

**BOROUGH OF ISLAND HEIGHTS  
REGULAR MEETING MINUTES**

**July 11, 2017**

**7:00 P.M.**

Mayor Silver read the following statement:

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. ROLL CALL**

Councilmember Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Council President Berglund	Councilmember Wudzki
Mayor Silver	Attorney O’Connell

	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 and Police Lt. Kevin Arnold

**2. PUBLIC COMMENT - None**

**3. APPROVAL OF MEETING MINUTES**

The meeting minutes of June 13, 2017 and June 28, 2017 were voted upon as a consent agenda.

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

**4. RESOLUTIONS**

**Resolution 2017-118 Approving Application for Use of Pavilion and the Contiguous Property by Sabrina Van Glahn for a Wedding Ceremony on**

October 5, 2017

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY  
BY SABRINA VAN GLAHN FOR A WEDDING CEREMONY  
ON OCTOBER 5, 2017**

**WHEREAS**, Sabrina Van Glahn, located at 31 W. Arverne Avenue, Ocean Gate, NJ, 08740, has submitted an Application for Use of Pavilion and the Contiguous Property for a wedding ceremony on October 5, 2017; and

**WHEREAS**, the proper insurance binder has been submitted and the application fee of \$75.00 has been paid; and

**WHEREAS**, the Borough Clerk has confirmed that there are no conflicting events being held at the Pavilion on the requested date.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property by Sabrina Van Glahn for a wedding ceremony on October 5, 2017.

**CERTIFICATION**

I, Katherine Fenton-Newman, Borough 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 their Regular Meeting held on the 11th day of July 2017, in the Borough Hall, Island Heights, New Jersey.

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Katherine Fenton-Newman, RMC, CMR  
Borough Clerk

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 2017-119 Approving Application for Use of Pavilion and the Contiguous Property by Deidre Carroll for a Wedding Ceremony on August 26, 2017**

**RESOLUTION OF THE BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING APPLICATION FOR USE OF PAVILION AND THE CONTIGUOUS PROPERTY  
BY DEIDRE CARROLL FOR A WEDDING CEREMONY  
ON AUGUST 26, 2017**

**WHEREAS**, Deidre Carroll, located at 26 Silver Bay Road, Toms River, NJ, 08753, has submitted an Application for Use of Pavilion and the Contiguous Property for a wedding ceremony on August 26, 2017; and

**WHEREAS**, the proper insurance binder has been submitted and the application fee of \$75.00 has been paid; and

**WHEREAS**, the Borough Clerk has confirmed that there are no conflicting events being held at the Pavilion on the requested date.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby approve the Application for Use of the Pavilion and Contiguous Property by Deidre Carroll for a wedding ceremony on August 26, 2017.

**CERTIFICATION**

I, Katherine Fenton-Newman, Borough 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 their Regular Meeting held on the 11th day of July 2017, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, RMC, CMR  
Borough Clerk

Public Comment - None  
Roll Call

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

X		Thompson	X			
		Wudzki	X			
		Mayor Silver	X			

**Resolution 2017-120 Approving Raffle License #2017-1 for the Rotary Club of Toms River**

**BOROUGH OF ISLAND HEIGHTS,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
APPROVING RAFFLE LICENSE #2017-1 FOR THE ROTARY CLUB OF TOMS RIVER**

**NOW, THEREFORE, BE IT RESOLVED,** that the Mayor and Council of the Borough of Island Heights hereby approve Raffle License #2017-1 for the Rotary Club of Toms River for a 50/50 Raffle to be held on September 9, 2017.

**CERTIFICATION**

I, Katherine Fenton-Newman, 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 11<sup>th</sup> day of July, 2017, in the Borough Hall, Island Heights, New Jersey.

\_\_\_\_\_  
Katherine Fenton-Newman, RMC, CMR  
Municipal Clerk

Public Comment – None

Council President Berglund stated that he had tabled the application due to an error in the application the first time. The error has been corrected and the paperwork is now correct.

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 2017-121 Authorizing Maser Consulting P.A., Borough Engineer, to Conduct a Speed Limit Inventory of All Borough Streets for a Fee Not to Exceed \$3,550.00**

Mayor Silver stated that this was an item for discussion which can be tabled. He explained that he was seeking a dollar amount from the Borough Engineer, Maser Consulting, regarding conducting a speed limit inventory of all Borough Streets. This would be for Maser to conduct a statutory assessment and individual road analysis in order to provide certification on behalf of the Borough to reduce the speed limit to 25 miles per hour (mph) borough-wide. Maser would also coordinate with the Ocean County Engineering Office for the Borough's county roads. Once the roads have been classified, under separate authorization, Maser will address those roads which are currently not 25 miles per hour on an individual basis, including those under Ocean County jurisdiction. Upon the completion of the statutory assessment and inventory of roads, Maser will provide certification, on behalf of the Borough, to reduce the speed limit to 25 miles per hour. The Mayor asked for comments from the governing body.

Council President Berglund asked if this assessment is required prior to reducing the speed limit. Mayor Silver said that Council had authority amongst themselves for the Borough's own roads. This would be a form of getting the town roads all in line. Maser would be the agent for the Borough and work with the County to reduce the speed limit on the County roads.

Council President Berglund recalled in previous meetings that the County needed an assessment. Mayor Silver said that was part of the language. Council President Berglund asked if this assessment would meet the County's requirements. Mayor Silver responded that it would.

Councilmember Bendel asked if this was a study. He said that when he spoke to the County they indicated that they were restricted by the State in terms of the limits that they can set. Is this a necessary first step to get that far? He believes the Borough might actually have to go to the State. Mayor Silver said that Maser would be the agent to handle that process. The Mayor said that this item can be tabled tonight, but he had to have the discussion and get comments from everyone.

Councilmember Asay said when the Council discussed this previously there seemed to be broad support to set a Borough-wide 25 mile per hour speed limit on the Borough's roads. The current Ordinance does not list any speed limit for Borough roads. It is assumed that they are 25 mph unless otherwise posted. He thinks members of the Council should give their thoughts on the Borough's roads before going to the County to ask for a speed limit reduction on the roads that they control. Councilmember Asay mentioned that the County Engineering Department has already studied at least West End Avenue at the Borough's request. The County told the Borough that it was not suitable to be 25 mph. Councilmember Asay said he never saw the report, but confirmed with Lt. Kevin Arnold, of the Police Department, that was what the County had conveyed to him. Councilmember Asay said it wasn't clear to him if it was worth spending \$3,500 to ask Maser to lobby the County when the County has already engineered and studied West End Avenue and told the Borough that they are not going to raise the speed limit. At this point, what does the Borough do? Does the Borough litigate with the County? He said he did not know what the Borough's rights to an appeal would be, but it seems like we are going pretty far down the road and we don't even know the starting point.

