

**BOROUGH OF ISLAND HEIGHTS  
COUNCIL MEETING  
APRIL 12, 2016, 7:00 PM**

The Mayor led the Pledge to the flag and read the following meeting notice:

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby 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.

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	x
Absent								

**PUBLIC COMMENT**

IH Library (Christine Maloney, Branch Manager of the Island Heights Library, - National Library Week. April 10 - 16, 2016. The Mayor read the proclamation honoring the library.

Ms. Maloney spoke of the increase in participation in library programs and how nice it is to see increased interest. Kids have planned and ran the entire program by themselves at time. They assist with the Friends during book sales. The library is incorporating more and more school-age kid programs. She provided the following upcoming author programs.

Adriana Trigiani (Author of All the Stars In The Heaven, Big Stone Gap; the Very Valentine Series; and several cookbooks)

Date: May 7th  
Time 7pm  
Cost: \$40  
VIP: \$80

Ellen Hopkins

Date: May 11th  
Time 6:30pm  
Location: Toms River Library

The Summer Reading program is participating in a Lakewood Blueclaws ticket giveaway for all young students who participate in the reading program. The Blueclaws game will be on August 30th

Councilwoman Thompson stated that other libraries assist seniors with technology and requested if Island Heights is able to do that.

Ms. Maloney states that there is a low amount of traffic on this but assists seniors with technology, depending on their needs, and as much as they can. If there is a large amount of work, then they will request an appointment. Otherwise, walk-ins are welcome.

**APPROVAL OF MINUTES:**

**Resolution 2016-90 Approving the minutes of March 22, 2016**

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

**RESOLUTIONS**

**Resolution 2016-91 Approving an Application for Use of Memorial Field/Wanamaker Field for Toms River East Little League on Monday nights from March 21, 2016 through June 27, 2016**

Public Comment:

Brian Gabriel asked if the children on the team are from Island Heights, as this used to be a prerequisite?

Mayor Silver stated that he doesn't have a list of the roster.

Lt. Arnold stated they used the field last year.

The Governing Body approved the resolution contingent they provide a roster whereby at least one coach or player were from Island Heights, in addition to provide proof of insurance.

Brian Gabriel stated there were people was already using this field.

Councilwoman Thompson: Do we charge a fee?

Mayor Silver: No

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 2016-92 Increasing the Bid Threshold and Appointing a Qualified Purchasing Agent Pursuant to N.J.S.A 40A:11-3 and N.J.A.C 5:34-5.4**

Public Comment

Brian Gabriel asked if the current purchasing department's responsibilities have changed?

The Municipal Clerk stated that no one's role has changed and this increases the bid threshold from \$20,000 to \$40,000.00

Councilwoman Thompson: Do we have that latitude to change our bid threshold. So anything over \$20,000 must get bid out unless it's an emergency.

The Municipal Clerk stated that this increase of the bid threshold will allow the Borough to entertain three quotes (3) and not go out for bid for purchases under \$40,000.00. This is specifically for the subsequent resolution but will apply to all purchases as well. In order for the Borough to not accrue more costs in the bidding process for Central Avenue, and to allow the Borough to award the contract, this resolution will

allow the Borough to award the contract for Central Avenue. It was further mentioned that this increase in the bid threshold does not remove the Governing Body from approving purchase orders in excess of \$1,000. The Governing Body will still approve purchase orders of \$1,000.00 or more.

Councilman Asay asked if our current purchasing agent in the office, April, is a Qualified Purchasing Agent.

The Municipal Clerk stated no, and that this is a specific license authorized by the State. This license is specifically necessary to increase the bid threshold.

Councilman Berglund stated that this does not change the purchasing procedures.

Councilwoman Thompson stated that by utilizing this license, we are paying Joe and saving on professional services related to the public bid process.

The Municipal Clerk confirmed and stated the use of the license generally is \$5,000 per year, however reduced the fees for the betterment of the town.

Roll Call

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 2016-93 Authorizing JBH Paving and Excavating, LLC for Central Ave Sewer Replacement in the amount not to exceed \$33,454.00**

Public Comment

Mayor Silver stated this goes back nine months, and Borough Engineer Chris Theodos spoke with the contractor to make him aware of what it entails.

Councilman Asay: This sewer replacement is all inclusive but what length of pipe does this entail?

Councilman Berglund: I believe it is 80 feet of pipe.

