

Mayor and Council Newsletter

Borough of Island Heights
 One Wanamaker Municipal Complex
 Post Office Box 797
 Island Heights, New Jersey 08732-0797
 (732) 270-6415
www.islandheightsboro.com



Official Meeting Minutes

July 21, 2015

MOMENT OF SILENCE & FLAG SALUTE
STATE OF PUBLIC NOTICE

This meeting of the Mayor and Borough Council was called pursuant to the December 20, 2014; in addition a copy of notice is posted on the bulletin board in the Municipal Building, and filed in the office of the Borough Clerk.

ROLL CALL:

	Asay	Bendel	Berglund	Pillion	Snow	Thompson	Mayor Silver
Present			x	x	x	x	x
Absent	x	x					

PRESENTATION:

Mayor Silver read the Proclamation setting Sailfest curfew for minors

SAILFEST PROCLAMATION

July 21st, 2015

No one under the age of 18, unless accompanied by an adult, will be permitted on the streets after the hour of 8:00 PM on September 12, 2015

This prohibition does not apply if the juvenile is: Engaged in, or traveling to or from, a business or occupation which the laws of the State of New Jersey authorize a juvenile to perform; engage in an errand involving a medical emergency; attending religious services, extracurricular school activities sponsored by a religious or community organization or other cultural, educational or social events or is in direct transit to or from such events (Ord No. 94-09).

Be it so proclaimed by Jeffrey M. Silver, Mayor.

APPOINTMENTS:

Mayor Silver provided the Swearing-in of Joseph Kostecki as Municipal Clerk

PUBLIC COMMENTS

The Municipal Clerk stated that the Borough Council held a hearing on the 2015 Municipal Budget but did not close the meeting. He further stated that this is to close the Public Hearing to the Municipal Budget and carry the Budget hearing to the August 18, 2015 meeting at 6:30pm at which a new, amended Budget will be presented with a new Public Hearing as per State Statute.

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

The Municipal Clerk opened the Public Hearing for the Comcast renewal and introduced Robert Clifton.

Mr. Clifton read the following statement: We are nearing the end of a three-year Federally mandated process, which began when I submitted a “626” letter to the Borough, and basically that is section 626 of the FCC Code which governs Franchise renewals. The current Certificate of Approval will expire on December 11th of this year. The Certificate of Approval is a document that a cable company needs in order to operate a cable television system here in New Jersey. The Board of Public Utilities issues it after Municipal Consent and the cable company’s application has been reviewed for compliance with Federal requirements. On March 11th of this year, we filed the application, which I believe that you’ve all seen and the attorney has a copy of, and that basically shows our technical capabilities here in the municipality, as well as our Financials, Board of Directors, channel line-up and general information about the company’s operations. Upon the close of the Public Hearing, the town would have thirty days to issue a Consent Ordinance or a Resolution of Denial. Now this timeframe is flexible and is only put in there if neither party is willing to sit down to talk. So, when the Public Hearing is closed tonight, we don’t have to do it in thirty days, we just have to be able to talk. The Board of Public Utilities doesn’t even ask for a formal request to extend that period of time. It’s only enforced when either the municipality or the cable company goes to the BPU and says that the other party refuses to sit down and negotiate, and at that point they would step in and bring us together to talk. The Consent Ordinance which we would like is a simple “Right-of-Way”. It is not a contract that obligates the town to do anything except allow us to run our plants along your rights-of-way. It is non exclusive, meaning that any

other cable provider can come in at any time and seek the rights to offer service. The municipality must, however, consider out application on its own merits and not compare it to another provider. Back in 2006, this process changed dramatically when the State of New Jersey passed legislation that was signed into law that allowed for a statewide cable franchise and what that is is that a cable operator can, instead of coming here, providing an application and negotiating with the municipality, they can send an application to the Board of Public Utilities and have them approve a cable operator's ability to operate here in New Jersey. That is the method that Verizon has chosen and they're operating here in Ocean County under that where they've gone to the State to get their franchise. We also have that option, if we so chose, but for the nine years that it's been an option, we have not done that. We have good relationships with our municipalities and we believe that every municipality's cable needs are different and we like to negotiate face-to-face with the municipalities. The Governing Body must judge our application (and this is under State and Federal law) on four criteria: 1) Has the cable operator substantially complied with the terms of the existing franchise? 2) Has the quality of the operator's service been reasonable in light of the community's needs? 3) Does the operator have the financial ability and technical ability to provide the services? 4) Is the franchise renewal proposal reasonable to meet the future cable-related needs of the community? There are two areas (and this is from the State and Federal Statutes) that you cannot judge our application on: 1) our rates (they are governed by the State and Federal Governments) and 2) our channel lineup (channel line-ups are like newspaper content and protected under First Amendment rights to set up our channels as we see fit). That, however, is 99% of the questions we get asked are in rates and channel issues. So I have no problem answering any questions regarding those questions you might have. The next point would be for me to sit down with whomever the Council designates as a negotiator, whether it's a committee, or members of the administration, the Mayor or members of the Council, to discuss renewal of the franchise. The franchise has become very boilerplate, most of which is included within it has been prescribed by State or Federal law, such as the amount of bond we must post, the amount of insurance we must carry to operate here in town. There are two areas that are negotiable. One is the length of the term – how long the town is willing to give us. The other is what we can provide to the town in terms of free cable service or technology grants. Those are the things that we can negotiate with the committee. At this point, I'll answer any questions that you may have.