Mayor Silver said that he had a conversation with Maser regarding this and they have had experience with this in the past. Councilmember Asay suggested that the Council, through the Mayor, could direct the Borough Attorney to construct an Ordinance setting the Borough's roads at 25 mph. The Council could then express support for that Ordinance and adopt it which would cost much less. The Council then has expressed a clear message to the County that this is the Council's desire to have a 25 mph speed limit.

Mayor Silver said that this all fell asleep and this is his way of bringing it back to the forefront. He is not asking for approval tonight. Mayor Silver asked if Council would like a representative from Maser to come in at the next Council meeting to discuss this issue.

Councilmember Thompson asked Mayor Silver if he could share what is involved with the inventory. The document Council was presented with calls it an assessment, an analysis and an inventory. Would Maser be mapping and measuring? Mayor Silver replied that they would be mapping, measuring and doing all the logistics to present to the County, once we get the town roads into place. This would also include fixing the Ordinance which is currently blank. Councilmember Thompson asked if the County was on board with the Borough doing this on their jurisdictional roads. Mayor Silver said that the Engineer has told him that this is the process they have done in the past with other municipalities. This is their expertise and this is what they do to accomplish that. Councilmember Thompson said personally, she is in favor of the 25 mph speed limit. Anything to slow it down and make people safer is a good thing. She just needs to understand if this is a lump sum payment not to exceed \$3,500. Mayor Silver said it is a lump sum, but was not looking to do anything tonight.

Mayor Silver asked the Borough Attorney, Michael O'Connell, if we do the legwork and fill in the blanks in the Ordinance, would it cause any tilting of the process. Attorney O'Connell said that we could do this in-house. Councilmember Asay said it would be a few sentences saying that on all roads over which the Council has jurisdiction, the speed limit shall be 25 mph. There is no need to make a list. Councilmember Asay said that he thought that Lt. Arnold reported back to the Council that the County uses an objective standard to review the roads, the traffic, the width, etc. He doesn't think it is a situation where the County can be lobbied to change their minds. It is based on an objective standard where their engineering department went in and reviewed the factors and came back and said yes or no, this is the speed that is appropriate on this road. This is what they did on West End Avenue.

Mayor Silver asked Attorney O'Connell if the signs needed to be changed from 30 or 35 mph down to 25 mph prior to the Ordinance. Attorney O'Connell said that the Ordinance needs to be adopted first and give the community advanced warning of the speed limit change. That way it would be enforceable in the Municipal Court.

Councilmember Asay said he believes that paying the money for Maser wouldn't accomplish anything because the County, who has their own engineering department, will review any roads we ask them to, like they already have done on West End Avenue. The County reviewed the road and they said that the current speed limit was appropriate. Lt. Arnold told the Council they can change the speed limit on West End Avenue from Lake Spring Court to River because it is the Borough's road. He believes that Council will never get a 25 mph speed limit all the way from Lake Spring Court to the highway because we are dealing with three jurisdictions, Toms River, the County and Island Heights. The only part of West End Avenue that can be changed to 25 mph is from Lake Spring Court to River. Councilmember Asay said the Borough's part of the West End Avenue would be included as part of the 25 mph Ordinance.

Councilmember Thompson asked what other county jurisdictional roads were in the Borough. Lt. Arnold told her they were Summit, Van Sant, River, Ocean and Central, which would be the ones Council would need the study in order to change. Lt. Arnold said it is a process. Before the County moves forward they want us to do our homework and make sure we are in agreement before we put it on them.

Councilmember Thompson asked that the Maser proposal be amended to just the County jurisdictional roads since Borough roads can already be changed by the Council. Mayor Silver told her yes.

Councilmember Thompson stated that the Borough could save money just by making it for County roads. She suggested that the proposal be amended to include only County roads and the amendment be put on a future meeting for consideration.

Councilmember Wudzki asked the Mayor if it has been verified that there is an appeal process for the decision that was already given by the County. Mayor Silver said, according to his conversation with the engineer, the answer was yes.

All members of the Council were in favor of a Borough-wide 25 mile per hour speed limit. Borough Attorney O'Connell will draft an Ordinance for the Borough roads.

Public Comment:

Bill Hummel, 18 Ocean Bend, suggested contacting some of our representatives and lobbying inquiry at the State to see if we are wasting our time. Councilmember Bendel agreed. He said someone, somewhere, has the authority to say we can do that and tell the County.

Don Roberts, 5 Park Avenue, said that he believes River Avenue and Central Avenue should be 25 mph. Those are the 2 areas that are under County jurisdiction that are important to him to be reduced to 25 mph.

Gloria Bonelli, 21 Central Avenue, stated that she didn't think reducing the speed limit from 30 to 25 mph will make much of a difference when people don't abide by the 30 mph speed limit that is already on Central Avenue. She doesn't believe that just changing the speed limit will make people stop speeding. She suggested maybe changing it to a 4-way stop.

Councilmember Snow said that she thinks the biggest problem is the visibility when you are on Ocean Avenue looking up Central Avenue, heading north; it is very hard to see looking up that hill. You can come to a full stop and start to pull into the intersection and then someone is right on top of you. That's usually where there are accidents and why there are accidents there. Ms. Bonelli said that is why a 4-way stop would be better. Mayor Silver said that those are two County roads and it would come down to the County putting the stop signs there. Ms. Bonelli asked the Mayor if he could ask the County to do that. Mayor Silver told her that this is why he is trying to start a dialogue process. This would be one of the things for them to evaluate.

Bill Hummel, 18 Ocean Bend, suggested posting a sign saying "Speed Limit Strictly Enforced." Mayor Silver said he had discussed doing that with Lt. Arnold. He agreed with Mr. Hummel.

Councilmember Snow said she thinks one of the things that have helped is the street lining process, especially where West End, River and Lake come together. The new lining that has been placed there has made drivers more aware of where they are supposed to be and has helped control the speed limit.