Roll Call

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

**Resolution 2016-94 Authorizing Maser Consulting to perform a survey of property located on Block 30 Lot 3.01 in the Borough of Island Heights in the amount of \$3,200.00**

## Public Comment

The Mayor stated this is Park Avenue where the road is collapsing.

Chris Theodos stated this is deed research and surveying the property. There is one area that is land area adjacent to the property. They will determine any possible encroachment.

Mayor Silver stated that we would go through the fair market value and this determines encroachment. This will determine the radius of the roadway and property itself. This would make the road private property if sold.

Brian Gabriel: This would go through a competitive bid process?

Municipal Clerk: There are several processes to sell land whether by public bid or convey through redevelopment.

Councilwoman Thompson: Are you expecting the neighbors to be interested in buying the property? Also is there a riparian grant?

Mayor Silver: yes. The Mayor confirmed to Councilman Pillion that a waterway appraisal has been done and was appraised of \$33,000.00. The appraiser only completed a partial survey of only the waterway and not the land.

Maureen DeSant Fletcher (15 Fletcher Place): Does this set a precedent for all public land?

Municipal Clerk: no

Maureen DeSanto asked if there is other public land in Island Height that the Borough be looking into selling?

Mayor Silver: yes There are other parcels that we will see if they have marketability. We are not selling any of our beaches or Open Space. This parcel in question has significant damage done by Sandy and we have not been able to come up with the necessary repairs. The neighbors have expressed. If the dollar amount is of interest to them, then they would entertain the purchase of the property. This will be a fair and open process and the Borough will try to get the maximum amount for the property.

Councilman Asay: This property may not be developable. It may be a difficult situation to market but may be able to unload this property so that they Borough doesn't have to fix the bulkhead. We don't want to be in a situation that someone accuses of selling off their front door.

Councilman Pillion: Another parcel is the old man building behind the Methodist Church fellowship hall. That is developable but we haven't taken any action or discussion at a Council meeting.

Councilwoman Snow: they have expressed interest but this will affect their taxes. If we find this is not a developable lot and the neighbors are not interested, then what do we do?

Mayor Silver L then we know our property corners and we will have to remediate it.

Councilman Pillion: I don't believe there is any adverse possession.

Michael O'Connell: I've never seen adverse possession as a squatter for public land.

Councilman Bendel: our understanding is that in order to take over land, it has to be open and obvious. The point is that it requires a survey to establish that, then it's not open and obvious and it's not adverse.

Councilwoman Snow: what is the alternative to remediate

Councilman Berglund: The alternative to remediate is nearly \$25,000, and that was approximately two years ago.

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 stated that she is concerned about professional fees and dumping money into the unknown that can be used to pay for the bulkhead.

**Resolution 2016-95 Approving Contract Modification No.7-Final for Water Storage Tank Replacement**

Public Comment

Councilman Berglund asked if we ever completed the manual?

Mayor Silver: no we are still working on that. He also confirmed to Councilwoman Thompson that the warrenty is up. This is only to resolve paperwork with NJEIT to expend more money on the project.

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 2016-96 Approval of Bill List**

There was no Public Comment

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 2016-97 Authorizing the preparation of plans and specifications and solicitation of bids for the FY 2015 Municipal Aid Program - Reconstruction of River Avenue (\$172,000 Grant Award)**

Public Comment

The project consists of raising the roadway and partial reconstruction of the boardwalk and bulkhead, and

installing drainage improvements in an attempt to minimize the flooding conditions.

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	xT			

**Resolution 2016-98 Authorizing the preparation of plans and specifications and solicitation of bids for the FY 2016 Municipal Aid Program - Maple Avenue Road Improvements ( \$150,000 Grant Award)**

Public Comment

Councilman Asay: If we can financially do it, can need to upgrade our utilities. It's a good idea.

Councilman Berglund: We are bonding this. Since we have a larger amount of \$172,000 to finish off River, can that go into this year's budget. Are we sure we want to add another in our budget?

Mayor Silver: Are you able to delay this project?

Chris Theodos (Borough Engineer): We can put off the construction until the spring and have specs ready to go to bid then. The Borough will be provided with 75% upfront construction costs. There are mechanisms available instead of bonding this.

Councilman Berglund: We are spending \$132,000 to do one block. How much are we going to improve \$150,000.

Chris Theodos: This is from Lake to River. This is milling, repair, resurfacing, curbing.

We have a pattern of these per year. If 16's project is the bottom of Simpson, what we are calling River, then what Chris is saying, is that it's not a problem to go out and bid in the 2017 project.

