

REGULAR MEETING OF MAYOR AND COUNCIL August 10, 2016

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Borough Hall, on East 7th Street. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act by posting a copy of the notice of this meeting on the bulletin board in the Borough Hall on January 4, 2016 and by mailing a copy of the notice to the Asbury Park Press, newspaper designated by Mayor and Council on January 4, 2016 to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 4, 2016.

ROLL CALL: Spark, Sharpless, Wellington, Reynolds, Mikuletzky, Warr absent

Also present: Mayor Larson, Terry Brady, Brenda Kuhn and Ed Sulecki

Discussion: Mayor Larson brought up raising the rent for the dredging company on 16th Street. Councilman Wellington stated that we have an ordinance that was being introduced to raise the rent from \$500.00-\$1000.00. The ordinance would also include provisions to be certain that the property is brought back to its original condition. Mayor Larson said that the dredging company would probably be out of here in January. Councilman Wellington said that fencing has been ordered to make a pickle ball court out of the single basketball court. He said that next week the court would be lined out. Terry Brady went back to the Street End Ordinance. He explained that it was long because there was a discrepancy between the code book on line and our original ordinances. The whole ordinance had to be redone to make it match. Councilman Wellington added that in Chapter 168-25 there should be a C. which specifically delineates the need to repair/ replace any damages to the property or bulkhead. Mayor Larson said that the dredging co. said that they would take care of anything that needed repair. Councilman Wellington said that we have second reading on the pickle ball ordinance that will amend zoning code regarding lot coverage. He said that we currently have an ordinance regarding dumpsters but it specifically excludes construction dumpsters and tonight an ordinance is being introduced to include construction dumpster. Another ordinance that will be introduced deals with the hours of construction. Councilwoman Reynolds brought up the introduced ordinance regarding fire pits and Mayor Larson stated that it was going to be tabled. Mayor Larson brought up the issue of PODS; Councilman Wellington said that he would look into it before next month's meeting. Councilman Sharpless brought up the No parking ordinance and said that there was a boat and trailer that is parked on Bayview and another parked in another area. There was a discussion on how the Borough will handle this issue. Mayor Larson stated that he talked to the Chief of Police about putting a camera on top of the water tower to keep an eye on our beaches since the burning of our beach rollups and dune fencing. Councilwoman Reynolds asked if the holes in the dog park would be filled soon and when it would be reopened. She said what we need is a good sign at the dog park. Councilman Sharpless asked about the card reader. Mayor Larson said that it could go in as soon as the gate was installed. Councilman Sharpless asked the Superintendent what the status was regarding the replacement of kiddie park fence and Ed said he spoke to the representative and it was in the works.

Mayor Larson asked for a motion to close Caucus Meeting. On a motion by **Sharpless**, seconded by **Reynolds** and carried by all the Caucus Meeting came to an end.

THE MEETING of Mayor and Council was called to order by Mayor Larson at 5:00 at the Borough Hall on East 7th Street. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act by posting a copy of the notice of this meeting on the bulletin board in the Borough Hall on January 4, 2016 and by mailing a copy of the notice to the Asbury Park Press, newspaper designated by Mayor and Council on January 4, 2016 to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 4, 2016.

PLEDGE OF ALLEGIANCE

The Acting Clerk stated that the meeting was being recorded and that a written copy would be available in the Clerk's office and that the next meeting would be September 14, 2016.

ROLL CALL: Spark, Sharpless, Wellington, Reynolds, Mikuletzky, Warr was absent

ALSO PRESENT: Mayor Larson, Terry Brady, Brenda Kuhn, Ed Sulecki and Kathleen Flanagan

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of July 13, 2016 regular meeting.

MOTION: Wellington

SECOND: Sharpless

VOTE: AYES: Spark, Sharpless, Wellington, Reynolds, Mikuletzky

NAYS: None

ABSTAIN: None

ABSENT: Warr

TREASURER'S REPORT: Mayor Larson asked for a motion to approve the Treasurer's Report.

