

**BOROUGH OF ISLAND HEIGHTS  
REGULAR MEETING AGENDA  
January 24, 2017  
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 was advertised in the Asbury Park Press on December 21, 2016 and was also posted on the bulletin board in the Municipal Building.

Pledge to the flag and moment of silence.

**1. ADMINISTER OATH OF OFFICE**

**Council Person (3 Year Term):**

Sandra Snow

**2. ROLL CALL**

Councilmember Asay

Councilmember Snow

Councilmember Bendel

Councilmember Thompson

Councilmember Berglund

Councilmember Wudzki

Mayor Silver

	Asay	Bendel	Berglund	Snow	Thompson	Wudzki	Mayor Silver	Atty O'Connell
Present	X	X	X	X	X	X	X	X
Absent								

Also present: Margaret Gorman, Chief Financial Officer

**3. NOMINATION FOR COUNCIL PRESIDENT**

Councilmember Snow nominated Councilmember Berglund for Council President.

Councilmember Bendel nominated Councilmember Asay for Council President.

Councilmember Wudzki seconded Councilmember Berglund's Nomination.

Councilmember Thompson seconded Councilmember Asay's Nomination.

Motion to close Council President Nominations made by Councilmember Asay and Seconded by Councilmember Berglund.

Vote tally for Council President:

Councilmember Asay voted for himself.

Councilmember Bendel voted for Councilmember Asay.

Councilmember Berglund voted for himself.

Councilmember Thompson voted for Councilmember Asay.

Councilmember Snow voted for Councilmember Berglund.

Councilmember Wudzki voted for Councilmember Berglund.  
Mayor Silver voted for Councilmember Berglund.

Councilmember Berglund received the most votes for Council President. However, Councilmember Asay questioned the right of the Mayor to vote for Councilmember Berglund and asked the Borough Attorney for his legal opinion. Attorney O'Connell stated he needed some time to do the research.

#### **4. PUBLIC COMMENT**

##### **A. Maria Sessa of JCP&L to give status report.**

Maria Sessa of JCP&L reported that tree trimming will be done this year in the Borough of Island Heights. She will be meeting with Council President Berglund, and Jon Brodbeck of Public Works, to review the roadways they will be working on. She provided Council with a list of roadways they will be looking at. Mrs. Sessa also provided the Acting Borough Clerk with brochures regarding the tree trimming process.

Mrs. Sessa said that it is JCP&L's responsibility to make sure the lines are clear of any tree limbs so they can maintain proper service to their customers. The review will identify any trees the Borough thinks should come down. When they do trim trees, they leave the wood and trimmings for any residents that would like to pick it up for fire wood. If it is not wanted, they will clear the debris.

The work is scheduled to begin in the summer. JCP&L will notify the customers in the area. If there is a tree with a limb extending into their right-of-way, JCP&L has the right to trim that tree, even if it is on private property. It is important that JCP&L maintains that proper clearance.

Once the review of the trees is done, they will know more about how extensive the trimming will be and where some sensitive areas are in the municipality. Their goal is to be proactive and to communicate about it before they begin work.

Council President Berglund reviewed the list of streets that Mrs. Sessa previously provided him. He noted some incorrect items on the list. Mrs. Sessa said that those would be corrected when they reviewed the streets on January 29<sup>th</sup>. Council President Berglund said that there are only four streets in town that weren't on the list to be trimmed. He observed that the streets not listed for trimming all had the utilities underground.

Council President Berglund also stated that he and Mary Judge went to Atlantic City for the Forestry Conference and he saw some pretty horrible examples of the way trees can be left after trimming. He hopes that when the forester is there, he will assure that he is looking to leave as much of the forestry canopy as can be left intact. Mrs. Sessa said that there will be a consensus of what will be done once the review with their forester, Council President Berglund and Jon Brodbeck is completed.

Several residents expressed concern about the way trees have been left in the past when JCP&L has trimmed. Mrs. Sessa said that they will do their best to make everyone happy, but they need to do what needs to be done to ensure that service is maintained.