**Resolution 2017-122 Governing Body Certification of the Annual Audit**

**RESOLUTION 2017-122  
GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT**

**WHEREAS, N.J.S.A. 40A: 5-4** requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS,** the Annual Report of Audit for the year 2016 has been filed by Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS, R.S. 52:27BB-34** authorities the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

**WHEREAS,** the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

**WHEREAS,** the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

**WHEREAS,** such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS,** all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed the affidavit, as provided by the Local Finance Board; and

**WHEREAS,** failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of the Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT RESOLVED,** That the Committee of the Borough of Island Heights, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### **CERTIFICATION**

I, Katherine Fenton-Newman, 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 11th day of July, 2017, in the Borough Hall, Island Heights, New Jersey.

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Katherine Fenton-Newman, RMC, CMR  
Municipal Clerk

Public Comment - None  
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 2017-123 Approval to Submit a Grant Application and Execute a Grant Contract with the NJ Department of Transportation for the Reconstruction of River Avenue – Bulkhead and Boardwalk Reconstruction Project**

**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 THE RECONSTRUCTION OF RIVER AVENUE -  
BULKHEAD AND BOARDWALK RECONSTRUCTION PROJECT**

**NOW, THEREFORE, BE IT RESOLVED,** that 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 Clerk are hereby authorized to submit an electronic grant application identified as LAIF-Island Heights Borough-00004 to the New Jersey Department of Transportation on behalf of Island Heights Borough.

**BE IT FURTHER RESOLVED,** that the Mayor and 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.

**CERTIFICATION**

I, Katherine Fenton-Newman, 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 meeting held on this 11th day of July, 2017, in the Borough Hall, Island Heights, New Jersey.

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Katherine Fenton-Newman, CMR  
Municipal Clerk

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL \_\_\_\_\_  
 (Clerk) (Presiding Officer)

Mayor Silver explained this was an application to apply for discretionary funding for the project.

Public Comment - None

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 2017-124 Authorizing Maser Consulting P.A., Borough Engineer, to Provide Services for Post Office Direct Install Project Monitoring for a Fee Not to Exceed \$1,700.00**

**BOROUGH OF ISLAND HEIGHTS,  
 COUNTY OF OCEAN, STATE OF NEW JERSEY,  
 AUTHORIZING MASER CONSULTING P.A., BOROUGH ENGINEER,  
 TO PROVIDE SERVICES FOR POST OFFICE DIRECT INSTALL PROJECT MONITORING  
 FOR A FEE NOT TO EXCEED \$1,700.00**

**WHEREAS**, the governing body of the Borough of Island Heights is interested in participating in the NJ Clean Energy Direct Install Program to implement energy efficiency upgrades at the Post Office; and

**WHEREAS**, the process includes an assessment of the facility by a pre-selected contractor and installation of the contractor’s recommended eligible energy-efficient equipment which is free-of-charge; and

**WHEREAS**, the Direct Install Program covers 70% of the project costs related to installation of eligible equipment with the remaining 30% being the Borough’s responsibility and can be financed through New Jersey Natural Gas at 0% interest, over 30 years; and

**WHEREAS**, Maser Consulting P.A. will provide basic project monitoring services, including attendance at the project kickoff meeting, oversight of the contractor’s data collection and assessment process; and basic monitoring of installation of eligible equipment at an estimated cost of \$1,700.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Council of the Borough of Island Heights hereby authorize Maser Consulting, P.A. to provide project monitoring services for the Post Office Direct Install Project for an amount not to exceed \$1,700.00.

**BE IT FURTHER RESOLVED**, that the governing body also authorizes the Mayor to sign the Client Authorization Form submitted by Maser Consulting, P.A. for their services.

**CERTIFICATION**

I, Katherine Fenton-Newman, 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 11<sup>th</sup> day of July, 2017, in the Borough Hall, Island Heights, New Jersey.

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Katherine Fenton-Newman, RMC, CMR  
Municipal Clerk

Mayor Silver explained that the post office currently operates on an oil burner. He arranged to have NJ Natural Gas bring gas service in last year. The Direct Install Program would cover 70% of the project costs related to the installation. The remaining 30% would be the Borough's responsibility and can be financed for 5 years through NJ Natural Gas at 0% interest. The purpose of the resolution is for Maser's fees which would include having the meeting and do the logistics for the layout for the contractor. Mayor Silver said he had private contractor estimates ranging from \$6,500 to above \$10,000 to do the retrofit. Maser would do the logistics and paperwork through the State. The Borough previously did this for the Municipal Court and Police Department buildings. Councilwoman Snow asked if this would cover the removal of the oil tank. Mayor Silver told her the contractor would remove it.

Councilmember Bendel asked what the bottom line cost would be for the Borough to do this. Mayor Silver said it would cost \$1,700 for the engineer, and 30% of the cost of the installation. Councilmember Bendel said that would be roughly \$5,000 total. He asked how much longer the lease with the post office is. Mayor Silver said he thought the renewal was next year. Councilmember Bendel suggested waiting until next year to do this. He said he thought the post office might not renew the lease because they don't get that much traffic. Mayor Silver said that part of the need for the conversion is because of our insurance coverage. We need to do it in any case due to the fact that the source of heating is by oil and situated by water, the insurance company doesn't want that anymore. They don't want an oil tank by a body of water. The Borough's insurance rates will go higher if it isn't removed.

Don Roberts suggested doing an energy audit. The Mayor said that an energy audit would be part of the process. The Mayor said that this project is all part of a deficiency list from the insurance company to the Borough and we have been putting it off for over a year. It has to be done.

Gloria Bonelli agrees that the removal of the oil tank is important.

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			

**4. BILL LIST**

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			

**5. ITEMS FOR DISCUSSION**

A. Letter from NJ Department of Environmental Protection regarding Increasing New Jersey’s Recycling Rate.

Mayor Silver read the letter from the State which encouraged increasing the percentage of recyclable materials.

B. New Fire House for Island Heights Fire Company #1

Mayor Silver read following letter:

Borough of Island Heights Proposal to Resolve the Impasse Regarding the Stated Need for a New Firehouse for Company #1 Island Heights Fire Fighters

The Fire Company has spent many hours and dollars on their proposals for a new firehouse. We acknowledge that it demonstrates their determination, and the Council thanks them for all their preparation, presentations, meetings and discussions.

We have been told that two (2) major cost items are required to keep the fire company operating for the foreseeable future:

- 1) A new firehouse to replace the current structure that is considered to be marginal, and
- 2) A new fire engine is needed to replace a current engine that is nearing its acceptable life (as determined by insurers in the Borough).