MOTION: Reynolds

SECOND: Wellington

VOTE: AYES: Spark, Sharpless, Wellington, Reynolds, Mikuletzky

NAYS: None ABSTAIN: None ABSENT: Warr

BUILDING AND ZONING REPORT: Mayor Larson asked for a motion to approve the Building and Zoning Report.

MOTION: Sharpless

SECOND: Reynolds

VOTE: AYES: Spark, Sharpless, Wellington, Reynolds, Mikuletzky

NAYS: None ABSTAIN: None ABSENT: Warr

COMMITTEE REPORTS:

WATER/SEWER: Councilman Spark said that he wanted to make the Water & Sewer report a part of the minutes. (attached) He said that Barnegat Light went over in water usage by 27,000,000 gallons which is 3,000,000 over our allotment. He said that BL takes turns with LBT in paying the fine for water usage. Mayor Larson asked him if we were still going to get the water meters in this winter. Councilman Spark said that the financing process was still being discussed. The CFO said that we would have to go for formal bids. She said that she was researching whether USDA is offering a better deal than EIT. EIT currently has a 30 year loan with very low rates and loan forgiveness. The USDA has an offer that with up to 25% loan forgiveness. Mayor Larson asked what loan forgiveness is. The CFO said that a percentage is given back to the town in the form of a grant. She said the DEP is also offering something for installing water meters. The first step is to talk to the Engineer about cost and then to Bond Counsel.

PUBLIC WORKS: Councilman Sharpless said that he would like to make the Public Works report a part of the minutes. (attached) PW has been really busy. The Public Works laborers have spent 223 hours on the beaches and 167 hours on buildings and grounds. They will start stringing dune fencing along the beaches but we don't have enough posts. Then they will start building boardwalks. They will start on 12th Street and work their way to 10th Street. Then they will start on 24th Street and work their way south. Matt Avery will be here on Monday at the gazebo and then the following week the Kootz will be here because they were rained out on the original date.

DOCKS AND HARBORS: Councilman Wellington said that last month he informed everyone that ramp fees were \$2800.00 over last year and that ramp fees have fallen. Now we are only \$60.00 over last year. He said that this year there has been \$28,080.00 through August 5, 2016 collected in ramp fees.

BEACHES AND PARKS: Councilwoman Reynolds said that we have collected \$155.00 more in tennis fees than last year at this time and beach badge sales are over \$34,500 for the year so far. She said the dog park is temporarily closed because people allowed dogs to dig holes. She said she felt it should be opened again. She said that there will be a pickle ball court opening soon. She said the bike racks have not moved as quickly as anticipated but are still in the works. Then Councilwoman Reynolds said that there was very serious erosion at the bay beach with the last flooding. She said that PW filled it in but she feels that we should have a better quality fill for these types of things. What they are using now has rocks in it and they can get washed onto the beach. Mayor Larson suggested that we talk to Sponge about this. He said when someone takes out a pool permit; we ask them to dump the sand there because they aren't allowed to take it out of town. Councilwoman Reynolds said that the lifeguards responded to an emergency involving a 15 year old boy. Without the expert response to this emergency the boy may never have walked again.

PUBLIC SAFETY: Councilman Mikuletzky said that we had three big fines in the court this month related to fireworks. He wanted to remind everyone that the police have the Bike Safety Rodeo on August 21, 2016. He said that residents should be prepared for hurricanes and urged everyone to keep the reentry placards in the glove box of the most used car. He said that there was a pedestrian crossing light going up in North Beach. The Fire Company and the First Aid Squad have been setting a record number of calls for the month of July and it looks like August will break that record. There was a drill at the EOC last night. He thanked everyone that showed up to help out. He said the State Police Evaluator said that BL did a good job and had only one recommendation regarding evacuation. Councilman Wellington said there was a promise to buy us a lot of stuff. Councilman Mikuletzky said that the evaluator said he would put that in his report.

FINANCE: Councilman Wellington said that the bills paid for the month were in the amount of \$2,096,923.35. (Payment of Claims attached)

OPEN PUBLIC SESSION: On a motion by Sharpless, seconded by Reynolds and carried by all the public session was open.

Mike from Surf City said he comes down to the dog park twice a day from April through October. He brought a list of rules from the 123 acre Medford Dog Park. He said that the dog park is not a family affair.