Councilwoman Thompson: Is this on the south side? We need to coordinate with the Fire Department if they have a project and to ensure it doesn't go to the North side of Lake.

Councilman Pillion: At the foot of Simpson, there isn't any underground utilities with this project?

Councilman Berglund: We intend to put water at the end of Simpson over to Central to continue. There was a hydrant placed at Simpson and River, and the line goes until we ran into water. We are tied into mains now.

Roll Call

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

		Mayor Silver	x			
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**Resolution 2016-99 Supporting Assembly Bill No. 3537**

Public Comment

The Municipal Clerk stated that Police departments can't directly receive donation. This bill was provided by the office of Assemblyman Dancer.

Borough Attorney stated that this bill is very explicit in nature, and that this Bill would authorize donations to Police Departments for specific equipment or salary.

Councilwoman Thompson: Would this have to come through the Council to accept that and it becomes public inventory?

Michael O'Connell: It doesn't say, this amends language to allow the police to receive donations.

Councilman Bendel stated that without having additional information on this Assembly Bill, he was not inclined to support this on it's face. This paragraph opens a door.

Councilman Asay stated that we are a little far ahead of this and he wants to gauge the interest of his surrounding towns and legislators before committing to support this Bill.

Council President Asay requested this be Tabled for next meeting.

Lt. Arnold stated that one of the examples is that in the past, donations were given for police vests, and the money donated for a vest was placed in the general account and was lost.

Roll Call

Motion to Table

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 2016-100 Approving an application for use of Pavilion and the contiguous property on October 1, 2016**

Public Comment

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			

## PURCHASE ORDER REQUESTS

### Resolution 2016-101 Authorizing the Following Purchase Order

Vendor: John Camburn

Item: Long Point Pump Station

Amount: \$1,428.00

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

## COUNCIL REPORTS

Councilman Bendel: Thanked the Mayor for the provided budget but there's a zero on what the Fire company is being provided. We are waiting on the budget and want to support the Fire Company. There are a lot of people concerned about what amount that will be.

Councilman Pillion responded to Councilman Bendel stated that with regard to the budget, I spoke with Peggy and the budget looks as though is going to be about 2.5%. But there is an outstanding request from the school on unpaid real estate taxes and other aspects as well.

Council Berglund: He requested the status of the Safe Routes to School;

The Engineer stated that the DOT has confirmed to him that the consultant approved by the Council has not yet been contacted to start the work, and further requested the Clerk maybe follow up with the DOT to ensure they reach out to the consultant. Councilman Berglund continued, stating that the DPW hauled and spread 80 cub. Yard of county black dirt and woodchips for the community garden, per Mayor's letter and County agreement. He recognized people who assisted in this projects such as Nora Ciak, who measured the edge of the field during plowing; Ann Kempton, measuring the individual beds - twice; Rich Slexer, Brad Keiler and Councilman Pillion on post hole digging detail; Lucy Scheer and Lisa Defeo connecting the upper fence to the lower fence with ties. He stated that 39 of 48 beds are rented. The Plan also is to use two to four beds for corn for picnic night. It has been very successful.

Councilman Asay: we received a document from Department of Environmental Protection requesting for comments or input on project in Ocean County, trying to put treatment devices on their storm drains to stop trash from going into the Bay. I express my support since this is overdue. NJ Natural Gas is requesting rate increases from 20-45%. I urge residents to express their concern on this. With Dillon's Creek., i spoke to Ms. Clifton about their willingness to assist us with dredging. She stated clearly that there will be no help with this issue. She stated it is solely a municipal issue and we share this issue with Toms River. She stated that the costs of engineering and survey along could easily be \$50,000. Then you have to approve the dewatering site. Its an expensive and large project that we don't have the resources currently. I will reach out to Senator Connors, as he is working on this issue. The DEP has no funds to assist with this and other areas in Lacey are also having similar problems.

Brian Gabriel asked if Toms River addressed their bulkhead issue?

Councilman Asay stated that no we first need to address the bulkhead before DEP would even consider a dredging permit. And two the fact that was brought by Brian Hall, that the beach sand is going down into the drain. These have to be settled before dredging.

Chris Theodos stated that there are occasionally funds available through the Shore Protection Grant fund through the DEP. It requires a lot of perseverance to get into the pipeline.