We have been very clear in our meeting with the leadership of the fire company that increasing taxes to meet the fire company’s requests is illegal. The Borough works under the NJ State mandated spending cap and the spending

cap limits the amount of money that can be budgeted each new year, based on THE ACTUAL SPENDING IN THE PAST YEAR. Regardless of what was budgeted in 2016, the 2017 spending cap will be based on what the Borough actually spent in 2016. Since our spending was down in 2016 because revenue was down (and we cannot spend money that we don't have), it is possible that the 2017 budget may be LOWER than the 2016 budget. That certainly does not bode well for meeting the fire company's recent proposals.

Because we have the responsibility to work with all parties to resolve issues that affect the whole community, we are proposing the following solution. We believe that it meets the needs of the fire company and the Borough and we hope that the fire company and its leadership will consider this as a constructive means of providing the Borough's fire safety needs for many years to come.

Two major cost items are identified; a new engine and a new building:

We propose that the fire company's fund raising be focused on being ready to purchase a replacement engine when the useful life of the current engine ends.

We propose that the Borough supply a usable structure to house the fire equipment, gear, gathering room and office. We propose that the fire company become a tenant in the building and pay rent for the space used. This will be the same proposal that will be made to the other NOT FOR PROFIT groups that we intend to house in the new facility.

We believe that the fire company funding a new engine is straight forward and the following portion of our proposal deals with providing a new fire house.

The Borough cannot build a building for a Not for Profit on land that it does not own, therefore the fire company will need to deed their existing property to the Borough, preferably at the same price that the Borough deeded the land to the fire company.

Secondly, we will review the programming that the fire company's architect used to come up with current building size requirements. We will have input in the programming and may challenge some items. This hopefully will lead to a constructive discussion with the fire company leadership on 'needs' and 'wants'.

The Borough's goal is to build a state-of-the-art public safety building to house all the Borough's first responders. Since the need of the fire company housing has been stated as most pressing, this proposal is being sent to fire company leadership to initiate discussions regarding our proposal.

Please review our proposal so that we can start serious discussions to resolve the current quandary.

Sincerely yours,

Jeffery Silver, Mayor  
Borough of Island Heights

Councilmember Bendel questioned the Mayor's assertion in the letter that the letter is coming from the entire Council. Councilmember Asay stated he would like to hear the Vice President of the Fire Company, Brian Gabriel's, comments. Mayor Silver said this is an item for discussion and not anything up for a vote. Councilmember Thompson said that this letter was generated by the Mayor and does not necessarily reflect the consensus of the Council. Council President Berglund said that if there is a discussion or negotiation up to this point, there has been no proposal he is aware of that has been made by the Mayor or the governing body. This is the beginning of a negotiation. Councilmember Thompson said that she wanted to make it clear that there is not a unity of thought among the council members with regard to the draft letter. The Mayor said it is just a proposal. Councilmember Bendel said he accepts the concept that this is a first proposal. Mayor Silver said the issue "went to sleep" for a

while and he was trying to resurrect it. He said the letter will go to the fire department and they will see that Council wants to begin discussions.

Councilmember Bendel asked the Borough Attorney if he had seen the letter. Attorney O'Connell replied he did not. Councilmember Bendel said that the letter refers to the illegality of funding the fire department and wanted the Borough Attorney's opinion regarding that. Attorney O'Connell said that he did not want to espouse an opinion upon it because he only heard it read. He was assuming that the wording was referring to the budget spending CAP. Councilmember Asay said we all know that exceeding the CAP set by the State without a waiver from the State would be illegal. There is no question about that. However, raising taxes to fund fire protection services is not illegal. He believes the sentence is structured to imply something that is factually untrue. It is not illegal to use tax dollars to provide fire protection. We fund the fire department currently by giving them \$40,000 and providing insurance, etc. Mayor Silver reminded Councilmember Asay that this is a draft and it's a proposal that can be fine tuned. Councilmember Asay said he has been at every meeting on this topic and this is two steps backwards. Building a larger public safety complex was proposed two or three years ago. We don't have the money or the space for it. We don't want to have all our public safety agencies particularly on that site, which is the lowest point in the town when we have high ground up here where the emergency management and police departments are located. Councilmember Asay doesn't think this proposal is a step forward, it is a step back.

Councilmember Snow said she doesn't think the proposal is necessarily to put all the emergency services in that location. Other locations have been looked at. The architect who drew up the original proposals for that site said a lot of the money would go into the architecture. Councilmember Asay said that is why he said this was going backward, because there was already a study on alternate sites for housing the fire station and all were found to be not feasible or rejected by the fire company themselves.

Councilmember Bendel said the fire company will certainly have its say, but if the Borough is going to build a building for all of its emergency services, they wouldn't necessarily have a veto. He would like to think that the fire company would consider a building that housed everyone if it solved their financial problems and it could still operate.

Brian Gabriel, Vice President of the Fire Company, said that this is the first he was hearing about the letter. He said there are several other things in the letter which are concerning where the Mayor stated there are two items of financial concern for the fire department. There are far many more than two, which have been outlined at great length at many public meetings with their liaison and the committee that sat down with them from the Borough. Any other discussions he would refer back to his committee and will not make further comment tonight.

Mayor Silver thanked Mr. Gabriel.

### C. Pickleball Courts Painted on Hockey Rink

Mayor Silver explained that there was a search for a suitable location for pickleball courts. He said originally they looked at using the tennis courts, but they are in very poor condition. He had Bill Hummel do some legwork and he said that the hockey rink has a suitable surface that could fit three pickleball courts. Councilmember Snow said the hockey rink is basically used for kids on their bicycles now and using it would not impact the individuals who would still like to play tennis. The individuals who just want to play pickleball would not be limited to just one court to use, they would have three. If it is still as popular as Mr. Hummel said it is, it would work very well.

Mayor Silver asked Mr. Hummel if there were nets involved in pickleball. Mr. Hummel said one of the good things about pickleball is that the nets are not permanent fixtures. You just take the net out to the court and it sits there by two supports. The whole thing could be taken off the court in the event someone wanted to use it for hockey. The hockey rink is very close to the dimensions you need for three pickleball

courts.