Mike said dogs aren't allowed on school property and little kids shouldn't be allowed in the dog park. The holes were discussed. Denise Mimm said that she was tired of the things that happen at the dog park. She said people aren't abiding by the rules such as the hours of operation. John Richardson said that he's at the dog park an hour in the morning and an hour in the afternoon. He said he doesn't know who's digging the hole and where all the "poops" are coming from. He said that he previously would fill in holes and he said that Winnie brought the backhoe and filled the big holes. He said that some people don't clean up after their pets. The CFO said that the purchase of bags would not come out of our budget because they are covered under Clean Communities. Denise said she lives right next to the park and a lot of the people that utilize the park are not taxpayers in Barnegat Light. She said she is fed up with the noise. The dogs are constantly barking and there are fights between the pet owners. Mayor Larson said that when we get the gate system in place that there will be more control. Vince Roth, the Fire Chief, said he was commending the Mayor for closing the park. He said that he was astounded by the big hole that was in the park. He said that his dogs were disappointed but he was glad that it was closed. John Richardson said if you look under the last bench, towards 10th St., there is a hole there that he thinks goes half way to the beach. Edie Brower is a 20 year resident of Barnegat Light was at the meeting to discuss the ordinance regarding firepits. Mayor Larson told her that the ordinance was tabled. Kate Warner, of Central Ave., was at the meeting to oppose the firepit ordinance also. John Alchus, of 7th Street, said that he lived down the street from Kubel's and across the street from the liquor store. He said there is a problem with delivery trucks between those two locations. He said there are "NO TRUCK" signs at both ends of the street that have been there for 15 years. The bigger trucks aren't a problem but the smaller ones are. Mayor Larson said maybe he would speak to the Chief and see if we could have an officer sit there and just give warnings. He said that they also have an issue on 13th Street. He suggested better signage.

CLOSE PUBLIC SESSION: On a motion by **Reynolds** seconded by **Spark** and carried by all the public session came to an end.

ORDINANCES:

FIRST READING:

ORDINANCE 2016-008

ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 164 OF THE BOROUGH CODE, ENTITLED "SOLID WASTE," TO PROVIDE REGULATIONS FOR DUMPSTERS.

The Acting Clerk read Ordinance **2016-008** by number and title.

Passage on First Reading: date: August 10, 2016

Moved by: Reynolds Seconded by: Wellington

VOTE:

Spark: AYE Sharpless: AYE Wellington: AYE Reynolds: AYE Mikuletzky: AYE

Warr : ABSENT

ORDINANCE 2016-009

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 76 OF THE BOROUGH CODE OF THE BOROUGH OF BARNEGAT LIGHT, ENTITLED "CONSTRUCTION CODES, UNIFORM," TO PROVIDE FOR HOURS OF OPERATIONS LIMITATIONS.

The Acting Clerk read Ordinance **2016-009** by number and title.

Passage on First Reading: date: August 10, 2016

Moved by: Sharpless Seconded by: Wellington

VOTE:

Spark: AYE Sharpless: AYE Wellington: AYE Reynolds: AYE Mikuletzky: AYE

Warr : ABSENT

ORDINANCE 2016-010

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO INCREASE THE 16TH STREET WEEKLY USE PERMIT FEE.

The Acting Clerk read Ordinance **2016-010** by number and title.

Passage on First Reading: date: August 10, 2016

Moved by: Mikuletzky Seconded by: Wellington

VOTE:

Spark: AYE Sharpless: AYE Wellington: AYE Reynolds: AYE Mikuletzky: AYE
Warr : ABSENT

SECOND READING:

ORDINANCE 2016-006

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 68 OF THE BOROUGH CODE, REGARDING OUTDOOR FIRES.

There was a motion and second to table Ordinance 2016-006 and was carried by all.

ORDINANCE 2016-007

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH ZONING CODE REGARDING LOT COVERAGE.

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

SECTION 1. Section 215-2 of the Borough Code of the Borough of Barnegat Light, entitled "Definitions," is hereby amended and supplemented to provide a revised definition of "lot coverage," to read as follows:

Chapter 215
ZONING

§ 215-2. Definitions.