Councilman Asay: The yacht Club stated that Toms River would integrate this into their improvement plan but I haven't seen any improvements. Toms Rive Code Enforcement told me they cited the yacht club and they have to fix their property; and if they don't' they are in violation. They stated that Gilford Park told them that they would fix it but that has been nine months ago. Councilman Asay provided the Statue 54 regarding , mentioning it was created due to a Senator being stopped who said that if there was a camera, he would have been exonerated easier. He stated every new or used, or acquired after the effective date, primarily used for traffic stops, must have mobile recording unit. He stated that we have them mostly for patrol and not for traffic stops. He states that even if this law would apply to our vehicles, which he believe doesn't, it wouldn't apply to the Explorer. Councilman Asay believes the Explorer can be placed into rotation. Councilman Asay provided a draft ordinance of the Comcast renewal agreement that would become effective after passage and approval by the Board of Public Utilities. He asked for comments from Council. It would allow for a renewal for the next fifteen years, adds the new agreement for a Government Access channel dedicated to Island Heights. This will also be shared with Verizon for those who have Verizon services. They will provide a \$15,000 grant upon agreement, in addition to a 2% franchise fee. They will also provide free service to the government buildings and emergency service entities. This is nonexclusive also, and the Borough can allow other cable services to operate in the Borough.

Councilman Pillion. There was discussion of the camera system. It seems a body camera can be worn or something less than a camera that sends real time images to a central location that is less costly and adequate. He requested that the Lieutenant provide ideas of how we can abide by this law. If there are Attorney General guidelines not found by Councilman Asay, please present them as part of the investigation and research, and how to put the black Explorer into rotation. It seems real time imaging is not necessary. He further stated that he was in receipt of a letter from the First Aid Squad regarding the status of the mutual aid agreement with South Toms River First Aid. The Island Heights First Aid Squad stated that nothing is finalized although they are in communication. South Toms River however, has come into the town so it's more of a paperwork catching up with reality. There was a meeting with the public for the Island Heights Fire Company on their financial needs. The presentation was very informative, and those who attended learned how it's funded and their fundraising efforts. It also showed their anticipated operating costs over the next ten years. He encouraged all members of the public to attend the next meeting to see the financial challenges facing the Fire Company. The water plant seems to be a viable alternative as a site as a fire house, if the current site can not be improved. He provided notes on his requested amendments to minutes of March 9, 2016. The amendments are as follows: He stated there are nine fire districts in Hamilton Twp, Mercer County, which are looking to consolidate. Fire Districts have administrative overhead mandated by law. We should keep this in mind as we address options regarding fire protection.

Mayor Silver stated that he spoke with Chief Parks on a possible new site. Initially, they called it a land swap, but the intentions seem to be to keep the old property and sell it off if it is developable. They are looking at the proper on laurel. They would need a new design architect but money wouldn't be sunk into the ground at the old property. He asked for comments from Council as they look into it further.

Doug Platt stated they are looking at this as an alternative with the theory being that since the Borough owns the property and that it's not sellable due to location, the fire company could perhaps lease the property from the town for a \$1 a year, and sell the existing property. The Borough would perhaps see the ratables on whatever is built there.

Brian Gabriel stated that we don't know if we can make this work, but we believe it's worth investigating.

Doug Platt asked for permission to investigate the potential site.

Resolution 2016-102 Granting permission to the Fire Company to investigate Borough property.

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

Councilman Asay asked the Borough Attorney about leasing the land to a nonprofit without any competitive process; this is only a duration lease for a set amount. We need to know the answer to that before we agree. The attorney agreed to look into this issue.

Doug Platt stated they have another meeting coming up and urged all to attend.

The Island Heights Earth Day Celebration will be on April 23, 9am-noon. They will pick up around town. She reached out to Coastal Computers to get together and hash out more information on the website. The Methodist Camp Meeting Ground is going to be resurrected by the Garden Club. They will improve the property as part of their project. Anything they do will be brought before the Mayor and Council. She also reached out to Alan Fumo of the Recreation Committee to see about the summer program to get this going again, and with the possibility of adding funds into the budget to support this.

Councilwoman Thompson stated that she was provided with the Financial Disclosure Statement that is due by April 30th and all on Council need to complete this. There has been concern over parking at Memorial Field and the Little Leagues parking over there. As I understand, there is no ordinance governing the parking over there. The Police currently have no ability to write tickets and we need to draft an ordinance to allow this.

Councilwoman Thompson stated requested a resolution opposing a rate increase by the New Jersey Natural Gas

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

Lt. Arnold requested the Borough look into a noise ordinance for hours of operation due to garbage currently being picked up too early in the commercial area by a private vendor.

Councilman Bendel motioned to adjourn; Seconded by Councilman Councilman Asay and full Council consent.