

**BOROUGH OF ISLAND HEIGHTS
COUNCIL MEETING
FEBRUARY 9, 2016, 7:00 PM**

The Regular Meeting of the Mayor and Council of the Borough of Island Heights was called to order. Notice of this meeting is 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 30, 2015, published on January 7, 2016 and is posted on the bulletin board, and in the municipal building.

Mayor Silver led the Pledge to the flag.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver	Atty O'Connell
Present	x	x	x		x	x	x	x
Absent				x				

APPROVAL OF MINUTES:

Resolution 2016-48B Approving the Minutes of December 30, 2015 Council Meeting

Public Comment: none

Roll Call

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

Resolution 2016-48A Approving the Reorganization Minutes of January 5, 2016

Public Comment: none

Roll Call

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

Resolution 2016-49 Approving the Minutes of January 19, 2016

Public Comment: none

Roll Call

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

RESOLUTIONS

Resolution 2016-37 Approving the February 9, 2016 Bill List

Public Comment: none

Roll Call

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

Resolution 2016-38 Approval of Application for Use of the Pavilion and the Contiguous Property

Public Comment: Mayor Silver stated this is for a wedding on 8.6.2016

Roll Call

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

Resolution 2016-39 Approving a Shared Services Agreement with Long Beach Township Police Department for the Administration of Mobile Data Terminals

Public Comment

Lt. Arnold stated this is for use of their database look-up system. He further stated a former resolution was for payment.

Roll Call

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

		Snow	x			
	x	Thompson	x			
		Mayor Silver	x			

Resolution 2016-40 Authorizing Shared Service Schedule C Agreement with the County of Ocean

Public Comment

Mayor Silver stated this is an annual salt and snow removal service, in addition to vac service when needed.

Councilwoman Thompson stated this shared-service is not-to-exceed \$40,000.00.

Roll Call

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

Resolution 2016-41 Supporting Joint Base McGuire-Dix-Lakehurst for the siting of the new KC-46A aircraft

Public Comment:

Mayor Silver this resolution joins other surrounding municipalities, in support the siting of the new KC-46A

Councilman Asay stated that he has had the pleasure of flying on a similar type of aircraft, KC-135; they are a tremendous aircraft, however they are forty years old and we need to upgrade this aircraft. He fully supports this resolution to assist our veterans in providing them with the necessary equipment to serve our country, and to ensure our base has the necessary support.

Roll Call

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

Resolution 2016-42 Authorizing Professional Services Contract with David Casadonte as 2016 Municipal Prosecutor

Mayor Silver asked this Resolution be tabled. The following Roll Call vote is to TABLE.

Roll Call

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

Mayor Silver presented a walk-on Resolution, entitled, Resolution 2016-60 Authorizing Professional Services Contract with Eric Brophy (Firm of Diegnan & Brophy) as 2016 Municipal Prosecutor.

Mayor Silver stated that Councilman Pillion will be called upon to vote by phone.

The Municipal Clerk called Councilman Pillion on the record at this point, informed him that the aforementioned walk-on resolution is currently present to the Governing Body. The Municipal Clerk proceeded with the Roll Call vote, with Councilman Pillion providing his vote by phone.

Councilwoman Thompson asked for appropriateness for a phone-call vote.

Borough Attorney, Mike O’Connell stated that Governing Body Members can be present by video or telephonically, members can be present for a quorum or vote. The statute never caught up. They always say “present”. Case Law defines “present” as being by technology. Yes, it is permitted. You can be present for one vote. A member can arrive in meetings late, or leave early. Fortunately, we still have a quorum without this vote, and so the meeting was still able to proceed.

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

Councilman Asay asked if the Borough has assigned a Conflict Prosecutor. He was informed that the Borough can assign one at that point, or can authorize a Conflict Prosecutor from the list of presented RFPs when a conflict arises.

Resolution 2016-43 Approving a Social Affair Permit for the Island Heights Fire Company

Public Comment

Roll Call

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

		Snow				
	x	Thompson				
		Mayor Silver				

Resolution 2016-44 Authorizing O'Donnell Stanton and Associates as a Consulting Engineer for continuing projects.

Public Comment

Borough Theodos responded to Councilwoman's request to the estimate to total cost, stating it would most likely not exceed \$25,000.00.

Mayor Silver thanked Mr. Theodos and stated he attends these meetings at no cost to the Borough. He is also working on CDBG, to provide ADA access improvements to the Borough Municipal Complex.

