

# Mayor and Council Newsletter

Borough of Island Heights  
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Official Meeting Minutes

November 12, 2015

Mayor Silver read the notice of the meeting:

The Regular Meeting of the Mayor and Council of the Borough of Island Heights is hereby called to order. Notice of this meeting is in accordance with the OPEN PUBLIC MEETINGS ACT P.L. 1975 Chapter 231 (Section 10:4-10). Notice of the Meeting appeared in the Asbury Park Press on December 20, 2014, and is posted on the bulletin board, and in the municipal building.

Pledge to the flag and a moment of silence.

Roll Call:

Council President Asay	Councilmember Snow
Councilmember Bendel	Councilmember Thompson
Councilmember Berglund	Mayor Silver
Councilmember Pillion	Attorney O'Connell

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

Mayor Silver congratulated Council Member Thompson and Berglund on their re-election

## PUBLIC COMMENT

Michael O'Donnell of O'Donnell and Stanton addressed the Governing Body regarding the 2014 NJDOT Grant. The borough submitted a Municipal Aid application for \$205,000.00 for work on Jaynes Avenue and Maple Avenue. The Borough received \$125,000, and subsequently sent a revised application, for work to include only Jaynes Ave, from Lake Avenue to River ave. He requested authorization to go out to bid, The contract has to be awarded by December 23 of this year.

Mayor Silver asked for an update regarding the project completed on Simpson Avenue. Mr. O'Donnell stated that Simpson came out pretty good. There are areas along Simpson Ave that were beyond disrepair and had to be replaced. A little problem along Van Sant, with a little puddle after it rains but the project overall came out pretty good.

Mayor Silver requested the resolution for Municipal Aid approval be considered by the Governing Body while Mr. O'Donnell was present.

### Resolution 2015-120 Approving the solicitation of bids for the construction of Roadway Improvements to Jaynes Avenue under 2014 NJDOT Municipal Aid Grant

Public Comment: none

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

## APPROVAL OF MINUTES:

### Resolution 2015-117 Approval of October 27, 2015 and Executive Session

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

**ORDINANCES:**

**ORDINANCE 2015-11 AN ORDINANCE OF THE BOROUGH OF ISLAND HEIGHTS, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING ORDINANCE 2005-08 AND 2006-11A , 2007-03, 2013-05, 2014-01, and 2015-05 FIXING AND DETERMINING ANNUAL SALARY AND HOURLY WAGE OF CERTAIN OFFICERS OF THE BOROUGH OF ISLAND HEIGHTS**

Mayor Silver requested this Ordinance be tabled.

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

Ordinance 2015-11 was tabled.

**ORDINANCE 2015-12 AMENDING CHAPTER 4 OF THE BOROUGH CODE , ENTITLED, “POLICE REGULATIONS”**

Councilman Pillion stated this is an ordinance that currently exists and is part of our general police ordinance regulations, and in addition to damaging and defacing public properties. As a resident who lives along the water, I received numerous complaints about the multiple food vendors who play music at a loud volume. This needs to be modified so that there isn’t any room for interpretation. In reviewing, the standard of criteria by the Code Enforcer or Police is very subjective. Therefore, in addition to the language, we are adding a clause to 1A: “or be audible or be heard from any person situated 10 feet or more from the source of such sound”. Anyone who can hear it greater than ten feet away is in violation. This is an objective standard that can be brought forward to the Municipal Court Judge. If we advise the food vendors at the beginning of the year, they will be more inclined to abide by the regulations.

Councilman Berglund stated that “I am about ten feet away, speaking in a normal voice. I therefore interpret this as that there will be no sound coming from these trucks.”

Councilman Pillion stated you’re right. IF they are playing music to attract customers. I don’t believe they should be playing it to annoy others, and some towns don’t allow vendors at all. We have tax-paying people, and they are competing against other vendors who are not paying taxes. We are losing small businesses.

Joe Cocoa, Code Enforcer: are there any companion ordinances where sound comes from vehicles? especially those with blasting speakers.

Councilman Pillion: candidly Joe, this ordinance would apply to them. This ordinance clarifies to mobile food vendors. It’s a measurement of feet rather than sound.

Councilman Berglund. Everyone who applies for a permit, including those with a beach badge, should receive the same regulations along with their permit.

Councilman Pillion: As long as we post one sign in town, then the Judge something to use and enforce the regulation. Some of the old language will still carry over but others don’t exist, such as selling Fuller brush salesmen.

Council Member Snow: does the intention solely to limit the noise or vendors? we brought up multiple topics, including taking away business from residents. Are we trying to regulate more than sound?

Council Member Does this have to do with construction sites as well? Also, is it applicable to parties at homes?

Council Member Pillion: Yes, it applies to every one of those.