Public Hearing for Comcast Renewal

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

Following the closing of the Public Hearing, Mayor Silver appointed the following individuals to a committee to oversee the negotiations of the contract renewal:

Stephen Berglund, Sean Asay, and John Bendel.

Executive Session was moved to the end of the Agenda to accommodate the public.

APPROVAL OF MINUTES

Resolution 2015-65

Approving the minutes of June 23 Council Meeting and Executive Session

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

ORDINANCES

Ordinance 2015-05 Amending Ordinance 2005-08, 2006-11A, 2007-03, and 2013-05, Fixing and Determining Annual Salary and hourly wage of certain officers of the Borough of Island Heights (Second Reading)

The Municipal Clerk opened up for a Public Hearing

Brian Gabriel, 185, asked what salaries were being presented, and the Borough Attorney read the three employees that pertained to the Ordinance.

ORDINANCE 2015-05

ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING ORDINANCE 2005-08, 2006-11A, 2007-03 AND 2013-05, FIXING AND DETERMINING ANNUAL SALARY AND HOURLY WAGE OF CERTAIN OFFICERS OF THE BOROUGH OF ISLAND HEIGHTS

BE IT ENACTED BY THE GOVERNING BODY OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, as follows, until a subsequent salary ordinance is adopted:

Section 1. The maximum salary ranges per annum for the following officers and employees of the Borough of Island Heights shall be as follows:

TITLE	TOTAL BASE SALARY NOT TO EXCEED
F. Deputy Clerk/Acting Municipal Clerk	\$9,000.00
QQ. Assistant Chief Financial Officer	\$5,000.00

Section 2. All ordinances or parts of ordinances heretofore adopted in connection with the aforementioned subject matter are hereby repealed.

Section 3. If any part of this ordinance are held invalid for any reason, such decision shall not affect the validity of the remaining parts thereof.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Island Heights, in the County of Ocean, held on the 23rd day of June, 2015 and was passed on second reading and final passage at a regular meeting of said governing body after a Public Hearing, held on the 21st day of July, 2015 at 7:00 PM at the Island Heights Municipal Building, Island Heights, New Jersey .

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

Ordinance 2015-06 Amending and Supplementing Chapter V (General Licensing) of the Borough Code to Regulate the Practice of Neighborhood Canvassing (First Reading)

Council Member Thompson asked if there was already a canvassing ordinance in the Borough and if there were any redundancies?

The Municipal Clerk stated that there currently is a canvassing ordinance, however this includes a new section pertaining to the solicitation of Real Property, and which also parallels Toms River’s canvassing ordinance for the solicitation of Real Property.

**BOROUGH OF ISLAND HEIGHTS
ORDINANCE 15-06**

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF ISLAND HEIGHTS, OCEAN COUNTY, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER V (5-1), OF THE BOROUGH CODE TO REGULATE THE PRACTICE OF NEIGHBORHOOD CANVASSING

PURPOSE

TO REGULATE THE PRACTICE OF REAL ESTATE CANVASSING AND SOLICITING IN BOROUGH NEIGHBORHOODS

NOTICE IS HEREBY GIVEN that the ordinance was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Island Heights, in the County of Ocean, NJ, held on July 21, 2015 at 6:30pm. It will be considered for final passage at a public meeting to be held on August 18, 2015 at 6:30pm or as soon thereafter as this matter can be reached, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance. Prior to the second reading, a copy of this ordinance shall be posted on the bulletin board in the Municipal Building and copies shall be made available at the Borough Clerk's Office in said Municipal Building to members of the general public who shall request such copies.

Joseph Kostecki
Borough Clerk

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

Ordinance 2015 Authorizing the exchange of Real Property between First United Methodist Church (discussion)

The Municipal Clerk stated that this will be an Executive Session discussion, and is not up for Governing Body consideration

RESOLUTIONS

Resolution 2015-42 Authorizing the Solicitation of Request For Proposals for Special Projects Engineer Services

Council Member Thompson asked what defines a Special Project, does it restrict O'Donnell and Stanton from submitting an RFP, do they have to submit an RFP, and why the Borough is soliciting this Request For Professionals?