Mayor Silver said he was looking for the governing body to approve the lining of the hockey rink for three pickleball courts. Mayor Silver asked Mr. Hummel what the dimensions of a pickleball court would be. Mr. Hummel said that the dimensions would be 20 feet wide and 44 feet long total. Hockey rink dimensions are 60 feet by 120 feet, which is enough room for 3 pickleball courts. It also leaves enough room that the boards surrounding the rink do not get in the way.

Councilmember Bendel asked why it is called pickleball. Mr. Hummel said that it is named after the inventor's dog.

Councilmember Thompson asked if the Mayor was looking for authorization for painting the lines. Mr. Hummel and his volunteers will lay out the court and the Borough will paint the lines on the court.

Councilmember Thompson made a motion for the Borough to authorize the establishment of a pickleball court on the hockey rink. Councilmember Snow seconded the motion.

Ayes: Asay, Bendel, Berglund, Snow, Thompson, Wudzki, Mayor Silver

Nays: None

Mayor Silver asked Mr. Hummel to coordinate with Joe Burt for the layout of the court. The Mayor will coordinate with Public Works on the striping.

#### D. Report on DEP Meeting Regarding Boy Scout Island

Mayor Silver said he wasn't able to attend the meeting, but Council President Berglund attended. Council President Berglund explained that several weeks ago the governing body tabled a resolution pertaining to the erosion at Boy Scout Island. The path at that time was to create a design which would be taken to the Department of Environmental Protection (DEP) in Trenton and then go on to the permit process. The alternate approach from which this meeting developed was to meet the DEP at the site and discuss options with them. The DEP sent their section chief and he was very helpful. He listened and gave feedback.

The DEP section chief indicated that the Borough may not need to get a permit for combating the soil erosion. He said if the Borough can keep what is being done under 43,560 square feet, the work could be done under the State's general permit. 43,560 feet is one acre. Council President Berglund said, taking the 43,560 feet into consideration, if we went out 50 feet on the shore and 50 feet beyond the shore line, we would have 435 feet in length and would still not have to get a permit. It would still require review and approval by the State DEP and Army Corp of Engineers. The section chief will take whatever the Borough comes up with and walk it through and get comments and feed those comments back to us. When we do finally end up with a proposal, they will say that they have already had the time to review it and they won't have to go back and ask questions because they have looked at everything months before.

The section chief said the definition is critical and is the key to getting the approval. The question is; what does Island Heights want to use Boy Scout Island for? For that we need to have public input.

Council President Berglund said that after Superstorm Sandy, the permitting process changed. Because there were so many differences on the shorelines, they have not been able to go with the old standards.

That means the DEP is now open to listening to more options. They will go back to maps that are many years old to establish shorelines.

On the tour Jon Brodbeck told them originally the bench that is facing the south west was about 40 to 50 feet to the shoreline. They took that same distance back from the shoreline to put all the other benches there. Council President Berglund said now some of those benches are 10 feet from where the waves are now breaking. We have lost 30 to 40 feet of shoreline. If we can go back to old maps to establish where the shoreline will be created, we have a chance of making this a much nicer park than what it is now.

The DEP will also allow us to put structures in the water beyond the shoreline for energy dissipation (breakwaters). If the town's use is such that you need a sheltered area to protect your shore, they will permit that. If it is decided that one of the uses is that it is a perfect place to launch kayaks, with the summer wind coming from the south, the breakwater would have an opening to the west. It would be protected to allow the kayaks to get into sheltered water and then head out in a protected direction. If this was a desire of the town, the DEP would follow along with that. It all is based on if this is going to be considered an environmental restoration and if it incorporates a public use.

Council President Berglund said the path forward suggests that a small group should be formed who will gather public input about how the people of the town would like to use Boy Scout Island. They should consider that it could be substantially larger than it is right now. We need to brainstorm options and, at that time, the engineer could get involved. If, for instance, a breakwater was part of the plan, we would need a soils analysis out in the water. One example the DEP gave was when they were in another area similar to ours, when they took soil borings, they found a four foot layer of peat that was down a couple of feet. Any rock structure that would have been built there would have sunk down into the peat. In that case the engineer came up with a sheet piling under the water level that was then the core of the rock jetty they used for their energy dissipation. Council President Berglund said there are things that he is hearing that he would never have considered were possible before. The DEP is saying they are going to help us get to that situation.

Council President Berglund also brought up the situation at Long Point where Superstorm Sandy had wiped away the remnants of the sand. The old law the DEP followed was five years after the conclusion of the permit you would need to file for a new permit. Because so much of the shoreline was damaged by Superstorm Sandy, they have relaxed that. If you have something that was damaged by Superstorm Sandy, you can go back and use your old permit and replace what was in the old permit to get started back on the recovery. Council President Berglund said as long as we keep it under one acre, it sounds like it is going to be less expensive and a lot easier to get what we want to come up with.

Mayor Silver thanked Council President Berglund for going to the meeting. He also said that we need input from the residents in the town. He said he knows that right now they launch kayaks and long boards from there, but they have to walk over the rocks to get out. He feels this is a step in the right direction. A lot of the stabilization would be vegetation to stabilize what is happening.

Councilmember Thompson asked the Mayor if he was going to form a committee and appoint members to the committee. Mayor Silver said that he wants people of interest, such as kayakers, or anyone who wants to be involved. Council President Berglund mentioned that Betsy Hyle would like to be on the committee. He would expect that Mary Judge would also like to be on the committee and he would like to be on the committee as well. Mayor Silver will be the person who appoints the members to the committee and that

will be done at a later date.

Don Roberts asked Council President Berglund if the acre he was referring to was an acre of land mass. Council President Berglund replied that it is what you are going to work with. If the old maps that they use show a shoreline that is out 75 feet from the trees, that is what they will be using as the shoreline.

## 6. COUNCIL REPORTS

Councilmember Wudzki reported that the first day of the Farmers' Market was yesterday and went well. There was a good turnout, which was nice. There was a little bit of a slow start with vendors because it is in the middle of Farmers' Market season and it is hard to nail vendors down.

There were 8 vendors and a couple more that will be coming on over the next couple of weeks. She got good feedback from the vendors. One who wasn't signed up for the four weeks, went on to sign up for the four weeks.

Councilmember Wudzki said they need a garbage can there. Vendors bring their own garbage cans but there is a little bit of sampling going on which is causing the need for a garbage can. Councilmember Snow suggested also having a recycling can placed there. Councilmember Wudzki said she received an email from the Sustainable Island Heights group and they had some recommendations for the vendors to make it more recycle friendly. One vendor was using plastic cups for tasting and they spoke to them about using paper cups.