Roll Call

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

Resolution 2016-45 Providing for Amendments to Temporary Appropriations Approved Prior to the Final Adoption of the 2016 Municipal Budget

Public Comment: none

Roll Call

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

PURCHASE ORDER REQUESTS:

The following Purchase Orders were both read by title and presented for approval by Consent Agenda

Resolution 2016-46 Approving the Following Purchase Order

Vendor: Tranz Connection
 Item: F350 Bearing Assembly, Right front axle shaft, front wheel Joints
 Amount: \$1,496.56

Resolution 2016-47 Approving the Following Purchase Order

Vendor: PowerDMS, Inc
Item: Police Department Record and Training Management System
Amount: \$2,626.50

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

PUBLIC COMMENT

Brian Gabriel asked why there was a change in Municipal Prosecutor. Is there a difference in the hourly/meeting rate?

Mayor Silver stated there seemed to be some discrepancies. The new Prosecutor is still the low bidder, and that is the reason for the change.

Brian Gabriel: Are all hired professionals the low bidder?

Mayor Silver stated he took into account low bidder and qualifications. Also, more control over the engineer, requesting quotes must be obtained until work is performed. Our prior engineer, we could not pull back the reins, and had a runaway issue. The dollar amount was being charged without authorization.

Elizabeth Leahy, 110 Oak Ave, stated that she was the other prosecutor. She further stated that she did not ask for her classes to be paid, only what she had previously charged. She stated that the former Public Defender was not notified.

The Municipal Clerk stated that there is a transition meeting between professionals and apologized if she had the wrong impression.

Brian Gabriel stated that he's been coming to these meetings for a long time, and this is the only time he has heard of a telephone vote.

Mayor Silver stated that Mayor Siddons did it previously.

Louise O'Brien spoke to the Council and those in attendance about anti-tethering and extreme ordinances. She offered ordinances for the Council to consider for passage. She further mentioned Brick is considering. She hopes that Ocean County is the most animal-friendly county in the country.

Councilwoman thanked her for the information.

Lorinda Miller, 208 Summit Ave, asked for the rules to keep the Borough neat and clean. She stated there is a property that has been fined multiple times, however the property in question still has not cleaned up.

The Mayor stated that the code enforcement officer visited the property several times, providing them with sufficient amount of time to clean up the property. This year however, the owner has been cited numerous time, with summons issued. He further stated that he would pass it along to the Code Enforcement Officer.

Brian Gabriel stated that he mentioned this last meeting and nothing has changed.

The Mayor reassured that he has accelerated the process; notice of violations have been issued.

Councilwoman Snow stated there were large vehicles parked close to the stop signs, and visibility and line of sight is reduced

Councilman Asay stated the Council previously stated they passed an ordinance for nuisance landlords, and they will look to implement it this year. If a landlord is posed to have a \$5,000 bond, then they may get more action.

Councilman Asay motioned to close Public Comment, Seconded by Councilman Berglund, and full Council consent.

Resolution 2016-51 Authorizing the Filing of an Application with the Ocean County Community Development Block Grant Committee

Public Comment: The Borough Clerk read the resolution in whole
Roll Call:

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

Councilwoman Thompson asked if this money is consistent with prior years and is this every year?

Chris Theodos, Borough Engineer: this grant is every two years.

Councilman Berglund: the previous one has to close out prior to the new CDBG

Chris Theodos, Borough Engineer: We are in the process of closing out the prior. We do not have a designated target area, where 50% are of low-income. It has to be a borough wide benefit for handicap persons. He further responded to Councilwoman Thompson that we cannot designate this area, and it is based on the 2010 Census.

COMMITTEE REPORTS

THOMPSON: stated that with the change in recycling schedule, some residents have expressed concern over the possible build-up of recycling, and the reasoning was based on cost savings. She stated that the Borough will monitor the trend and evaluate any changes over time so that it doesn't affect the amount of grant money received from recycling. She further encouraged residents to be engaged and to attend Council meetings with the budget and demands for projects, and so that everyone can be well informed to share information with their neighbors.

Councilwoman Snow stated she would be more than happy to sit down and discuss this with Mary E. Jerkowicz at the County, and give us more insight on recycling numbers.

SNOW: The school referendum is on March 8, 2016. The school flyer was sent out, and copies are available at Borough Hall. The School met with the respective Council liaisons to continue to work on their budget involving the pending referendum. There is a public referendum forum on February 24 at 6:30pm that will be held at the Island Heights gym. If you feel you need answered, please come out and attend. There will be a second flyer out in a few weeks. She further stated that she is still working on redesigning the Borough website. She sat down with the CFO to ensure money for the redesign, which has been about ten years ago. Photos will be archived, and we still have a contract with the current webmaster. She further thanks Mr. Palumbo on photos he provided to her from the storm, which will be placed on the website.

