

**BOROUGH OF ISLAND HEIGHTS
RESCHEDULED REGULAR MEETING AGENDA
March 20, 2017
1:00 P.M.**

The March 14, 2017 Regular Meeting of the Mayor and Council of the Borough of Island Heights was cancelled due to inclement weather and was rescheduled and held on March 20, 2017 at 1:00 p.m. in the Borough Hall, Island Heights, New Jersey. Mayor Silver called the meeting 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 submitted to the Asbury Park Press on March 16, 2017 and advertised in the Asbury Park Press on March 18, 2017 and was also posted on the bulletin board in the Municipal Building, bulletin board outside the Post Office and on the Borough's Official Website.

Pledge to the flag and moment of silence.

1. ROLL CALL

Councilmember Asay
Councilmember Bendel
Council President Berglund
Mayor Silver

Councilmember Snow
Councilmember Thompson
Councilmember Wudzki

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

2. PUBLIC COMMENT - None

3. APPROVAL OF MINUTES

A. Minutes of Council Meeting of February 14, 2017

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

4. ORDINANCE

Ordinance 2017-01 Amending and Supplementing Chapter 17 of the Borough Code Entitled "Solid Waste Management"

ORDINANCE 2017-01

AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 17 OF THE BOROUGH CODE ENTITLED "SOLID WASTE MANAGEMENT"

WHEREAS; the Mayor and Council of the Borough of Island Heights desire to amend Chapter 17 of the Borough Code entitled "Solid Waste Management,"

NOW, THEREFORE, BE IT ORDAINED that Chapter 17 is amended as follows:

Section 17-1, Collection of Garbage and Refuse, is amended to add a new sub-section:

17-1.7 Eligibility for Collection.

Residences and Institutional establishments, as defined in Borough Code 17-2.3, Definitions, shall be eligible for the collection of Garbage and Refuse.

Section 17-2, Recycling, is amended to read as follows:

17-2.3 Definitions.

Residence(s) shall mean any occupied dwelling having up to two (2) dwelling units per structure.

17-2.5 Separation of Recyclables and Placement for Disposal.

- c. Every commercial establishment and multifamily dwelling shall submit annually to the Municipal Recycling Coordinator, proof of removal of designated recyclable materials from their premises including the total weight and type of recycling material collected and recycled, and the vendor(s) providing said service.

17-2.12 Nonresidential Establishment Compliance Requirement.

- a. All commercial establishment generators of solid waste shall be required to comply with the provisions of this section.
- b. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial establishment property owner or their designee. All commercial establishments which provide outdoor litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- c. Every commercial establishment shall report on an annual basis to the Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their

premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.

Section 17-3, Yard Waste Collection Program, is amended to add a new sub-section:

17-3.6 Eligibility for Collection.

Residences and Institutional establishments, as defined in Borough Code 17-2.3, Definitions, shall be eligible for the collection of a Yard Waste Collection Program.

This ordinance shall become effective upon publication as required by law.

Council President Berglund expressed his appreciation to the Acting Borough Clerk for her synopsis of the Ordinance that was placed on the website. The notice/synopsis was also published in the Asbury Park Press and posted on the bulletin boards at Borough Hall and at the Post Office.

Public Hearing – There were no public comments.

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			

5. RESOLUTIONS

Resolution 2017-46 Authorizing a Borough-Wide Yard Sale Saturday, June 17, 2017.

**RESOLUTION 2017-46
BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AUTHORIZING A BOROUGH-WIDE YARD SALE
SATURDAY, JUNE 17, 2017**

BE IT RESOLVED, the Mayor and Council of the Borough of Island Heights hereby authorize a Borough-wide Yard Sale which will take place on Saturday, June 17, 2017; and

BE IT FURTHER RESOLVED, that the rain date for the Borough-Wide Yard Sale will be Sunday, June 18, 2017; and

BE IT FURTHER RESOLVED, that the fee to participate will continue to be \$10.00.

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			

Councilmember Asay moved to vote on Resolutions 2017-47 through 2017-49 as a consent agenda. Council President Berglund seconded the motion and all governing body members present voted unanimously to approve.

Resolution 2017-47 Approving Application for Use of Memorial Field By Toms River East Little League for Practice from 5:00 p.m. to 7:00 p.m. every Tuesday Beginning March 31, 2017 and Ending June 27, 2017.