Mayor Silver said it looked like they cleaned up really well after they left. Councilmember Wudzki said that one vendor left some corn husks on the ground and will bring a rake next time to make sure that everything gets cleaned up. Councilmember Snow said the corn husks could be placed in the compost pile at the community garden as long as it is clean and only corn husks. Councilmember Snow said that they needed to know the difference between the compost pile and the waste pit. The waste pit is the stockade fence outside the fenced area. The compost bins are the two black enclosed containers within the community garden. Councilmember Snow told Councilmember Wudzki that she would coordinate with the vendors after the farmers market and let them know where they can dispose of organic material.

Councilmember Thompson thanked Margaret Gorman, the Chief Financial Officer, for sitting with Councilmember Asay and her before the budget was introduced at the last special meeting. Councilmember Thompson asked if we could budget for a different zoning officer to be in town during the day before we have the public hearing on the budget. She said we need to focus on enforcement which we aren't seeing much of right now. Our current zoning officer has his hands full doing a lot of applications and permits. She has mentioned it to CFO Gorman and would like to discuss this. CFO Gorman said that we do have a position budgeted for a zoning officer, we just can't find one. If anyone has a recommendation, they should bring it to the Mayor.

Councilmember Thompson attended the Peto Museum fundraiser last week. It is a very unique organization and museum here in Island Heights. It was very well attended. She said what really struck her were the number of auction items that were crafted by Island Heights artists such as photography, painters and textile knitting. It is extraordinary the amount of talent they had. The auctioneer, Steve Doyle, did a great job. She found out his family residence goes back 300 years, which predates the Borough's incorporation. It was a fabulous night for Island Heights.

Councilmember Thompson suggested to Councilmember Snow that there might be an element on the new Borough website for the local artists that produce and sell their art.

Councilmember Snow reported that she has the initial splash page for the new website. It is not firmed up or final, it is just what is being looked at. The biggest challenge in redesigning the website is the navigation and making it more user-friendly and more organized. Right now, they are fine tuning that and will probably go back and make a few tweaks to it. One of the tweaks will help code enforcement and Mr. Cocco. She would like applications for permits to be on the main page. If people can go to the website and download the applications for the permits and fill them out ahead of time, it will save a lot of time for Mr. Cocco. She will be updating the status of the website over the next few meetings.

Councilmember Snow said the recreation program began last night. Sports began at Memorial Field on Monday, Tuesday and Thursday, 6 to 8:30. There was a good turnout. 15 to 20 children showed up for the program. It was successful. The arts and crafts program begins tomorrow night from 6 to 7:30 in the Council room. The recreation program will finish up with a picnic the first week in August.

Councilmember Snow said she is very lucky to have very talented individuals. The sports part is done by Paige Van Duyne who is studying to be an elementary school teacher. She has also done the Toms River recreation program. Councilmember Snow said she is also very lucky to have Hannah Levin. Both women are local residents. Hannah is an English teacher at Jackson High School and she also works at Manchester Library in their children's department. She is very familiar with arts and crafts and working with children. Councilmember Snow said she is lucky to have them.

Councilmember Snow said maybe we will have a recreation program next year for the senior community now that we have a new pickleball court. She remarked to Mr. Hummel that maybe we can organize some get-togethers. Mr. Hummel said that he understands it is a very social game which is one of the advantages to having three courts. The games are short and people can sit around and talk.

Councilmember Asay referred to a letter that was received by the Council from Ms. Hammill of 138 Summit Avenue about trees leaning over on their property. He asked if these were the Borough's trees. Mayor Silver said that we have to find that out. Councilmember Asay said that it looks like they are on the other side of the fence and we will make a determination if they are the Borough's.

Councilmember Asay also referred to a notice Council received from the Board of Public Utilities which was discussed for a few minutes at the special meeting. The Borough's Ordinance and agreement with Comcast Cable was approved by the Board of Public Utilities on June 30<sup>th</sup>. It became effective on July 10<sup>th</sup>. Our agreement with them will continue for the term and we should be receiving our technology bonus for signing with them shortly. He believes the amount is \$5,000. Another part of the agreement was they would provide a government access channel for Island Heights, along with the equipment to make the channel operate. If we don't hear from them shortly, either Councilmember Asay or Bob Mac Neal will reach out to them. Councilmember Asay will send a "thank you" to Nancy Wolf at the Board of Public Utilities for making the approval move quickly. Mayor Silver noted that the agreement term for Comcast goes to December 11, 2025. Councilmember Asay said he would have to go back and make sure that was the final date that was negotiated. He recalled that it was a retroactive 5 year plus 5 year contract. He will check.

Councilmember Asay reported that Lt. Arnold supplied him with a report for the police department. Year to date the police department has received 9,691 calls for service which encompasses all the calls for service. This could be anything from a turtle in the road to something more serious. They have taken a total of 81 investigative reports. They have made a total of 361 motor vehicle stops, about a third of which resulted in summonses being issued.

Councilmember Asay said the police were out in force on July 4<sup>th</sup> and kept the traffic moving. There were good compliments received about that.

Councilmember Asay said that Camp Meeting looks terrific. It looks like the plantings are taking hold. They are religious about the watering over there. He has encountered them turning the sprinklers on and off several times. He took a generator and power washer to the Camp Meeting grounds one day and got about half of the roof done on the underside of the roof on the pavilion there. It turned out nice. He is going to work on it again.

Councilmember Asay said the electrician was there the same night he was there. The electrician has conduit underground coming over to the pavilion. He is donating his time and doing it in pieces. He is working towards getting electrical services up there so we can eventually put lighting underneath the roof. We might eventually, one day, be able to rent the pavilion out and make some revenue. Councilmember Snow said they have been using the watering bags to try to use the least amount of water and get the most amount of water to the trees instead of having the water spray everywhere.

Councilmember Bendel said about 20 years ago, the town would get dangerously grid-locked on the 4<sup>th</sup> of July. Lt. Kevin Arnold came up with the plans to move traffic a few years ago. He thanked Lt. Arnold very much for that plan. It used to be dangerous in those days.

Councilmember Bendel said he would like to “throw a rose” to Councilmember Wudzki for the job that she has done on the Farmers’ Market. He told Mayor Silver he thinks the Mayor should put her talents to work on some other projects. Mayor Silver also commended her on a job well done.

Council President Berglund had no further report.

