

**BOROUGH OF ISLAND HEIGHTS
COUNCIL MEETING
December 13, 2016
7:00 P.M.**

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.

Pledge to the flag and a moment of silence.

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								

1. PUBLIC COMMENT

2. APPROVAL OF MINUTES

A. Minutes of November 29, 2016 Regular Meeting

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

3. RESOLUTIONS

Resolution 2016-256 Resolution – Authorizing Verizon Wireless to Locate and Operate Small Network Nodes in the Public Right-of-Way by Attaching to Existing and New Utility Poles

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY**

**AUTHORIZING VERIZON WIRELESS TO LOCATE AND OPERATE SMALL
NETWORK NODES IN THE PUBLIC RIGHT-OF-WAY BY ATTACHING TO
EXISTING AND NEW UTILITY POLES.**

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Island Heights; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey, that:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Island Heights, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Island Heights.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Island Heights, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Island Heights.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Island Heights as an additional insured.
 - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

- F. Notwithstanding any provision contained herein, neither the Borough of Island Heights nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
- G. This instrument shall be adopted on behalf of the Borough of Island Heights by the Borough Council of the Borough of Island Heights and attested to by Borough of Island Heights Clerk who shall affix the Borough of Island Heights Seal thereto.
- H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This Resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Island Heights by parties that have the lawful right to maintain such poles.

Public Comment:

Larry Morgan from Tilson Technologies, who is under contract with Verizon Wireless, stated that Verizon wireless would like to enhance their signal strength in Island Heights. This would be done by attaching equipment onto existing utility poles. It is a new technology called small cell. It enhances the wireless signal strength. A small canister is attached to the top of a utility pole. There is about a 3 foot radial cabinet that is attached to the pole about 12 to 15 feet above the ground.

Verizon Wireless has attachment agreements with all the utilities companies in the state of New Jersey. Verizon Wireless is asking for consent to be in Island Height's right-of- way. When the engineers key-in on a specific pole they would like to utilize, they will come back with drawings and the exact location and they go through the approval processes of the Borough.

Councilman Bendel suggested a new antenna on the top of the water tower because Verizon Wireless doesn't have one there now. Mr. Morgan said he would carry the request back to Verizon Wireless.

Mr. Morgan said that this technology prevents cell phone outages in cases of emergency. Councilman Pillion asked how much the units weigh. Mr. Morgan said that they weigh around 300 pounds and the unit on top of the pole weighs approximately 200 pounds. Mr. Pillion said that there was a phone pole that snapped from the wind and he was concerned about the units causing other poles to snap. Mr. Morgan replied that in the due diligence, the structural integrity of the pole is considered. If it is in question, the utility company will replace the pole.

Councilman Berglund asked what type of radius the transceivers have. Mr. Morgan said that it depends on trees and building height. It can be as small as 500 feet and a maximum is 2,500 feet. Councilman Berglund then asked how many would be installed in a small town such as Island Heights. Mr. Morgan didn't think that many would be installed in the borough. Engineers know the weak spots and where the people tend to congregate and that is where they would focus. They focus where there is heavy pedestrian traffic and gatherings of people. He

has surveyed specific Starbucks, specific shopping malls, where a lot of customers congregate and speak on their phones. Councilman Berglund said that doesn't really apply to the borough and wanted to know where they would apply the units. Mr. Morgan was not told the exact locations and how many they are focusing on in Island Heights, but he doesn't imagine that there are many. He said there may be certain areas where signals are weak. We use are phones more for data than for voice these days and data usage is using up the signal out there right now. Verizon is looking to key in to those certain areas to enhance the signal.

The Mayor requested that Mr. Morgan come back before the Council and present the data and pole locations. Councilwoman Thompson suggested that Verizon Wireless pay a fee to the Borough to utilize the property. Councilman Bendel suggested that the issue be deferred until December 28th pending the rewording of the resolution. Mr. Morgan agreed. He asked that it be forwarded to him prior to the next meeting so he could forward it to the people he answers to. Mayor Silver referred it to Councilwoman Thompson for modification. Councilwoman Thompson stated she would be modifying the resolution to say that it would give consent to engineering with a revisit before the Council and we would be looking to negotiate a fee based on the final engineering and number of locations required.

RESOLUTION TABLED FOR MODIFICATION TO THE RESOLUTION

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 2016-257 Resolution – Appointing Juan Alecia as part-time laborer at the rate of \$12.50 per hour not to exceed 28 hours per week.

RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING JUAN ALECIA AS PART TIME LABORER AT THE RATE OF \$12.50 PER HOUR NOT TO EXCEED 28 HOURS PER WEEK

WHEREAS, the Borough of Island Heights is in need of a part-time Laborer; and

WHEREAS, Juan Alecia has applied for the position;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Island Heights, that the Governing Body hereby appoints Juan Alecia as part-time Laborer for the Borough of Island Heights, at an hourly of \$12.50 per hour, not to exceed 28 hours per week.

CERTIFICATION

I, Katherine Fenton-Newman, Acting Municipal Clerk, of the Borough of Island Heights, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly adopted by the Borough Council at the Regular meeting held on the 13th day of December, 2016, in the Borough Hall, Island Heights, New Jersey.

Katherine Fenton-Newman, CMR
Acting Municipal Clerk

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 2016-258 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			

4. PURCHASE ORDER

Resolution 2016-260 Approving the Following Purchase Order
 Vendor: ERS Fleet Repair
 Item: Labor and Service for 2005 GMC Truck
 Amount: \$1,779.19

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

5. ITEMS FOR DISCUSSION

A. Town-Wide Speed Limit

Mayor Silver stated that he received a letter from the County Engineer that they were in receipt of our letter. The County Engineer’s letter stated: “This letter is in response to a recent email to this office regarding the speed limit on all County controlled roads in Island Heights. Please be advised a member of our traffic division is investigating the situation. Thank you for bringing this matter to our attention. Thank you very much. John Ernst, Ocean County Engineer.”

Councilman Pillion said that he is concerned that they are doing the study at the most quiet time of the year instead of in the summer when there is more traffic. Mayor Silver said he would address it when he speaks to Mr. Ernst.

Mayor Silver also mentioned that he managed to get some speed calming devices installed on Summit Avenue and West End Avenue. The devices will remain here and will be rotated to other pertinent areas in town. Council President Asay suggested in front of the Camp Meeting ground as one of the locations.

B. Parking Pay Station on River Avenue

Mayor Silver asked for feedback from members of the Council and the citizens present about putting parking pay stations on River Avenue. The Mayor indicated it would be a new form of revenue for the town. Mayor Silver said that this would be for the peak season when parking is bumper to bumper for the entire 2,300 feet of the road. He suggested 2 pay stations: One at the pavilion and one at the curve. Mayor Silver said he hadn’t come up with how many parking spots there would be or the rates that would be charged. He said there would be decal parking passes for residents and hang tags for their guests. Handicapped parking would need to be installed. Councilman Berglund suggested finding out what the optimum spacing should be between the pay stations. He felt that two would not be sufficient.

C. Email from Courtney and Andy Parks regarding traffic blocking their driveway during school drop-off and pick-up times.

Mr. and Mrs. Parks’ driveway is being blocked by parents dropping off their children before school and picking up their children after school. They are asking that the Council help rectify the situation. The Mayor will direct the Police Lieutenant to meet with the school officials to work out a solution.

6. COUNCIL REPORTS

Councilman Bendel attended a Mayor’s Meeting. The State’s Homeland Security Director, Christopher Rodriguez was a speaker. He brought up a program called Hometown Security which is available to municipalities. Councilman Bendel didn’t think that it would apply too

much to Island Heights. It is a program where they would conduct a forum on things you should be aware of and resources that you should be aware of.

Councilman Bendel reported that the Christie administration is considering asking the legislature to do away with the requirement that municipalities publish their ads in specific newspapers.

Councilman Berglund reported the roll-off truck is working and the leaf pile has been decreased.

Council President Asay applauds efforts to monetize whatever we can for the Borough, but he does not support parking meters on River Avenue. He does not want to live in a parking permit community. He believes the administrative costs would far outstrip any revenue it might generate. In addition, it would be a burden on the Yacht Club and the people who live on the river front.

Councilman Pillion had nothing to report. He deferred to Tim Paar of the Fire Department. Mr. Paar reported that Santa will be coming Sunday, December 18th starting at 3 p.m.

Councilwoman Snow thanked the Fire Department for their help during the Christmas Tree Lighting Ceremony.

Mr. Paar thanked the Police Department for their help during the funeral services for David Ley. There were over 22 fire trucks and vehicles in the procession and the police department helped with the intersections allowing the funeral procession to pass.

Mr. Paar also reported that there is a system in place to heat the firehouse temporarily. They can get the hall up to about 65 degrees.