**RESOLUTION 2017-47
 RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
 COUNTY OF OCEAN, STATE OF NEW JERSEY,
 APPROVING APPLICATION FOR USE OF MEMORIAL FIELD
 BY TOMS RIVER EAST LITTLE LEAGUE
 FOR PRACTICE FROM 5:00 P.M. TO 7:00 P.M. EVERY TUESDAY
 BEGINNING MARCH 31, 2017 AND ENDING JUNE 27, 2017**

WHEREAS, Michael O'Donnell on behalf of Toms River East Little League, has submitted an Application for Use of Memorial Field for Little League Practice from 5:00 p.m. to 7:00 p.m. every Tuesday beginning March 31, 2017 and ending June 27, 2017; and

WHEREAS, Toms River East Little League has provided the appropriate Certificate of Liability Insurance,

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Island Heights hereby approve Michael O'Donnell's application on behalf of the Toms River East Little League for the Use of Memorial Field for Little League Practice from 5:00 p.m. to 7:00 p.m. every Tuesday beginning March 31, 2017 and ending June 27, 2017.

Public Comment - None
 Roll Call

Resolution 2017-48 Approving Application for Use of Memorial Field By Toms River East Little League for Practice from 5:00 p.m. to 7:00 p.m. every Monday, Wednesday and Friday, March 2017 Through June 2017.

**RESOLUTION 2017-48
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPROVING APPLICATION FOR USE OF MEMORIAL FIELD
BY TOMS RIVER EAST LITTLE LEAGUE
FOR PRACTICE FROM 5:00 P.M. TO 7:00 P.M. EVERY MONDAY, WEDNESDAY AND
FRIDAY, MARCH 2017 THROUGH THE END OF JUNE, 2017**

WHEREAS, Wayne Cimorelli on behalf of Toms River East Little League, has submitted an Application for Use of Memorial Field for Little League Practice from 5:00 p.m. to 7:00 p.m. every Monday, Wednesday and Friday, March 2017 through the end of June 2017; and

WHEREAS, Toms River East Little League has provided the appropriate Certificate of Liability Insurance.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Island Heights hereby approve Wayne Cimorelli's application on behalf of the Toms River East Little League for the Use of Memorial Field for Little League Practice from 5:00 p.m. to 7:00 p.m. every Monday, Wednesday and Friday, March 2017 through the end of June 2017.

Public Comment - None
Roll Call

Resolution 2017-49 Approving Application for Use of Memorial Field By Toms River East Little League for Practice from 5:00 p.m. to 7:00 p.m. every Thursday Beginning March 16, 2017 and Ending July 6, 2017.

**RESOLUTION 2017-49
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPROVING APPLICATION FOR USE OF MEMORIAL FIELD
BY TOMS RIVER EAST LITTLE LEAGUE
FOR PRACTICE FROM 5:00 P.M. TO 7:00 P.M. EVERY THURSDAY
BEGINNING MARCH 16, 2017 AND ENDING JULY 6, 2017**

WHEREAS, Charles Bell on behalf of Toms River East Little League, has submitted an Application for Use of Memorial Field for Little League Practice from 5:00 p.m. to 7:00 p.m. every Thursday beginning March 16, 2017 and ending July 6, 2017; and

WHEREAS, Toms River East Little League has provided the appropriate Certificate of Liability Insurance.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Island Heights hereby approve Charles Bell’s application on behalf of the Toms River East Little League for the Use of Memorial Field for Little League Practice from 5:00 p.m. to 7:00 p.m. every Thursday beginning March 16, 2017 and ending July 6, 2017.

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			

**Resolution 2017-50 Approving Use of Camp Meeting Park on Ocean Avenue by
Island Heights United Methodist Church for Sunrise Service on
Easter Sunday, April 16, 2017.**

**RESOLUTION 2017-50
RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPROVING USE OF CAMP MEETING PARK ON OCEAN AVENUE
BY ISLAND HEIGHTS UNITED METHODIST CHURCH
FOR SUNRISE SERVICE ON EASTER SUNDAY, APRIL 16, 2017**

WHEREAS, the Island Heights United Methodist Church has requested the use of Camp Meeting Park on Ocean Avenue for Sunrise Services on Easter Sunday, April 16, 2017 from approximately 7:00 a.m. to 9:00 a.m.

NOW, THEREFORE, BE IT RESOLVED, the Mayor and Council of the Borough of Island Heights hereby approve Island Heights United Methodist Church’s request for the use of Camp Meeting Park on Ocean Avenue for Sunrise Services on Easter Sunday, April 16, 2017 from approximately 7:00 a.m. to 9:00 a.m.

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 2017-51 Supporting Legislative Action Requiring the State Public Defender's Office to Represent Defendants in the Superior Court Bail Hearings for Those Eligible Defendants Charged with Disorderly Persons Offenses or Petty Disorderly Offenses in Lieu of the Municipal Public Defender.