The Mayor stated O'Donnell and Stanton is our Borough Engineer and they have done an excellent job; this only provides the Borough with an option for services on Special Projects, in addition to providing healthy competition.

The Municipal Clerk stated that this does not restrict the Borough Engineer from being used for any project and does not remove them from their current professional services contract. Furthermore, this RFP provides for a pool of all those firms whom submit an RFP, and the Governing Body can utilize any firm within that pool. He further added that the current Borough Engineer should submit also. Additionally, although there currently is not a definition of what defines a Special Project, due to recent emergency road projects and other unforeseen projects, the Borough would have the ability for options on specialized projects.

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

Resolution 2015-43 Authorizing the appointment of Joseph Kostecki as Registrar

Councilman Pillion requested the Municipal Clerk explain the duties relating to the Registrar.

The Municipal Clerk stated that this person oversees all records of Vital statistics, from Marriage Licenses to Birth and Death Certificates.

Councilman Pillion asked about who can apply for marriage licenses?

The Municipal Clerk stated that at least one of the two people looking to apply for a marriage license must be a resident of the municipality.

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

Resolution 2015-44 Appointing Joseph Kostecki as Safety Coordinator

Mayor Silver and Council Member Thompson asked the Municipal Clerk provide an overview of this role.

The Municipal Clerk stated this person is assigned by the Governing Body to facilitate new safety policies implemented and mandated by the Ocean County Joint Insurance Fund. The role also coordinates safety meetings with Department Heads to ensure each department carries out the requested safety policies.

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

Resolution 2015-45 Appointing Wendy Prior as Deputy Municipal Clerk

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

Resolution 2015-46 Appointing a Fund Commissioner and Alternate Fund Commissioner to the Ocean County Municipal Joint Insurance Fund and Excess Fund for Calendar Year 2015

The Municipal Clerk provided an overview on this role at the request of the Governing Body, explaining that this also is under the umbrella of the Joint Insurance Fund and is primarily associated with the yearly Community Development Block Grants, and that the Alternate Fund Commissioner is generally the Municipal Engineer. The Alternate Fund Commissioner is amended to include the firm of O'Donnell and Stanton.

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

Resolution 2015-47 Authorizing signatures on the Borough Checks pursuant to N.J.S.A 40A:5-16

The Governing Body asked who is authorized to sign Borough Checks.

Mayor Silver stated that there are four employees authorized to sign checks, and this amends this to include Joseph Kostecki as an authorized signer.

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

Resolution 2015-48 Amending Temporary Budget of the Borough of Island Heights

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

Resolution 2015-49 Establishing a Dedicated Escrow Account under N.J.S.A for the purposes of a potential Area of Rehabilitation on Block (61) Lot (3.01)

The Municipal Clerk stated that this is in connection with Executive Session discussion. However, since there will be additional discussions necessary, this should be tabled until a later date. The motion is to **TABLE**

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

No action was taken on the following resolutions

Resolution 2015-50 Authorizing the Borough Attorney to draft a Memorandum of Understanding for the purposes establishing a potential Redeveloper for Block (61) Lot (3.01)

Resolution 2015-51 Authorizing the Municipal Auditor to draft a letter to the Local Finance Board and represent the Borough of Island Heights in regards to Block (61) Lot (3.01)

Resolution 2015-52 Approving the hiring of Jennie Wainwright as a part-time Public Works employee for 120 days at \$12.50/hr

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

Resolution 2015-54 Memorializing and Authorizing the Acceptance of a Shared Services Agreement with the Borough of South Toms River for the purposes of securing the services of a Municipal Clerk

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

Resolution 2015-64 Accepting a Medical Leave extension for Officer Dominique D'Amico

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

The following resolution was presented as a walk-on resolution:

RESOLUTION 2015-65 Appointing Margaret Gorman as Acting CFO

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

CONSENT AGENDA/PERMISSION

The below listed items are considered to be routine by the Borough of Island Heights and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

Resolution 2015-53 Approving Save-The-Date-Request for 19th Annual Barnegat Bay Festival

- a. June 1st & 2nd, 2016 Tent Set-up 8am-8pm
- b. June 3rd, 2016 BBF Gala 10am-10pm
- c. June 4th, 2016 Set-up for Festival 8am-8pm
- d. June 5th, 2016 Festival 6am-5pm