**APPROVAL OF MINUTES**

A. December 28, 2016 Meeting Minutes

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

B. January 5, 2017 Reorganization Meeting Minutes

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

C. January 5, 2017 Regular Meeting Minutes

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

**5. RESOLUTIONS**

**Resolution 2017-16 Authorizing the Execution of a Schedule “C” Agreement with the County of Ocean for 2017**

**RESOLUTION 2017-16**  
**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,**  
**COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING**  
**THE EXECUTION OF A SCHEDULE “C” AGREEMENT WITH THE**  
**COUNTY OF OCEAN FOR 2017**

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8a-1 et seq. authorized the Borough of Island Heights to enter into a contract for the provision of certain governmental services with the County of Ocean; and

**WHEREAS**, N.J.S.A. 40:8 requires such a contract to be authorized by resolution or ordinance; and

**WHEREAS**, it is the desire of the governing body to authorize the execution of a contract with the County of Ocean for the provision of services, materials and equipment as set forth in Schedule “C” attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Island Heights, County of Ocean, State of New Jersey as follows:

1. That Mayor and Acting Municipal Clerk are hereby authorized to execute a Schedule “C” agreement with the County of Ocean in accordance with the provisions of the law to include \$40,000.00 for the Road Department, \$3,000.00 for the Engineering Department and \$7,000.00 for Vehicle Services, for a total sum and not to exceed \$50,000.00. A copy of the said agreement is attached hereto and part hereof as Schedule “C”.
2. This agreement is for the period January 1, 2017 to December 31, 2017.
3. That a copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk’s Office during normal business hours.

Mayor Silver explained that the Borough contracts with the County of Ocean on an annual basis for services.

Public Comment - None

Roll Call:

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

**Resolution 2017-17 Approving Application for Use of Pavilion and the Contiguous Property for Laura Lee Dempsey’s Wedding on June 23, 2017**

**RESOLUTION 2017-17  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY  
FOR LAURA LEE DEMPSEY’S WEDDING ON JUNE 23, 2017**

**WHEREAS**, Laura Lee Dempsey, located at 12 Parkway Boulevard, Toms River, NJ 08753, has submitted an Application for Use of Pavilion and the Contiguous Property for a wedding ceremony on June 23, 2017;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property for Laura Lee Dempsey for the wedding on June 23, 2017.

Public Comment - None

Roll Call:

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

**Resolution 2017-18 Authorizing AT&T Lease Optimization**

**RESOLUTION 2017-18  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
AUTHORIZING THE EXECUTION OF  
AT&T LEASE OPTIMIZATION TERM SHEET**

**WHEREAS**, there exists a current lease agreement between the Borough of Island Heights and AT&T for the utilization of the property at 133 Vansant Avenue for cell tower and equipment placement and;

**WHEREAS**, AT&T is actively reviewing its portfolio of sites to determine ways to make its network more efficient and economical and;

**WHEREAS**, AT&T is requesting a rent reduction for the site located at 133 Vansant Avenue, Island Heights, New Jersey in accordance with the attached AT&T Lease Optimization Term Sheet;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey, hereby agree to the terms as set forth in the AT&T Lease Optimization Term Sheet and;

**BE IT FURTHER RESOLVED**, that Mayor Jeffrey B. Silver is hereby authorized to initial the AT&T Lease Optimization Term Sheet as “Landlord.”

Councilmember Thompson explained that AT&T is requesting a lease reduction for the rent to place their cell tower atop the water tower. She asked why it should be allowed. Mayor Silver stated that if we do not allow it, they will remove the cell tower and we will have no income from it at all.