Public Comment:

Roll Call

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

**ORDINANCE 2015-13 AMENDING CHAPTER 5 OF THE BOROUGH CODE  
“GENERAL LICENSING”**

Councilman Pillion: Our ordinance doesn't seem to deal with “mercantile fees”. There is no mercantile ordinance in the books. The fees being proposed to change, you will find about 6 license fees for peddling, all relating to mobile vendors. The fee based on the 1975 ordinance is \$15. And then, once there is research, then they are supposed to be charged a license fee. However, the \$75 license fee has not been enforced. There's an application and an license fee. This increases the application fee to \$75, due to the costs relating to background checks. The License fee from \$75 to \$200 because there the fees are too low. It doesn't apply to, let's say, a card-and-gift shop in the commercial district. The only thing we really license is peddling and soliciting.

Lt. Arnold: there should be an initial fee for the first vehicle, and additional stickers for additional vehicles.

Councilman Pillion: As I understand it, if a vendor has multiple drivers, then each individual driver needs to get a background check. The License goes to the truck; not the individual.

Does the sticker represent the owner of the truck; or does every individual have to each have their own.?

Councilman Pillion I think each individual needs to have one. I don't believe we should have stickers at all. The overall statutory intent is to ensure that sex offenders are not interacting with young children. Whether or not it's easier for the police to see a sticker. That may or may not apply to the individual.

Councilman Asay stated he prefers a tag with lanyard specific to Island Heights, and Councilman Pillion concurred with his suggestion.

Council Member Snow: Have any other towns excluded vendors?

Councilman Pillion: Yes. Seaside Park had a long history with mobile vendors. They established a specific parking area for vendors, and then decided to consolidate to their concession building next to Fun Town Pier; effectively restricting mobile vendors.

Council Member Snow: are we to rid the town of something we see as a nuisance. or is this about fees and we can actually do this and keep track of trucks? Are we going to received enough fees to do all of these background checks?

Councilman Pillion: I don't' have a problem having it as long as the vendors don't annoy our residents. It won't eliminate food vendors, but I want them to abide by the rules. They flagrantly disregard the rules.

Councilman Asay: Each vendor pays for each employee and these fees are a significant fee before they even turn the key.

**ORDINANCE 2015-13 AMENDING CHAPTER 5 OF THE BOROUGH CODE  
“GENERAL LICENSING”**

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

Public Comment:

William Dudak, 8 Ocean Ave. I believe we need definitive language and what you are putting forth is too vague.

Joe Cocoa: Will there be discounts for those who live in town?

**RESOLUTIONS**

**Resolution 2015-118 Insertion of a Special Item of Revenue in the Budget of the Borough of Island Heights Pursuant to N.J.S.A 40A:4-87 (CHAPTER 159. P.L. 1948) for Notification of Award-2015 State Body Armor.**

Public Comment:

Council Member Thompson: How much body armor are we receiving?

Lt. Arnold: This is a grant I received. Approximately 2.5 vests. It adds up each year.

Council Member Thompson: will this replace old equipment?

Lt. Arnold: They are only warranted for 5 years and therefore this replaces them.

Roll Call

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

**Resolution 2015-121 Approval of November Bill List**

Public Comment: none

Roll Call

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

**Resolution 2015-122 Accepting the resignation of Luke Tirondola in good standing and with regret**

Public Comment:

Council Member Snow: I will miss officer Tirondola, and he was very calm, reassuring and I will miss him.

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

**PURCHASE ORDER REQUESTS**

**Resolution 2015-119 Awarding a Contract to ROBERT W. KIRWAN APPRAISAL LLC for an Appraisal of Block 61, Lots 3.01**

Councilman Asay: I have concern that the borough is trying to market this land. The only thing we have to

go on are Tax Maps, and it's not a survey. I can't tell what we are attempting to sell. One resident's front steps is bordering the area that this street is being appraised.

Council Member Snow: Does the blacktop do come out onto Park Avenue? Are we talking about the bulkhead area and to the crest of Park Avenue? The residents may need an ingress and egress.

Mayor Silver: This would be at the recommendation of the appraisal and Engineer.

Councilman Pillion: The value will be determined by the new Western boundary and will the appraiser have multiple options? Who are the likely buyers?

Council Member Snow: aside from the roadway collapsing, there is a non functioning storm drain.

Councilman Pillion: Currently, this is a nonconforming lot. It is the scope of the appraisal that we are trying to get our hands around.

Councilman Asay: We can't do a proper analysis without a survey.

Councilman Pillion: we know the general area, but not how we would divvy it up, depending on the course of action.

Councilman Bendel: There never was a motion made. Let's assume there is one. I suggest that this is not the place or time to try to determine this. I believe we need a survey.

Public Comment:

Bob McNeil, 237 Ocean Ave: We own the property? What is the objective? I know it's eroding away. If I were either surrounding resident, why would I want to buy an eroding road?

Roll Call

Councilman Asay requested this be tabled

Council Member Snow: We need to do three things: 1: verify interest from neighbors; 2: neighbor; 3: survey

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

Resolution 2015-123 Awarding a contract for Johnny E. Camburn and Sons for repairs to Electrical system for new storage area at Water Tower Site in the amount of \$2,990.00

Mayor Silver: This is to place electric into the building. Some individuals removed the service cable to the building and removed all of the copper. A police report was filed but there wasn't enough concrete evidence and too many hands involved to inquire further. The lease expired and the Borough received \$10,000.00 from the company when they vacated the property. This building will allow for records management as well.