- Resolution 2015-55 Approving obligations chargeable to the 2014 Operating Budget and the 2015 Temporary Operating Budget
- Resolution 2015-56 Approving Raffle License 2015-(3) for Island Heights Fire Co. #1, DOE: 9/25/15
- Resolution 2015-57 Approving a change-in-date to use the Pavilion from July 21 to August 27 for the Pines at Whiting Senior Retirement Community
- Resolution 2015-62 Accepting the resignation of Jennifer L. Carr with regret and good standing.
- Resolution 2015-63 Authorizing the advertisement for part-time Administrative Assistant
- Resolution 2015-66 Authorizing a Raffle 2015-5 for the Ocean County Artists' Guild
- Resolution 2015-67 Authorizing a Raffle 2015-4 for the Rotary Club of Toms River

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

BILL LIST

- Resolution 2015-58 Approving the following Purchase Order Request
Vendor: Delage Landen Financial Services
Item: Copier Lease Agreement for Borough Hall - 1 year
Amount: \$3,960.00

The following vote was approved contingent that satisfactory information is provided to the Governing Body regarding the cost and performance of the current copier, as requested by Council Member Thompson

- Resolution 2015-59 Approving the following Purchase Order Request
Vendor: Cradle Brothers
Item: Paving in front of water tower on Van Sant Ave
Amount: \$5,215.50

- Resolution 2015-60 Approving the following Purchase Order Request
Vendor: National Water Main Cleaning Co.
Item: Central Ave Sewer Emergency Repair
Amount: \$3,780.00

Councilman Berglund brought the following walk-on Purchase Order request that is contingent on available funds:

- Resolution 2015-61 Approving the following Purchase Order Request
Vendor: Mark Woszczak
Item: 15'' Sanitary Sewer Replacement of Central Ave
Amount: \$10,893.57

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

The following resolution was removed from the agenda for consideration at next month's meeting:

- Resolution 2015-61 Approving the following Purchase Order Request
Vendor: ALVA Plastics

Item: Beach Badges
 Amount: \$1,200.00

COMMITTEE AND COUNCIL LIAISON REPORTS
OLD BUSINESS
NEW BUSINESS

A. National Council on Aging

EXECUTIVE SESSION

Resolution 2015-68 For the purposes of Attorney-Client privilege, property acquisition and personnel

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

Mayor Silver motioned to enter into public session, seconded by Council Member Thompson, with full council consent

The following resolutions were acted upon:

Resolution 2015-69 Approving a Tax Appeal for Block 27.04, Lot 3, Docket No. 003642-2015 and Docket No. 004410-2015

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

Resolution 2015-70 Approving a medical extension for Officer Burns until the next August Council Meeting, at which time the Council will review for further consideration

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

ADJOURNMENT at 10:35pm

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

Items of Interest:

- **All borough offices will be closed** on Monday, September 7, 2015 in observance of Labor Day.
- The **Island Heights Board of Health** regularly scheduled meeting is Tuesday, September 8, 2015 at 9:00 AM held at the borough hall.
- The **Island Heights Mayor and Council** regularly scheduled meeting is Tuesday, September 8, 2015 at 7:00 PM held at the borough hall.
- The **Island Heights Board of Education** regularly scheduled meeting is Wednesday, September 9, 2015 at 6:15 PM held at the Island Heights Grade School, 115 Summit Avenue, Island Heights.
- The **Island Heights Environmental Committee** regularly scheduled meeting is Wednesday, September 16, 2015 at 7:00 PM held at the borough hall.
- The **Central Regional School Board** regularly scheduled meeting is Thursday, September 17, 2015 at 7:00 PM at the Board of Education building, Forest Hills Parkway, Bayville.
- The **Island Heights Mayor and Council** regularly scheduled meeting is Tuesday, September 22, 2015 at 7:00 PM held at the borough hall.

DOG & CAT LICENSES ARE TO BE RENEWED JANUARY 1 OF EACH YEAR

*** Proof of Current Rabies Required, Spaying/Neutering Certificate to obtain \$3.00 discount**

Cat & Dog Fee: \$10.00 Proof Spayed/Neutered: \$7.00

In addition, a Late Fee of \$5.00 will be imposed February 1 and an additional \$1.00 each month late thereafter.

The Municipal Clerk's Office, Tax Collector & Water/Sewer Office, Finance & Purchasing, are open Monday – Friday 9:00 AM until 3:00 PM and Monday evening 6:00 PM until 8:00 PM. Building Department & Fire Official, Tax Assessor and Municipal Court are open Monday evening 6:00 PM until 8:00 PM. Please call the borough hall at (732) 270-6415 for days and times of offices not listed above.

mayorcouncil@islandheightsboro.com

Council Member John Bendel

April D. Elley, Newsletter Editor (732) 270-6415