Public Comment - None

Roll Call:

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

**Resolution 2017-19 Authorizing the Lease/Purchase of 2017 Police Vehicles**

**RESOLUTION 2017-19  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE LEASE/PURCHASE OF 2017 POLICE VEHICLES**

**WHEREAS**, the Borough of Island Heights Police Department is in need of two (2) 2017 Ford Police Interceptor Utility, All Wheel Drive Base Vehicles; and

**WHEREAS**, the Borough of Island Heights will provide for the leasing and purchasing of vehicles in its 2017 yearly operating budget; and

**WHEREAS**, the following police vehicles will be leased to purchase under New Jersey State Contract #82728 for two (2) 2017 Ford Police Interceptor Utility, All Wheel Base vehicles for a cost of \$25,493.00 for the first vehicle and \$25,493.00 for the second vehicle plus an additional cost of \$7,395.00 for each vehicle for emergency equipment for a total amount of \$65,776.00; and

**WHEREAS**, the Borough of Island Heights will enter into a lease/purchase agreement with Ford Motor Credit and Winner Ford; and

**WHEREAS**, the lease/purchase agreement amount shall total \$66,321.00 which will be financed in 3 annual payments of \$23,300.62 over a period of 3 years at an annual percentage rate (APR) of 5.50%;

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey, hereby authorize Mayor Jeffrey B. Silver, to execute all documents pertaining to the lease/purchase agreement of the aforementioned vehicles; and

**BE IT FURTHER RESOLVED** that the Borough of Island Heights may opt to purchase each vehicle/ equipment for \$1.00 at the term's end.

**BE IT FURTHER RESOLVED** that I, Margaret Gorman, Chief Financial Officer, do hereby certify that only amounts contingent upon the adoption of the 2017 Budget Year have been certified. Amounts for future years are contingent upon sufficient funds being appropriated

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**MARGARET GORMAN, C.F.O.**

This resolution is for the lease/purchase of two Ford Explorer police vehicles through State Contract and financed through Ford Motor Credit. It will be a three year agreement with Ford Motor Credit and the Borough will pay an annual amount for three years. At the end of the term the Borough will pay \$1.00 to purchase each vehicle. The vehicles will be equipped with a police package that suits the police services needs. This will include lighting, siren, cage, rubber matting, and a door locking mechanism for the back seat.

Councilmember Thompson questioned the status of adding decals to the unmarked vehicle and was told that could be revisited but at this time no decals are planned for 2017.

Councilmember Asay stated that the Durango is beyond repair. The steering failed and will cost thousands of dollars. It is not worth fixing. The 2002 police pickup truck is fourteen years old and becoming unsustainable. He recommends that Public Works might be able to use it. The two vehicles being purchased will replace both those vehicles and put some youth into the fleet. That will make three vehicles that are within three years old. It is time to act because we are within breaking point with the current vehicles in the fleet.

Public Comment - None

Roll Call:

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

**Resolution 2017-20 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Lake Avenue Improvements Phase 1 Project**

**RESOLUTION 2017-20  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR LAKE AVENUE  
IMPROVEMENTS PHASE 1 PROJECT**

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Island Heights Borough-00017 to the New Jersey Department of Transportation on behalf of Island Heights Borough.

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Island Heights Borough and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

This project will allow the Borough Engineer to file for a grant with the New Jersey Department of Transportation on behalf of the Borough. Phase 1 will be Lake Avenue from Central Avenue to Maple Avenue. Work will include the expansion of the drinking water loop, storm drain repair and repair the road surface where the work was done.

Public Comment - None

Roll Call:

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

**Resolution 2017-21 Approval to Submit a Grant Application and Execute a Grant Contract with the New Jersey Department of Transportation for Lake Avenue Improvements Phase 2 Project**

**RESOLUTION 2017-21  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT  
WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR LAKE AVENUE  
IMPROVEMENTS PHASE 2 PROJECT**

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights formally approves the grant application for the above stated project.

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Municipal Clerk are hereby authorized to submit an electronic grant application identified as MA-2017-Island Heights Borough-00291 to the New Jersey Department of Transportation on behalf of Island Heights Borough.

**BE IT FURTHER RESOLVED**, that the Mayor and Acting Municipal Clerk are hereby authorized to sign the grant agreement on behalf of Island Heights Borough and that their signature constitutes



acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Phase 2 of the project will be on Lake Avenue from East End Avenue to Laurel Avenue. This will encompass utility as well as road repair. There was possible Superstorm Sandy damage to the sewer pipes along the road. Some of the pipes lifted causing breaks near manholes. Repairing the breaks will keep water runoff from entering the system.

