

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MINUTES  
SEPTEMBER 22, 2015**

Mayor Jeffrey B. Silver called to order the Regular Meeting of the Mayor and Council of the Borough of Island Heights, and proceeded to 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 20, 2014 notice is also posted on the bulletin board and in the municipal building.

Mayor Jeffrey B. Silver proceeded with leading the Pledge to the flag.

Roll Call:

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

Mayor Silver read the following proclamation:

**BOROUGH OF ISLAND HEIGHTS  
OFFICE OF THE MAYOR  
HALLOWEEN & TRICK-OR-TREAT  
PROCLAMATION  
September 22<sup>nd</sup>, 2015**

No one under the age of 18, unless accompanied by an adult, will be permitted on the streets after the hour of 8:00 PM on Friday, October 24 through October 31, 2015.

It is hereby proclaimed that the ghosts and goblins are hereby permitted to Trick-Or-Treat between the hours of 3pm and 8pm Friday October 30.

This prohibition does not apply if the juvenile is: Engaged in, or traveling to or from, a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform; engaged in an errand involving a medical emergency; attending religious services, extracurricular school activities sponsored by a religious or community organization or other cultural, educational or social events or is in direct transit to or from such events (Ord. No. 94-09).

**PUBLIC COMMENT**

Seeing no public comments, Council Member Pillion motioned to close Public Comment, Seconded by Council Member Asay, and full Council consent.

**APPROVAL OF MINUTES**

Resolution 2015-92 - Approving the Executive Session minutes of August 18, 2015 Council Meeting.

Roll Call Vote:

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

Mr. MacNeal asked if Executive Session minutes are ever made public.

The Borough Clerk stated that Executive Session minutes are maintained in their confidentiality until the matter is no longer considered confidential. The Borough Attorney concurred that the minutes are kept confidential until such matter is resolved.

Council Member Bendel stated there was previous “brue-ha-ha” in the past over Executive Session minutes when Jim Biggs was elected to Council. They should be made public at some point and between Mayor Biggs and Mayor Siddons that going forward they would between the two of them, look at the issues, and put forward subsequently.

**ORDINANCES:**

Ordinance 2015-10, was presented as walk-on consideration, and read by Title only: AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 12 OF THE BOROUGH CODE ENTITLED “PROPERTY MAINTENANCE”

Council Member Thompson: To be clear, we are amending the ordinance to substitute one appeal process for another process.

Borough Attorney: The Borough has adopted the International Property Code Maintenance, and no municipality that I know of, has an Appeal Board for Code violations. So what we are doing is supplementing our ordinance and removing this provision.

Council Member Bendel stated that historically at one point they had residents on it, specifically Joe Burt, but I don’t believe they ever met.

Borough Attorney: Having residents review Code Enforcement actions would possibly be an arbitrary and capricious standard. The matter would go to municipal court. The Appeal Board is unnecessary and I don’t believe I could find a Case in New Jersey.

Council Member Thompson: copies will be provided to the public?

Council Member Asay: I’m not comfortable that the Council is voting on something they haven’t seen.

Council Member Bendel: Is there anything time-sensitive that is driving this?

Mayor Silver: It is just to speed up the process if George is comfortable with this.

Council Member Thompson: There is no pending deadline or window. But this allows our Code Enforcement to be enforced in a fair and streamlined process. Right now, there are no parameters on what is acceptable. It places the Board in a poor position and currently not a fair process.

Council Member Pillion: It seems that this is cutting out a costly and lengthy step.

Diane Cullen: I don't imagine how you can vote on first passage.

Clerk: It is allowed by State Statute.

**Roll Call:**

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

**RESOLUTIONS**

Resolution 2015-89 Authorizing the Borough Clerk to solicit quotes for an appraisal of Park Ave, Block 61 Lot 3.01

Council Member Asay: This is part of Park Avenue that is collapsing into the bay. The Borough will have it appraised and see if they are going to sell it.

Council Member Snow: It is not a conforming lot, so I assume the only people interested in purchasing this are the neighboring property owners.

Mr. MacNeal asked about rehabilitating the bulkhead, and plan B if the property doesn't sell.

Council Member Bendel: The first step is to find out the value.

Council Member Snow: expressed that the property holds a limited number of people who may be interested due to its size.

A resident in attendance expressed interest on how the lot could potentially be subdivided.

Roll Call Vote:

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

Resolution 2015-93 Authorizing a Shared Services Agreement for Drug Recognition Expert Callout Program

No comments from the Council Members or Public.

Roll Call Vote:

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 2015-94 - Waiving municipal fees related to the Fire House Building Improvements

Mr. MacNeal asked if there is a building permit.

Mayor Silver it has gone over to the Code/Zoning Official. No permits have been issued.

Roll Call Vote:

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

Resolution 2015-95 - Authorizing the Municipal Clerk to apply for the Federal Surplus Property Program

The municipal clerk stated this is a way for the Borough to obtain resources at no expense to the taxpayer. This is a federal property no longer needed and the municipality requests the item.

