per public meeting. Every governing body can have public comment after every vote, but it is only mandated to have one for the entire meeting. Also, for greater clarification, Privilege of the Floor is the authority given to a person under the Public Comment portion. So just because you don’t see privilege of the floor listed, it does not mean that it doesn’t exist.

The votes on all agenda items, previously used to be that the public comment portion was done after the votes were taken.

Mayor Silver: Are you referring that based on past practice under the Biggs administration?

Brian Gabriel: That is correct. The public has the right to comment on every agenda item. The Municipal Clerk is correct, as he so aptly stated according to Roberts Rules.

Council Member Pillion: I would prefer to have public comment on every agenda item before we vote.

Mayor Silver: We have public comment for each agenda item.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
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x		Asay	x			
		Bendel				x
	x	Berglund	x			
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

Resolution 2015-71 Appointing Margaret Gorman as CFO

Council Member Asay: for clarification, our agreement with Toms River Township is dissolved? We have not hired a Deputy to her?

Mayor Silver: I know you missed a couple of meetings. She's been the Deputy for a while and there will not be a Deputy once she is appointed as CFO.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
		Asay	x			
		Bendel				x
		Berglund	x			
x		Pillion	x			
	x	Snow	x			
		Thompson	x			
		Mayor Silver	x			

Resolution 2015-72 Certification of the 2014 Annual Audit Report

Council Member Pillion: Just to let the public know, we met with the Auditors, and with our CFO and April Elley. We went over this.

Mayor Silver: Yes, and they found no deficiencies.

Council Member Thompson: Is the made available ?

Municipal Clerk: This is made available, advertised, and place on website as per state statute.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
	x	Berglund	x			
		Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

CONSENT AGENDA/PERMISSION

The below listed items are considered to be routine by the Borough of Island Heights and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- Resolution 2015-73 Approving a Raffle License Application 2015-6 for Community Medical Center Auxiliary Association
- Resolution 2015-74 Approving a Raffle License Application 2015-7 for Island Heights Cultural and Heritage Association

Council Member Pillion: Do we charge a fee?
 Municipal Clerk: no, only state fees are charged.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
		Berglund	x			
	x	Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

PURCHASE ORDER REQUESTS

Resolution 2015-75 Approving the following Purchase Order Request
 Vendor: HD Supply
 Item: 8" Valve & 2 Megalug kits
 Amount: \$1,350.00

Council Member Berglund confirmed that this is for Simpson Ave.

Resolution -2015-76 Approving the following Purchase Order Request
 Vendor: Midas Auto Service Experts
 Item: Police Vehicle Maintenance
 Amount: \$1,557.47.00

Mayor Silver stated this is vehicle number is 1007.

Resolution 2015-77 Approving the following Purchase Order Request
 Vendor: ALVA Plastics
 Item: Beach Badges
 Amount: \$1,200.00

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
		Berglund	x			
	x	Pillion	x			
		Snow	x			
		Thompson	x			
		Mayor Silver	x			

Council Member Asay: If we buy daily beach badges that are all one color, how does a badge check know?

Mayor Silver: The checker rights it directly on the badge.

COMMITTEE AND COUNCIL LIAISON REPORTS

Berglund: I received correspondence from Congressman McCarthy on Flood insurance. If you want to be

reviewed, you have until September 15.

Asay: Everything I have has been covered mayor, thank yo.

Pillion: I met with the Fire Company and certified their Length in Service Awards Program to our CFO - LOSAP. Emergency Management will have a drill out of OEM/Police Department in mid September.

Snow: We had an active of vandalism at the Post Office. We reviewed the footage and the person has been identified. We are in the process of getting a new sign up and we thank the Police Department.

Asay: Was this a juvenile? The Lt Arnold confirmed that it was.

Thompson: Everything was covered, thank you.

Mayor Silver: We were presented with a plan for the new facility at the Firehouse and it's in review.

Brian Gabriel: I won't speak on behalf of the Fire Company but this plan will go in front of the Planning Board. The FEMA thing that Mr. Berglund pulled up, there were some things were not accounted for in town? Is there anything the town can address?

Mayor Silver deferred to the Municipal Clerk.

Municipal Clerk stated that the Town is working with Doug Platt and the State OEM to address insurance coverage and full coverage of ongoing costs.

Brian Gabriel: Do ice cream trucks have permits to operate in town?

Mayor Silver: Yes, to an extent. We will address this in the coming year.

EXECUTIVE SESSION

Resolution 2015-83 For the purposes of Attorney-Client privileges, Personnel and Collective Bargain negotiations.

Ron Totems, 248 Summit Avenue: you and I had a discussion about garbage. You stated you would address it. Is something being done?

Mayor Silver: Action is being taken with letters. This is a property maintenance issue and Joe Cocoa is on the case.

Ron Totems: Say no more. thank you.

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
x		Asay	x			
		Bendel				x
		Berglund	x			
		Pillion	x			
	x	Snow	x			
		Thompso n	x			
		Mayor Silver	x			

ADJOURNMENT