Public Comment: A member of the public asked if Phase 2 would include sidewalks. The answer was no. The same resident asked if the road would be repaved after the repairs. The Mayor said it would.

Roll Call:

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

**Resolution 2017-22 Authorizing Maser Consulting, P.A. to Submit a Green Acres Application for Reconstruction of the Boardwalk Along River Avenue**

**RESOLUTION 2017-22  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING MASER CONSULTING, P.A. TO SUBMIT  
A GREEN ACRES APPLICATION FOR RECONSTRUCTION OF  
BOARDWALK ALONG RIVER AVENUE**

**WHEREAS**, the boardwalk along River Avenue is in need of reconstruction; and

**WHEREAS**, Maser Consulting, P.A. is the Borough Engineer and is familiar with the Green Acres Program and application process;

**NOW, THEREFORE, BE IT RESOLVED**, the Mayor and Council of the Borough of Island Heights hereby authorizes Maser Consulting, P.A. to proceed with the application process of applying for Green Acres funding for the River Avenue Boardwalk reconstruction on the Borough's behalf.

Mayor Silver said he met with the grant person from Maser and money is available at a very low interest rate through the State. The boardwalk boards and stringers were constructed with non-galvanized materials and are now warping and in need of repairs. The Mayor said that a composite material would be used instead of boards. Councilmember Thompson asked why use composite material instead of boards? She said that she has seen composite materials fail. The Mayor said he would get options for materials to use. However, the life expectancy has run out for the materials on the boardwalk now.

Public Comment: A member of the public said that Seaside has composite decking for their boardwalk but the newer part was switched back to wood.

Terry Kempton asked if it was Council’s intention to replace the whole boardwalk. The Mayor replied that it would be from the Pavilion heading west. The other part of the boardwalk has money allocated from elsewhere to raise the road and boardwalk.

A member of the public said there was a railroad under the boardwalk and suggested that the engineers expose a portion of the railroad for historical purposes. Councilmember Snow said she would reach out to Cultural and Heritage and see what they have on the railroad.

Councilmember Asay mentioned that the second floor of the Pavilion was deteriorating and it needs to be replaced. He said that they talked about adding that to this project and also wanted to have the CHIEF FINANCIAL OFFICER investigate the use of \$34,000 in settlement funds to restore the second floor of the Pavilion. The CHIEF FINANCIAL OFFICER said she thought it only pertained to the beach but she will check into it.

Mayor Silver said that this resolution was only to get an application in place and the issue of what materials to use will be revisited if and when the grant is approved.

Roll Call:

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

**Resolution 2017-23 Bill Resolution**

Public Comment - None

Roll Call:

MOTION	SECOND	NAME	YEAS	NAYS	ABSTAIN	ABSENT
X		Asay	X			
	X	Bendel	X			
		Berglund	X			
		Snow	X			
		Thompson	X			
		Wudzki	X			

		Mayor Silver	X			
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**Resolution 2017-26 Urging the Governor to Fill the Vacancy on the NJ Turnpike Authority Board of Commissioners with a Resident of Ocean County**

**RESOLUTION 2017-26  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
URGING THE GOVERNOR TO FILL THE VACANCY ON THE  
NEW JERSEY TURNPIKE AUTHORITY BOARD OF COMMISSIONERS  
WITH A RESIDENT OF OCEAN COUNTY**

**WHEREAS**, more than 44 miles of the Garden State Parkway runs through Ocean County, representing the longest stretch of the Parkway in any New Jersey County; and

**WHEREAS**, a large percentage of the 90,000 commuters living in Ocean County use the Garden State Parkway and the New Jersey Turnpike daily in order to access jobs in other areas of the state; and

**WHEREAS**, there is currently a vacancy on the Board of Commissioners on the New Jersey Turnpike Authority, the agency overseeing both toll road of the Turnpike and Parkway; and

**WHEREAS**, based on the traffic volume and the tolls collected from Ocean County residents on these roads, Ocean County wants representation on the New Jersey Turnpike Authority Board of Commissioners, which currently is made up of three members from Monmouth County and one member each from Middlesex, Mercer and Bergen Counties; and