Mayor Silver read a letter from the Ocean County Utilities Authority (OCUA) saying that on June 22, 2017 there was a public meeting of the commissioners of the OCUA. At that meeting they established a bulk rate to be charged for participants at \$3,960 per million gallons beginning January 1, 2018. The unit surcharge rates are for excess suspended solids and biochemical oxygen demand will be 38 cents per pound and 48 cents per pound respectively. The rates for the treatment and disposal of septage and grey water will be \$66.96 per thousand gallons. Mayor Silver explained that this means there will be an increase to our affluent that goes out of town and gets treated. The Borough’s usual annual cost to OCUA for sewage has been over \$200,000.

Mayor Silver reported that the Eagle Scout has come to him once again regarding the project for the bulletin board at the post office. He is looking for donations of materials. The footprint will be kept the same as it is now. He is going to enhance the bulletin board to make it more aesthetically pleasing. He is working on a material list now.

## **7. PRIVILEGE OF THE FLOOR**

Brian Gabriel, 185 Summit Avenue, asked for a status on the paving on Jaynes Avenue. Mayor Silver told him it will be taking place this fall, after Labor Day.

Mr. Gabriel asked the Mayor to explain what the Mayor meant about the 2017 budget versus the 2016 budget. Was he suggesting that the fire department is not going to see an increase this year? Mayor Silver said he was trying to open discussions with the fire department. Mr. Gabriel said that the Mayor said the budget was going down this year which would result in no increase for the fire department. Does that mean that all the departments budgets across the board will have not have an increase? Mayor Silver said it is very possible.

Mr. Gabriel said that the fire department has submitted three to four months of the fire department's operating expenses for this year so far and they haven't been reimbursed yet. CFO Gorman said there was no money put into the temporary budget for those expenses. During the next round she will put the money in to take care of those expenses. Mayor Silver thanked him for bringing it to Council's attention.

Jim Jablonski, 227 Ocean, asked Councilmember Wudzki if the town generates revenue from the Farmers' Market. Councilmember Wudzki told him the town does generate revenue from the Farmers' Market. Over the years a lot of people have had interest in having a Farmers' Market and it was great to bring it to the people. She told him that all the vendors and food trucks are charged a fee.

Mr. Jablonski asked why Jaynes Avenue can't be paved prior to Labor Day. Mayor Silver explained that the contractor the Borough contracted almost two years ago has moved on to other projects. The contractor will be abiding by the contractual dollar amount and will still abide by doing the job, but it will have to be towards early fall.

Maureen DeSanto, 13 Fletcher Place, said her son who is 12 was riding his bicycle by the bluff at Camp Meeting Grounds and one of the women working there told him he was not to be there. She asked her son who it was but he wasn't sure. She went back with him to speak to the woman, but by the time they got back there the woman was gone.

Councilmember Snow asked if he was on the road in between where they were watering. Mrs. DeSanto said he went up and around on the pavement. Councilmember Snow said that they have had some complaints about children going over the bluff. They are not allowed to do that because it creates erosion. Mrs. DeSanto said that there was a path there. Mrs. DeSanto said that her point was; why would someone tell him he is not to be riding his bike there. Mayor Silver said he would need to speak to the ladies who were working there. Councilmember Snow said she would reach out to the ladies.

Gloria Bonelli, 21 Central Avenue, said she pointed out a pipe that is sticking up on Jaynes Avenue to one of the workers there. Since the road isn't being paved until September or October, it is a tripping hazard crossing the street at that point. The man working there told her that the asphalt is sinking down and the pipe is sticking out about 4 to 5 feet. She asked the Mayor to have them put a patch over it until they can pave the road so no one trips over it. Mayor Silver said he would speak to the engineer about it and address the issue. He thanked her for bringing it to his attention.

Neil Barker, 277 Summit Avenue, attended the meeting in May and spoke about the Job John that is located on Summit Avenue Beach. The Job John is very close to their deck. They thought the discussion was that it

would be moved up by the municipal building area. They are upset that it came back down to Summit Beach. It affects his neighbors and his family and they find it to be a nuisance. He asked that it be moved. Mayor Silver said that he knows this has been discussed before. It is a public area for the residents of Island Heights and it has been very congested down there when he goes on the weekends.

Karen Barker, 277 Summit Avenue, said that they understood, along with the Gunteski's who couldn't be there, so she is speaking on their behalf, that the restroom would be moved up to the municipal area to accommodate the playground, the Farmers' Market, the recreation program as well as visitors. It is a nuisance. It is something that you would not want to look out your window and see. It makes more sense to put a sign at the beach that says "Public Bathroom One Block Away" like they do at other beaches. They appreciate the fact that a lock was put on and so far it has been fine. They don't hear the door slamming in the middle of the night like they used to. It does smell and that is a nuisance. This is a residential area. She knows everyone said it's been there for 21 years, but it is time to change things. They are going through protocol and she thought after a discussion with Mayor Silver 2 weeks ago that they would be placed on the agenda. Mayor Silver said that they are on the agenda through the Privilege of the Floor.

Mrs. Barker understands the reasons for having a Job John. There are lifeguards working there that will need to use it. So will people who are working at the gardens. She believed this was agreed on. Mayor Silver said that it wasn't agreed on. Mrs. Barker said it wasn't voted on. They understand that this is a discussion. It is a discussion that taxpayers, such as they, need addressed and need to be heard. Mayor Silver told her that they are here tonight and that is what they are doing. Mrs. Barker said that moving it over to the gazebo was very unacceptable and she asked that it be put back in the parking lot in front of their deck, which it was. She said she didn't know what else she could do to get this moved along. Council needs to hear them. Mayor Silver said that Council does hear them. Mrs. Barker said their concerns should not be ignored. It is common courtesy. Anybody would understand where they are coming from. They are sitting on their deck looking at a Job John, seeing people stopping there and using the Job John, including the UPS man and public workers that could be using it up at the Municipal Complex. It makes more sense to put it where people are going to use it and where it is not a residential area.

Mr. Barker said there wasn't anyone at the meeting who would want a Job John by their home. Anne Kempton, 76 River Avenue agreed. If people are at the beach, the lifeguard can't leave the lifeguard station without coverage, so she can't leave the lifeguard station for five more minutes to walk up to the Municipal Complex to go to the restroom. People that come are from out of town and they are paying for that. They can walk up to use the restroom. Seaside Park does not have port-o-potties on the beach or in front of houses. They have them at the Municipal Building. She said she doesn't like going down there and seeing that port-o-potty or riding her bike by it. If anyone in Island Heights needs to use the restroom, they can go home for a few minutes. We are providing a service for the people from out of town. She thinks it should be removed.