BENDEL: acknowledged Maria Sessa of JCP&L. He stated there seemed to be more outages in Island Heights than surrounding towns, and asked if she was aware and could provide some clarification. He further asked if JCP&L was looking into any new investments in energy, with Oyster Creek outgoing in the coming years.

Maria Sessa thanked Councilman Bendel for addressing outages to her, and further proposed that he inform her immediately to address any concerns while they are happening. Ms. Sessa stated that she will run a report on the extent and number of outages. There were approximately 129,000 outages in the area during the storm, and 119,000 were restored within twenty-four hours. Additionally, as to the new investment in energy, JCP&L does not generate power; only transfer.

Barry Bendar of Lacey Township raised his hand to provide clarification as a resident of his respective Township. He stated that the Township Council is currently seeking a company for a gas-fired generation.

BERGLUND: The Borough/Cultural Heritage Club was successful in obtaining the minimum number of beds to proceed with the Community Garden, and that residents still have two weeks to reserve a bed. There will be a plow-in day where we can get trackers to come in and plow the garden, and to make sure it is large enough for the residents. The state of our equipment, in today in trying to get ours ready for the snow, he found that Public Works has a leak in the gasoline of the freightliner/roll off truck. It's used for recycling pickup, but also for snowplow when needed. They tried to patch it, but was leaking enough where they had to drain the tank and replace it. It will be on the docket for approval at the next meeting.

ASAY: There are serious issues facing the Volunteer Fire company, who are looking at an anniversary on the 14th of February, incorporated in 1895. The council is meeting with them in small meetings, and hearing about their ongoing issues and costs. There will be a new building, and not realistic prospects will be able to fix it. This is a large cost. All of the years up to now, they have funded the bulk of their work through fundraising. We are essentially reaching the breaking point of them funding fire protection service from fundraising. The Borough donates, however even with this and fundraising, it is still less than surrounding communities pay. Provided a breakdown of a budget provided by the Island Heights Volunteer Fire Company. The operation costs have outstripped the donations of what the Borough has provided them. He stated that he has gained a stronger understanding of their equipment needs, based on the age of their current equipment, and policies governing the use and replacement of said equipment. There are growing capital costs with new equipment mandates. The Borough donates, however, there are growing operating costs that the Borough will have to address, in addition to the Fire Company's need for a new truck, which is needed every twenty years.

SILVER: Mayor Silver recognized Doug Platt, Tim Par and Brian Gabriel; members of the Island Heights Volunteer Fire Company. He stated the Borough is falling down on one wall, breaking away from the rest; structural issues; and we are trying to keep their equipment and them a viable entity in town.

Doug Platt: The building was built in 62' 63' and most of it was built by the members. We will continue to due the level of fundraising and maint the level of income. This is not something we come to you

lightly, but our fundraising efforts only cover about half the cost; where they used to cover all the costs. This is a financial issue; not a structural issue. We continue to provide the level of response. We have to replace our tanks or we will face fines. We face sticker shock just as everyone else. If it comes to a point where it would be helpful to make a more detailed public presentation, we will be available.

Councilman Bendel stated that he only a few years ago that during a budget problem, I was able to sit down. It was less about what they pay out, and more of who they are. Some people don't appreciate what they do. They are not paid. They actually pay dues to that department. If you are to sit down and listen to the presentation, then they would have a different take. It is one of our obligations to provide police and fire, and I urge everyone to step up to the plate to keep this company performing as they are.

Mayor Silver stated that the Borough is closing out the punch list regarding the Water Treatment Plant and CDBG. This should closeout within 30 days. The Central Ave still has a Sewer Main problem. The road was dug up for exploratory reasons. The three contractors couldn't perform the work at the amount we wanted, and will continue to explore our options. There is a new rug in the Post Office, costing about \$1,200.00, and reminded Council Members that they offered to donate their salaries to assist in the refurbishing of the Post Office. He further stated that the Post Office will have their heating converted to a gas service and terminate the oil lines.

The Municipal Clerk stated the South Toms River Volunteer First Aid Squad stated they have entered into a mutual aid agreement for backup services for the Borough of Island Heights, at no expense to the taxpayer. This would be used as a backup.

Councilman Bendel motioned to adjourn, seconded by Councilman Asay and full council consent.

ADJOURNMENT @ 8:21pm