**WHEREAS**, Ocean County now is the perfect time for it to be represented as there is a vacancy on the Commission; and

**WHEREAS**, Ocean County has had past representation on the then-Garden State Parkway Authority, which provided this growing County a voice on ushering in needed improvement and many necessary upgrades on the toll road; and

**WHEREAS**, the Parkway is vital to the economic growth of Ocean County which sees its population double in the summer months as a key tourist attraction in the state of New Jersey; and

**WHEREAS**, the Garden State Parkway also serves as the main evacuation route moving residents and visitors out of harms' way during natural disasters like hurricanes; and

**WHEREAS**, the Parkway is the only viable north/south transportation network for Ocean County residents which is overseen by a state agency; and

**WHEREAS**, since there are approximately 44 miles of Parkway in Ocean County, the longest stretch in the State, and Ocean County motorists provide the highest amount of tolls collected, and this is a key route for Ocean County residents and visitors, the Ocean County Board of Chosen Freeholders wants this vacancy filled by an Ocean County resident.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey, that it hereby strongly urges the Governor to fill the vacancy on the New Jersey Turnpike Authority Board of Commissioners with a resident of Ocean County.

**BE IT FURTHER RESOLVED**, that the Mayor and Council direct the Acting Municipal Clerk to forward certified copies of this resolution to the Honorable Chris Christie, Governor; Members of the 9<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup>, and 30<sup>th</sup> Legislative Districts; the New Jersey Turnpike Authority Board of Commissioners; the Ocean County Board of Chosen Freeholders and all 33 Ocean County Municipalities.

Public Comment - None

Roll Call:

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

## 6. PURCHASE ORDERS

**Resolution 2017-24** Approving the Following Purchase Order

Vendor: CSI Computers LLC

Item: 1 Year Renewal Retainer as Per Attached which covers the Borough and the Police Department

Amount: \$4,780.00

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

**Resolution 2017-27** Approving the Following Purchase Order

Vendor: ERS Fleet

Item: Labor and Parts to Customize Snow Plow Bracket and Install Plow Pump  
On 1994 Mack RD688S

Amount: \$1,500.00

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

**7. ITEM FOR DISCUSSION**

- A. Verizon Wireless Resolution to Locate and Operate Small Network Nodes in the Public Right-of-Way by attaching to Existing and New Utility Poles.

This item was tabled at a previous meeting due to a change to the language in the Resolution. The Resolution was sent to Larry Morgan, the representative from Verizon Wireless, with additional language requiring a fee to utilize the right-of-way and requiring Council approval before the nodes are placed. Verizon Wireless rejected the additional language. Mr. Morgan indicated via email that he needs another proposal from Council.

Councilmember Thompson wanted to make sure Mayor and Council had final say to approve where the nodes would go. The Borough Attorney said we could not ask for a fee. Councilmember Thompson wants more information on exactly where the nodes are going to be placed before they are placed on the poles. They also want to know exactly how many nodes and what the weight, diameter and height of the nodes are.

A member of the public asked what the health risk of the radiation coming off the nodes would be. Councilmember Asay said they meet FCC requirements and they are pretty high in the air, so he believes the risk would be minimal.

Another member of the public said that they would hope the benefit would not outweigh the aesthetic benefit.

Councilmember Asay said that this would be a benefit when there was a power outage. It would help in instances like Superstorm Sandy, where the power went out and no one had cell phone service.

**8. COUNCIL REPORTS**

Councilmember Bendel stated that if the public comments on the approval of the nodes, he believes it will never happen.

Councilmember Bendel asked about the status of the payments to the Fire Department for their expenses. Chief Financial Officer Gorman said that she was still in the review process. They provided invoices for January through May previously and last week supplied her with June through December. She will review the bills supplied last week and encumber the funds and send out the voucher. Mayor Silver said that so far, \$17,000 and change has been sent to the Fire Department. Mayor Silver said that \$40,000 was allocated to the volunteer organization and they were to supply invoices to the Chief Financial Officer for reimbursement of operating expenses. Chief Financial Officer Gorman said that the payment will be done within the next two weeks.