RESOLUTION 2017-51

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
SUPPORTING LEGISLATIVE ACTION REQUIRING THE
STATE PUBLIC DEFENDER'S OFFICE TO REPRESENT DEFENDANTS IN
THE SUPERIOR COURT BAIL HEARINGS FOR THOSE ELIGIBLE
DEFENDANTS CHARGED WITH DISORDERLY PERSONS OFFENSES OR PETTY
DISORDERLY OFFENSES IN LIEU OF THE MUNICIPAL PUBLIC DEFENDER**

WHEREAS, the Bail Reform Act (BFA) became effective January 1, 2017; and

WHEREAS, bail hearings for Disorderly Persons Offenses and Petty Disorderly Offenses are held in the Superior Court notwithstanding jurisdiction for these offenses being in the Municipal Courts; and

WHEREAS, the State Public Defender who has attorneys routinely appearing in the Superior Court does not represent defendants charged with Disorderly Persons Offenses or Petty Disorderly Offenses - even in the Superior Court; and

WHEREAS, the foregoing necessitates Municipal Public Defenders being required to appear in Superior Court at considerable inconvenience and expense to local municipalities; and

WHEREAS, this results in an unfunded State Mandate;

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

1. The Mayor and Council of the Borough of Island Heights, County of Ocean, State of New Jersey hereby supports legislative action requiring the State Public Defender's Office to represent defendants in the Superior Court bail hearings for those eligible defendants charged with Disorderly Persons Offenses or Petty Disorderly Offenses in lieu of the Municipal Public Defender.

2. That upon the adoption of this resolution, the Acting Borough Clerk is authorized and directed to forward a certified copy of said resolution to the Governor of the State of New Jersey, the 3rd, 9th, 10th, and 30th Legislative Districts representatives, Ocean County Freeholders, all Ocean County Municipal Clerks, and the New Jersey State League of Municipalities.

Michael O'Connell, Esq., the Borough Attorney, explained that this was a ballot question in the 2015 election. Voters approved the question at the polls and it took effect January, 2017. The law says you must process people within 48 hours. Municipal Public Defenders are now required to be present at the County for bail hearings for disorderly person offenses or petty disorderly offenses. This adds extra costs for municipalities. The State Public Defender's Office already has representation available at all times. However, they do not handle disorderly person offenses or petty disorderly offenses. This resolution would support legislative action requiring the State Public Defender's Office to represent those defendants currently required to be represented by Municipal Public Defenders, thus reducing costs to local 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. BILL LIST

Public Comment - None

Roll Call

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

7. PURCHASE ORDERS

None

8. COUNCIL REPORTS

Councilmember Asay reported that Ocean County is having their Household Hazardous Waste Cleanup. This is an opportunity to get rid of all the stuff in your shed that you do not want, such as paint, solvents, pool chemicals, pesticides, etc. You must pre-register to participate. The information is as follows:



**2017 OCEAN COUNTY
HOUSEHOLD HAZARDOUS
WASTE DISPOSAL PROGRAM**

Rid your home of potential hazards and protect the environment by participating in the Household Hazardous Waste Disposal Program sponsored by
THE OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS
and
THE OCEAN COUNTY DEPARTMENT OF SOLID WASTE MANAGEMENT

Many common household products pose a potential threat to your family, and to Ocean County's clean air and water. You can dispose of these materials at the sites listed below, free of charge by calling the County to pre-register.
Call: 732-367-0802 to pre-register for Manchester
Call: 732-506-5047 to pre-register for Toms River
Call: 609-978-0913 to pre-register for Stafford



<p>STAFFORD TWP. Public Works Garage 320 Haywood Road Stafford Twp., NJ 08050 Saturday, April 1 9:00AM - 3:00PM</p>	<p>TOMS RIVER TWP. Public Works Garage 1672 Church Road Toms River, NJ 08753 Saturday, May 13 9:00AM - 3:00PM</p>	<p>MANCHESTER TWP. Public Works Garage 1360 Route 70 Whiting, NJ 08759 Saturday, June 3 9:00AM - 3:00PM</p>
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10-11 AM Pre-registration is required.
Registration is on a first-come first-served basis.

Hazardous waste will not be accepted from businesses, school boards or government agencies. Only Ocean County residential households and farmers are eligible for this free program. A driver's license or tax bill will be adequate proof of residence. Our staff can advise you about any materials you are unsure of.

Acceptable Materials: paints/thinners/boat paint, solvents, pool chemicals, pesticides and herbicides, aerosol cans, auto products, toilet and drain cleaners, silver polishes, oven cleaners, photographic chemicals, rug and upholstery cleaners, polishes and bleaches, waste oil and used gasoline.

ALL THE ABOVE MATERIALS, EXCEPT OIL AND GASOLINE, MUST BE IN ORIGINAL CONTAINERS
Maximum volume per household is limited to 200 pounds of dry materials and 20 gallons of liquid. Please, no containers larger than 5 gallons.

Unacceptable Materials: *Also propane tanks - direct.* radioactive materials, dioxins, infectious waste ("Red Bag" wastes), explosives, unknown or unidentified materials.