Councilwoman Snow reported the new website is moving ahead. The money is in place for it. She wants the various departments in town to provide her with recommendations on what they need to provide on the website. The old website will remain in place while the new platform is being built.

Councilwoman Snow was invited to become a member of the Island Heights Grade School's Green Team. They are registered with Sustainable New Jersey for Schools. The team is made up of the School Superintendent, the School Counselor, the Science Teacher (Mrs. Parisi), the School Nurse and Brook Nelson who is a teacher, and three sixth grade students. They met for the first time on November 18th and will meet once a month at the school. The goal of the team is to pursue the bronze level designation. So far the school has 80 points towards the 150 points they need to get bronze level certification. A green fair will be held on April 4, 2017 in the school gym. The public is invited to attend.

The second meeting was held on December 9th. A representative from NJ DEP gave a presentation on the NJ Watershed, the Barnegat Bay Estuary and the Rain Barrel Challenge. The fifth grade class is going to be involved in creating, designing and decorating a rain barrel. The theme is "Because I Love Barnegat Bay." Contest winners will get a Barnegat Bay Festival Day at School. They may keep the rain barrel or they may donate it to a town entity.

Mary Jerkowitz of Ocean County Solid Waste Management has provided Councilwoman Snow with information on green purchasing. She gave her information on vendors the County uses. The school is interested in doing more green purchasing.

Councilwoman Snow has also contacted Gary Giberson, who is a local resident and executive chef at the Lawrenceville School. He has spearheaded green dining at the Lawrenceville School and is an expert in this area. A member of the audience also offered Councilwoman Snow another reference.

Councilwoman Thompson reported a resident contacted her regarding a concern about dog leashing. There was an incident where a resident was walking a dog and another unleashed dog was accompanied by its owner. The unleashed dog attacked the dog on the leash. Borough Code Section 8-1.16 requires all dogs to be on a leash at all times. No exceptions. Everyone should be adhering to the leash law.

Councilwoman Thompson met with the Code Enforcement/Zoning Officer. There is a problem that exists with the clarity of what is a property maintenance code problem and people with differences of opinion on aesthetics. For example, offensive, shabby, yard furniture is not a code violation. It is unsightly, but is not a code violation. The Code Enforcement Officer is trying to work these issues out with residents. It has become apparent that there are some areas of the ordinance that need to be tightened up so that code enforcement has more strength and clarity to work with.

The Code Enforcement Officer only works 12 hours per week. He struggles with the limited hours and must set priorities. She will continue to work on improving the issues with the Code Enforcement Officer and continue to bring the areas with issues to light.

The Tax Collector reported \$1.35 million in collections for November. There was \$2,455 in recreation badges bought in November.

Councilwoman Thompson reported that the appeal deadline on new assessments has passed and none were appealed.

Councilman Bendel noted that we should remember that this is the first time in a long time that we have had active code enforcement. Councilwoman Thompson said that is the reason we are having growing pains.

Mayor Silver read a letter from Dominic Critelli, Manager for Local Aid District 3, the State of New Jersey, Local Public Agency of Eligibility for Federal Aid Funds, regarding the Safe Routes to School Program Infrastructure Project, Borough of Island Heights. "The New Jersey Department of Transportation Division of Local Aid and Economic Development has determined that the Borough of Island Heights has met all the requirements for eligibility to receive the FHWA Federal Aid Program Funds in accordance with policy procedure number 010.00. Local Public Agency Eligibility Assessment for Federal Funds."

This project will provide sidewalk enhancements around the Grade School. Councilwoman Snow added that Councilman Berglund started working on the grant back in early 2014.

PRIVILEGE OF THE FLOOR

Bob MacNeal – 237 Ocean Avenue, thought that someone was going to clean up the debris caused by the construction site on Ocean and Ensor Avenues, by his house. That never happened. Now leaves are there and the silt and debris was never cleaned. He wants to know what is going to be done about it.

The Mayor said that since all the construction permits have been closed on the property, the Construction Official cannot fine the builder. He said that Mr. MacNeal should stop by on a Monday night and discuss the matter with Mr. Cocco the Code Enforcement Officer.

Mr. MacNeal also asked if there was any progress on the public access station by Comcast. Council President Asay is going to ask Mr. Clifton about having access to the channel before Comcast gets Board of Public Utility approval on the contract.

7. EXECUTIVE SESSION FOR CONTRACT DISCUSSION – Not used

8. ADJOURNMENT at 8:07 p.m.

Motion: Bendel Second: Pillion All In Favor