Brian Gabriel of the Fire Department wanted to clarify that the invoices were submitted to the Borough on January 10<sup>th</sup>. Chief Financial Officer Gorman said that she only received them last Wednesday, January 18<sup>th</sup>.

Council President Berglund reported that there were two men working four hours each at the school, totaling eight hours during the snow storm. That work is part of the reimbursement agreement with the school. The total of Public Works man-hours for plowing for the storm was eleven hours by five people over the course of the weekend. This covered Borough roads and parking lots.

Council President Berglund reported that Jon Brodbeck got double booked for the JCP&L tree review. He was to be a teacher/presenter at a training session in Lavallette for the same day. They were able to reschedule his presentation so he can do the tree review.

Council President Berglund also wanted to make an announcement on behalf of the sewer repair workers: **Flushable wipes are not flushable. They are clogging the lift stations. Please stop flushing wipes.**

Councilmember Asay reported that Washington has announced that the KC-46A Tanker and Refueling Plane will be based at Joint Base McGuire-Dix-Lakehurst. He commends our Congressional Delegation for making that happen. It will keep our base alive for at least another three decades. It is the number one employer in Ocean County and the number three employer in New Jersey. Councilmember Bendel also noted that former Congressman Sexton was very much involved.

Councilmember Asay announced an “ice” rescue drill on Sunday, March 5<sup>th</sup> at 8:00 a.m. The road will be blocked on River Avenue in front of Letter Park.

Councilmember Wudzki reported that the school received the bid for the work being done from the referendum. The bid came in \$742,000 under what they had allocated. All the work is scheduled to be done over the course of the summer and completed by the start of the school year.

There will be a STEAM Science Fair on April 6<sup>th</sup> and be opened to the community. Councilmember Wudzki said she is sure she will have more information the closer we get to the date.

Councilmember Bendel reported that he spoke to the Superintendent at the last School Board meeting over concern with the recent contract with the teachers and the use of the leftover money for other projects. There was concern that the resolution let them borrow a certain amount of money, and if the bids came in under that amount, they would use the rest of the money rather than turning back against the loan.

Councilmember Bendel reported that the law does not allow that and the unspent money will be turned back.

He also reported the Superintendent said that in the contract negotiations with the teachers, there were changes in medical coverage. Items negotiated would be compensated for by higher co-pays and some other changes in coverage.

Councilmember Thompson reported that when she attended the School Board Meeting, she was happy to hear that they plan to put the savings back in against the loan principal. She also attended the Mayor's budget meeting with the Fire Department, along with Councilmember Asay and Chief Financial Officer Gorman. She thought it was very productive. There was a good, candid, dialogue and there is a path forward for the Borough to help with the construction of the single use building for the Fire Department. She looks forward to participating in the next meeting.

Councilmember Thompson also met with the Chief Financial Officer over the budget preparation. There was a comparison in spending in 2016 and 2017. 2017 is going to be a busy year. There is a new website being built, an assessment reevaluation that must be completed, a master plan and ordinance updates.

Councilmember Thompson thanked all the emergency responders for their actions during the nor'easter.

She also said that Public Works also told her about the problem with the flushable wipes clogging the system. The wipes seize up the pipes. They are not to be flushed, especially with our old system.

Councilmember Snow met with Council Members Asay and Thompson regarding IT in the Borough. A survey was developed that will go out to each department and employees in order to get a better idea about how they use the computer equipment and how the IT landscape is working. This will give them a better idea of how to bring the IT and the website up to date and be secure. She thanked Council Members Asay and Thompson for their excellent input in moving it along.

Councilmember Snow also thanked Councilmember Wudzki for taking up the Sustainable Schools "baton."

Mayor Silver reported on the CDGB Project for installation of handicapped ramps on the corner of Ocean and Simpson. We are still waiting for the contractor to provide engineering drawings for the ramps.

Mayor Silver also reported that he asked the Borough Engineer, Maser Consulting, to do the paperwork with the State for the design and permitting for the replacement of the boat ramp bulkhead looking west towards the river. The bulkhead replacement will come out of our Schedule "C" Agreement with the County. The County will do the work. Maser has finalized the paperwork and the Mayor is waiting to get the "OK" to make the repairs. It will be vinyl and will match the material to the left of it.