Council Member Thompson thanked the Mayor and Clerk for bringing the program to the Borough. No comments from the Public.

Roll Call Vote:

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- 88 - Approve the following Purchase Order Request:

Vendor: R&R Radar, Inc  
 Item: Radar Unit: Python II dual antenna  
 Amount: \$1,625.00

No comments from Council Members or Public.

Roll Call Vote:

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

Resolution 2015-96 - Approve the following Purchase Order Request:

Vendor: Edmunds & Associates, Inc  
 Item: Software for finances (Tax collection, Financial Accounting, Utility Billing)  
 Amount: \$7,829.00

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 REPORTS

Council Member Bendel: no report

Council Member Asay: acknowledged the Police Department and First Responders for the job at Sailfest. Changes were implemented to secure the perimeter, and no problems were reported. We had good crowd control and thanked the Sheriff's Office. Doug Platt provided OEM updates and the upcoming drill, in addition to the Oyster Creek drawdown. He further mentioned that the Borough should prioritize with that in-mind. A vote is forthcoming this Tuesday for the School Bond Referendum.

Council Member Pillion: joined Council Member Asay for the work done at Sailfest and thanked the local Police Department and all those who participated. Requiring minors with parents contributes to a better event. The Rotary are very helpful and are a positive impact on the community.

Council Member Snow: School referendum coming up on the 29th. Prior to last school board meeting, the Board provided a tour to Council Members. The school is in bad condition, and how this is handled is in the voter's hands; and further encouraged all to go out and vote.

Council Member Thompson: The architects provided a great tour and accommodated us with a lot of information on the building. There are a lot of deferred maintenance, and encouraged all to go out and vote. She thanked the School Board for their time. Please keep Council Member Berglund in everyone's thoughts. The Ocean County Board of Taxation set their rates; last year's rate was 1.775 and for 2015 it is 1.804. This equates to about \$100,000.

Mayor Silver: Road cutting around town and 9 sewer systems being worked on (Simpson and West End) Simpson will commence October 5th. The water tower project is winding down. The backup generator continually has issues and the contractor has been notified to correct the deficiencies.

## PUBLIC COMMENT

Bob McNeil, 237 Ocean Ave: The \$100,000, is that in addition to what we are already paying? Council Member Thompson stated that this is in addition

Diane Cullen 231 Van Sant: The First Aid Squad was also at the Sailfest as well.

Rob Totams, 248 Summit Ave: Why do we have a broken down police car on Lake Avenue?

Mayor Silver stated that there is an electrical problem with the car. Additionally, there wasn't a title for the car, which Council Member Pillion stated that the Mayor went and got the title on behalf of the Borough.

The Borough Clerk stated that the car can be auctioned at public auction.

Rob Totams, 248 Summit Ave: Why don't we letter-up the car and put it in service? Why aren't our police vehicles maintained by us?

Mayor Silver: They are not certified mechanics. They will do general maintenance Also, there are insurance reasons.

Council Member Pillion: They will do simple stuff, not sophisticated tasks.

Council Member Thompson: Is there a Fleet Management plan?

Mayor Silver stated that yes and Officer Curtis provides that tracking.

Diane Cullen: is an OPRA request needed for a police report? When is it due?

Municipal Clerk: Yes and 7 business days is allowed to produce the record unless additional time is needed.

The Council wanted clarification on how to obtain police reports.

Borough Attorney stated that towns or police departments can choose to request an OPRA request for police reports. Pending investigations however, police reports are not released.

Maria Sessa from JCP&L: updated the Council on a Thermal Vision inspection of \$264 million capital improvements. Infrared inspections were completed on 300 circuits, and 100 locations corrections were completed. The outage numbers are down by 17%, and JCP&L continually makes investments. Monthly tours are provided at the Distribution Control Center. We share our storm response plans and utilization of all First Energy companies and employees. All those resources are available. She further encouraged the public to report street lights, especially now that Halloween is approaching.

The Code Enforcement Officer asked if there was a specific line for him to call for certain encroachments within the Borough. Ms. Sessa stated that they should call direct to the call center or go report these issues online. The Forestry Department will provide a response.

Council Member Thompson asked about any long-range plans to place utilities underground?

Maria Sessa (JCP&L) the ones you see underground, they may have been a Zoning or Code for underground service, and she is unaware of any future plans. The repairs underground also take a longer time. Certain residents have the option for above or below ground during the construction phase.

Bob McNeil: asked about the agenda and stated it was not provided online.

Seeing no other Public Comments, Mayor Silver motioned to close public comment, seconded by Council Member Snow and with unanimous consent.

#### EXECUTIVE SESSION

Resolution 2015-97- For the purpose of contract negotiations.

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

Council Member Bendel motioned, and Council Member Pillion Seconded to exit Executive Session, with full Council consent.

Mayor Silver directed the Borough Clerk to send the PBA contract to the PBA representative for approval.

ADJOURNMENT @ 9:20pm

Respectfully submitted

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Joseph Kostecki, Municipal Clerk