**Resolution 2015-123 Awarding a contract for Johnny E. Camburn and Sons for repairs to Electrical system for new storage area at Water Tower Site in the amount of \$2,990.00**

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

**COMMITTEE REPORTS**

**BENDEL:** stated with all due respect; these meetings are unfocused and too long to get Borough business done. I suggest that we might consider caucus meetings for proposals to be introduced and we go on to Public Comment, with everyone having the ability to have a say. We essentially have one big open session and I don't think it works. I'm losing my patience and considering resigning.

**BERGLUND:** The Department of Public Works is responsible for a lot of work in town, and the wear and tear on vehicles is really raising havoc. Our welding machine gets severely used, and we are lucky to have qualified welders patched as long as they can. We have a dump truck is really on its last legs, as far as plowing is concerned. The County has gone out for bids for the dump truck with a spreader; a masonry dump truck. They've gone competitive and we have the ability to piggyback on their order. This is an opportunity to pick up a piece of equipment that is very useful. It is just under \$66,000.00 , but it is something we should consider approving for our fleet. The garage at Public Works was built in three segments, many years apart. The electric was installed, with only a portion approved at a time, with power feeds going different places. We've been installing main feeds, and handling it at the cost of materials.

**ASAY:** The only thing I would like to report, is at your direction, we met with Comcast, Robert Clifton, to discuss the franchise agreement, which expires at the end of this year. Also, it takes up to two years for BPU to approve the agreement, after the Council agrees to it. We discussed Government Access. Mr. Clifton provided us with a renewal offer that we will review and report back to the Council.

**PILLION:** The police participated in the Trunk-or-Treat event, and feel that it was very successful. We had a meeting with our Office of Emergency Management, Doug Platt, to ensure plans are all up to date. They also had a great review by the State. The Fire Chief discussed aspects they could use, specifically a fire hydrant on summit ave in the vicinity of the treatment plant, to get the good pressure.

Councilman Asay: The Chief is trying to assure he has the ability to provide good water service east-west on Summit Ave. They don't want to go around turns. On the southside, they have less concern on access to water.

**SNOW:** Thanked the First Aid and Police for a successful, well-attended Trunk or Treat. Another last minute parade success, even with a last minute change in time. The spaghetti dinner went well, with great feedback from parents. I reached out to the school board with regard to grants and a possibly committee to work with them. They responded to them, and have formed a committee to scale back the scope of the work they are going to do, along with some members of the Council and community. I ask that the Mayor allow Council Member Berglund and Thompson to serve on this committee. They will be excellent with their project management and engineering expertise. The first committee meeting will be on Wednesday, November 18th at the Island Heights Grade School.

**THOMPSON:** I received our Collector's report. A little less than last year, but this may because of less tax interest paid. I've been working with April to have a poster at the Post Office that encourages residents to join our mailing list. Also, next week is the League of Municipalities which has a course for Elected Officials to partake and reduce our insurance costs by \$250 for each elected official in attendance.

The Municipal Clerk requested consideration for a walk-on resolution to allow the solicitation of professional services for the Zoning Board.

**Resolution 2015-124 Authorizing the Municipal Clerk to solicit Request for Proposals for Engineering and Attorney services for the Planning and Zoning Board.**

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

**Councilman Pillion:** have we ever used a licensed planner for our Planning Board? If the planning board determines they need a planner, then the applicant will pay for that Planner through escrow.

**PUBLIC COMMENT**

Bob McNeil 237 Ocean Ave.: Congratulated Susan and Steve on the election. I'm very disappointed on the level of personal attacks that showed up with this election. I've never seen it like this before. These council

people were personally attacked. I've only seen this person twice, and to see this kind of literature, bothered me. I'm very disappointed that someone would do something that that.

**EXECUTIVE SESSION**

**Resolution 2015-125 Authorizing an Executive Session for purposes of personnel and contract negotiation.**

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

**Out of Executive Session, the Municipal Clerk requested consideration of a Purchase Order**

**Resolution 2015-126** Approving the following Purchase Order Request  
 Vendor: Heartwood Ecological Consulting  
 Item: Community Forestry Plan  
 Amount: \$3,000.00

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

**ADJOURNMENT:**

First: Bendel Second: Thompson  
 Governing Body adjourned at 10:35pm

Respectfully submitted:

\_\_\_\_\_  
 Municipal Clerk

**Items of Interest:**

- All borough offices** will be **closed** on Friday, December 25, 2015 in observance of Christmas.
- All borough offices** will be **closed** on Friday, January 1, 2016 in observance of New Years Day.

The Municipal Clerk's Office, Tax Collector & Water/Sewer Office, are open Monday – Friday 9:00 AM until 3:00 PM and Monday evening 6:00 PM until 8:00 PM. Finance & Purchasing are open Wednesday 9:00 AM to 3:00 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.

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