## **9. PRIVILEGE OF THE FLOOR**

Barry Constantine – 191 Central Avenue stated that it is the fourth consecutive time that he is asking for the relocation of the radar speed alert device to Central Avenue. Mayor Silver said that he put in the request to the County and it will be relocated in front of Mr. Constantine's house.

Brian Gabriel – 185 Summit Avenue wanted to be placed on the record saying that, as a lifelong resident, he vehemently opposes the idea of parking meters along the waterfront. It will severely impact the residents on the side streets. Homes along those areas do not have off street parking and need to park on the street. Many of those spaces will be occupied by people avoiding paying the fee. There are also maintenance concerns. It will have a severe impact on the Yacht Club and the members of the Yacht Club. It will also impact the residents on the other side of River Avenue because some of those people use it for access also.

He urges the Council to do a very detailed study and a cost analysis to find out what the turnaround time is and what the payback is. Are they then going to wind up on Summit Avenue beach? Who is going to pull the money out of the meters every day and who is going to change the paper every day? He thinks that having kiosks and whatever they are going to do, definitely goes against the history of Island Heights.

Borough Attorney, Michael O’Connell announced that he had completed his research on the Council President vote. Attorney O’Connell stated that Ordinance 2.6 entitled “President of the Council” states “The legislative power of the municipality shall be exercised by the Council. The Mayor shall participate and vote as other Council Members.” Then it goes on to say that “Council shall select from among its members a President.” Attorney O’Connell also said that he reviewed the minutes from the last three years and in each instance the Mayor voted for Council President. He also checked with other municipalities with similar governments who have Council Presidents, and in all instances the Mayor voted for Council President. Therefore, he stands by the position that the Mayor is entitled to vote for Council President and his fourth vote stands making Councilmember Berglund the Council President.

Given the Borough Attorney’s legal opinion, Councilmember Asay withdrew his nomination for consideration and declined the nomination. He asked that the Council submit a unanimous ballot for Councilmember Berglund as Council President

Councilmember Thompson expressed her gratitude for Sean Asay’s work as Council President. She said she would like to recognize his work and thanked him for his service.

## **10. EXECUTIVE SESSION FOR CONTRACT DISCUSSION at 8:41 p.m.**

### **Resolution 2017-25 Enter into Executive Session**

**RESOLUTION 2017-25  
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY TO  
ENTER INTO EXECUTIVE SESSION**

**WHEREAS**, N.J.S.A. 10:74-12 allows for a Public Body to go into closed session during a Public Meeting; and

**WHEREAS**, the Governing Body of the Borough of Island Heights has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

**WHEREAS**, the regular meeting of this Governing Body will reconvene;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Island Heights will go into closed session for the following reasons outlined in N.J.S.A. 10:4-12:



Any matter which, by express provision of Federal Law; State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public.

Any matter in which release of information would impair a right to receive funds from the federal government.

Any matter, the disclosure of which, constitutes an unwarranted invasion of individual privacy.

Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body.

Any matter involving the purchase, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if such matters were disclosed.

Any tactics and techniques utilized in protecting the safety and property of the public provided that their disclosure would impair such protection, any investigations or possible violations of the law.

Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party, any matters falling within the attorney-client privilege, to the confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

Any matter involving the employment, appointment, termination of employment, evaluation of performance, promotion or discipline of any specific prospective public officer or employee whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

Any deliberation of public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party as a result of an act of omission for which the responding party bears responsibility.

Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual in writing requests a public meeting.

Any deliberation of the public body occurring after a public hearing that may result in the imposition of specific civil penalty.

Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes will be made public.

Roll Call:

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

**Motion and Roll Call to Enter Back Into Regular Meeting**

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

**11. ADJOURNMENT at 10:48 p.m.**

**First: Bendel**

**Second: Asay**

**All In Favor**

Respectfully submitted by:

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Katherine Fenton-Newman, RMC  
Acting Borough Clerk