Mayor Silver asked for comments from the governing body. Councilmember Thompson said it was her recollection from the May meeting that she walked away with the expectation that it was going to move. She thought there was a consensus with the Council that if it was going to bother the residents, and it's not far for beachgoers to walk to the Municipal Complex, it could be brought there. This is what she thought the plan was. Mayor Silver said that there was no vote given on that, it was just a discussion. Councilmember Thompson asked if there could be a vote tonight.

Councilmember Asay said that he thinks that first it has to be determined why the facility is there. There are employees working there and we are obligated to provide some kind of facility. When he discussed it with the Mayor last month, the discussion focused on the employees. There are only two lifeguards working and the facility if being provided for the employees. There would be no reason to put a portable facility at the Municipal Complex since there are already flush bathrooms there. The focus of the facility at the beach was our employees. The public is allowed to use it because not that many people use it and it doesn't affect the contract and the amount of times it needs to be emptied. But it is there for our employees. If the employee leaves, the beach is unguarded. Mrs. Barker said that you can't leave the beach empty if you are the lifeguard. You can't leave the beach unattended. The argument doesn't work because she can't leave the beach anyway. Councilmember Asay said he doesn't supervise lifeguards so she is probably right. He is saying that they are providing a facility for Borough employees who work at that site. He said that they are suggesting they tell the employee to close the beach and walk up to the Municipal Complex. Mrs. Barker said they have to close the beach anyway because a lifeguard cannot leave the lifeguard stand and not watch. Councilmember Snow said that we are down one lifeguard and she does not know how the lifeguards operate. There are only two lifeguards.

Councilmember Asay asked if it was acceptable to tell an employee that they have to walk three or four blocks to go to the bathroom. Members of the audience said they should close the beach for 20 minutes and walk to the restroom. Councilmember Asay asked the Borough Attorney if that made sense to him. The Borough Attorney said that he thought you would have a bigger revolution if you were closing the beach for 20 minutes every couple of hours. Councilmember Snow asked how far the bathroom has to be away from private residences. Members of the Council also said there is no place to put a port-o-potty down there. Councilmember Snow said as far as community gardeners are concerned, they all live here and can walk home, that is not the problem. Someone in the audience asked what about the Farmers' Market people. Councilmember Wudzki told them that the bathroom is open in the Municipal Building.

Lt. Arnold stated that if you remove the bathroom the Barkers will be calling the police for public urination. The Barkers said it is already happening. On July 4<sup>th</sup> the lock went on, a truck pulled up and a little kid went behind the Job John and went to the bathroom. That attracts them. Lt. Arnold said it took him over 10 years to get a urinating in public ordinance established in the town and at that point there were 3 port-o-johns in town. There were still people going in public. Mrs. Barker said that a man went behind the port-o-john and urinated in front of her 16 year old granddaughter. It's unacceptable. Attorney O'Connell asked her if she called the police. Mrs. Barker said no. She said they would have been gone by the time the police arrived. Attorney O'Connell said that would have created an incident report which would support her case. She said the port-o-john is a nice hideout. When they go behind the port-o-johns to urinate, they are urinating on their grass. She wants the Council to bring it up for a vote.

Councilmember Asay said he is not ready to bring this up for a vote because to him, it is an employee relations issue. He is not comfortable voting to take away the only facility the employees have without someone telling him that is a legal employment practice. The facility is there for the employee. For example, if there is a construction site in town at a house, they put a port-o-john there for the construction workers. They don't tell the workers to walk to the deli. They put a port-o-john there because they have to provide a facility for their employees. A member of the audience said that if they can't leave the lifeguard stand anyway, why would we need a port-o-potty for our employees. It doesn't make any sense to her. Councilmember Asay said because we are providing a facility that is in proximity to their work station which is the beach. He isn't sure that it is proper to say to somebody that this is your work station,

but there is no facility here, go home. Many people in the audience began speaking at once. Councilmember Thompson said that she thinks we need to talk to the lifeguards and find out what they do.

Councilmember Snow said we need to understand the issues here. No one likes the smell of a port-o-potty. Brian Gabriel said that no one in the room would accept a port-o-potty by their home. Councilmember Snow said that we need to find some compromise where we are serving our employees and we are not annoying the neighbors. She commented that the Barkers are fronting a public property and if they live there, they are going to see bathers and people. We are not Seaside. We do not have a huge number of lifeguards. We don't have bathhouses and we have to make some accommodations that will make the Barker's happy and make some accommodations for the employees by way of a comfort station. If the bathroom is removed they will still encounter people publicly urinating near their property. It happens on River Avenue, also. A prior Councilmember, Kieran Pillion had the same problem so it isn't something we are unfamiliar with. Hopefully we can get this resolved. Mr. Barker said that they are willing to test whether they will see people urinating there if it is removed. Councilmember Snow said that they should reach out and call the police when they see someone urinating in public so they have a record of it.

Mr. Barker asked if there was a portable restroom on River Avenue. The answer was no. A member of the audience asked why there wasn't one there. Councilmember Asay responded that it was because we have no employees down on River Avenue and the restroom is for the employees. A member of the audience said that there is a badge checker down there. Councilmember Asay told her that she is mobile and doesn't stay in one spot.

Councilmember Thompson said they should give the key to the lifeguards and keep the port-o-john locked all the time and not allow the public to use it. Mr. Barker said that it wasn't acceptable. He said he knows its public property, but it is outside their house. No one would be happy with it outside their house. Mayor Silver said that Council will do some fact finding, check with the insurance company and check with the employees. He will have some answers by the next meeting.

Brian Gabriel asked if the proposed budget was available to the public. The Borough Clerk told him it was online, on the Borough's website, on the front page.

Mayor Silver announced that Council needed to go into executive session for personnel issues.

**8. EXECUTIVE SESSION FOR CONTRACT AND PERSONNEL MATTERS AT 9:12 P.M.**

**Resolution 2017-125**

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 to Re-enter Regular Meeting at 9:42 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			

**9. ADJOURNMENT AT 9:42 P.M.**

**First: Bendel**

**Second: Wudzki**

**All in Favor**

Respectfully Submitted By:

Katherine Fenton-Newman, RMC, CMR  
Borough Clerk