NO CONSTRUCTION WASTE OR ASBESTOS

THE OCEAN COUNTY BOARD OF CHOSEN FREEHOLDERS
Joseph H. Vicari, Director • Gerry P. Little, Deputy Director
John C. Bartlett, Jr • Virginia E. Haines • John P. Kelly

Councilmember Bendel has no report.

Councilmember Berglund wanted to remind the general public that engraved pavers are still available for purchase at the Borough Hall for \$99.00. Each paver purchased may be engraved with your personalized message and will be placed at the Pavilion.

Councilmember Berglund reported that the work on the main on the Jaynes Avenue Water and Sanitary Sewer Improvements Project is essentially completed. They have started on the sewer work on the River end of Jaynes Avenue where the sewer line is part way up the hill. They made the crossing and reinforced the section by installing new pipe. They are continuing on the sewer lines further up on Jaynes Avenue and as far as he can see, they are right on schedule.

Mayor Silver said that he saw Kiely Construction there, representing New Jersey Natural Gas, replacing the gas lines there, also.

Councilmember Thompson thanked Attorney O'Connell and Councilmember Berglund for helping her with her question about zoning.

Councilmember Thompson asked Lt. Kevin Arnold if she should report a down traffic sign to Public Works or the Police Department. Lt. Arnold replied that the report should be made to the Police Department and they will notify the correct entity to replace it. Councilmember Thompsons told him that there was a One Way sign lying on the ground at the corner of Camp Walk and Highland Avenue.

Councilmember Wudzki reported that she attended last month's Board of Education meeting where they submitted their tentative budget for the school year. State aid remained the same. However, they will be raising taxes \$37,514.00. Most of the costs were due to special education needs. The Business Administrator will be getting her a more detailed breakdown of where the additions were this year. The Public Hearing on the budget will be Wednesday, May 3rd at 7:00 p.m. That night they gave out an overview of revenue and expenditures and was not a detailed budget.

Councilmember Wudzki said the Board of Education had asked her about incorporating something from the school into the Borough's newsletter. They have received requests that communication from the school go to members of the community other than parents. The Board of Education was not looking to add to the Borough's expenses by asking for inclusion in the mailed out newsletters. They were more interested in including something in the newsletters the Borough sends via email. Once a month they would like to include items such as the budget and notices of events that are open to the community. A representative from the Board of Education will be attending the March 28th Council Meeting and give more information.

Mayor Silver had no report.

9. PRIVILEGE OF THE FLOOR

There were no comments from the public.

Lt. Kevin Arnold of the Police Department reported that Ocean County is moving to a new computer system called Spillman. Over the long haul, if the Borough switches to Spillman, it will save the Borough a few dollars. Also, the Borough will only have to write out 2 checks instead of 5 checks. Currently we pay roughly \$5,100 for ACISS, Info-Cop and the hub use in Long Beach. Spillman will put the borough into the County and enable us to interact with all the local municipalities that are on board with it, including the Sherriff's Department. It would cost around \$4,750 per year after the initial 3 years. The initial year has a onetime licensing fee of \$2,092. The maintenance fee covers 3 years at \$731 for the protective, firewall and the hub. The Spillman itself would cost \$4,500 per year payable to the County.

Mayor Silver asked Lt. Arnold to provide Council with more details so they may review the issue. Council President Berglund asked if the new program will overlap with what the Police Department uses now. Lt. Arnold said that he held off renewing all the licenses this year because Spillman was supposed to start last year, coming into the New Year. Now they are looking at beginning sometime in May. The ACISS and CAD systems will stay running without renewal so we will have access to our records. There just won't be any updates. There will be a savings down the road because we won't have to pay licensing fees. The licensing fee for Spillman is a onetime payment. We also save on a traffic accident program we won't have to purchase because that would be included in Spillman. It will be one system, one check. Mayor Silver

once again asked Lt. Arnold to provide dollar amounts and compare the current costs to costs for the new program for the next Council meeting on March 28.

10. EXECUTIVE SESSION FOR CONTRACT AND LITIGATION DISCUSSION

Resolution 2017-52

Move to enter into Executive Session at 1:30 p.m.:

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

Move to re-enter Regular Meeting at 1:42 p.m.:

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

After re-entering the regular meeting, Councilmember Asay motioned to accept the recommendation of Borough Counsel in the matter of Richard Rivera and Gwenda R. Davis v. Borough of Island Heights, et al. Council President Berglund seconded the motion and the Council members present voted in the affirmative unanimously.

11. ADJOURNMENT at 1:43 p.m.

First: Bendel

Second: Berglund

All In Favor

Respectfully submitted by:

Katherine Fenton-Newman
Acting Borough Clerk