The following words, phrases and terms as used in this Chapter are hereby defined for the purposes of this Chapter as herein set forth; provided, however, that the inclusion of any definition in this section of this Chapter shall not be construed as permitting any use or thing except as may hereinafter expressly be permitted pursuant to § 215-4 et seq.

LOT COVERAGE

That portion of the lot area covered by building area. In addition, all outdoor hard surfaces for recreational activities, such as game courts, shall be included in lot coverage in applying the area and yard limitations provided in this Chapter.

All other definitions, sections, subsections, paragraphs, subparagraphs and provisions of Section 215-2 shall remain in full force and effect.

SECTION 2. This zoning regulation amendment will be referred to the Barnegat Light Planning Board for approval, as required by N.J.S.A. 40:55D-23.

SECTION 3. This ordinance shall be filed in the office of Ocean County Planning Board.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

Passage on First Reading: July 13, 2016

MOVED: Wellington **Seconded:** Sharpless

VOTE: **Ayes:** Spark, Sharpless, Wellington, Reynolds, Mikuletzky, Warr

Nays: None **Absent:** None

PUBLIC HEARING: Mayor Larson asked for a motion to open the Public Hearing. On a motion by Reynolds, seconded by Sharpless, the ordinance was open to the public.

Mayor Larson asked if anyone understands what this ordinance is for. He said that we aren't allowing pickleball courts in private yards unless you go to the board for approval because this would affect lot coverage. Councilman Wellington pointed out that basketball and similar games with solid surfaces. Vince Roth asked if you have the lot size to have the coverage are you allowed to put it in. Mayor Larson said yes

but there aren't many of those size lots around. Mr. Roth asked if pools were also included and the answer was no.

Mayor Larson asked for a motion to close the public hearing. On a motion by Wellington, seconded by Mikuletzky and carried by all, the public hearing for ordinance 2016-007 was closed to the public.

Mayor Larson asked for a motion to adopt.

Final Passage: August 10, 2016

MOVED: Reynolds **Seconded:** Wellington

VOTE: **Ayes:** Spark, Sharpless, Wellington, Reynolds, Mikuletzky

Nays: None **Absent:** Warr

RESOLUTIONS:

RESOLUTION 2016-110
RESOLUTION OF THE BOROUGH OF BARNEGAT LGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE
CERTIFIED LIST OF ALL VOLUNTEER MEMBERS OF THE BARNEGAT
LIGHT VOLUNTEER FIRE COMPANY WHO QUALIFIED FOR CREDIT
UNDER THE LOSAP PROGRAM FOR THE YEAR 2015

WHEREAS, Ordinance No. 01-018 of the Borough of Barnegat Light implemented the Length of Service Award Program (LOSAP) for the Barnegat Light Volunteer Fire Company and was passed by voters by a referendum on November 6, 2001; and

WHEREAS, pursuant to NJSA 40A:14-191, emergency service organizations participating in a Length of Service Award Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year: and

WHEREAS, the Governing Body has received and reviewed such certified list from the President of the Barnegat Light Volunteer Fire Company.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Barnegat Light as follows:

1. Per the certified list received, the following Barnegat Light Volunteer Fire Company members are hereby approved to receive the 2015 LOSAP award.
 Applegate, Harry Nemroff, Bert
 Haviland, Stan Reynolds, Dewitt
 Kuhlman, Howie Ely, Gerald
2. Qualified members will each receive \$708.00 for the 2015 LOSAP award, pursuant to application approval.
3. The certified list of members shall be posted on the official bulletin board of the Municipal Clerk of the Borough of Barnegat Light and at the Barnegat Light Volunteer Fire Company for a period of thirty (30) days to allow sufficient time for membership review.
4. Appeals shall be mailed to the Municipal Clerk of the Borough of Barnegat Light, P. O. Box 576, Barnegat Light, NJ 08006-0576, and must be received within thirty (30) days of the posting date of the approved certified list.

DATED: **August 10, 2016**

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Sharpless		X	X			
Wellington	X		X			
Reynolds					X	
Mikuletzky					X	
Warr						X

RESOLUTION 2016-111
RESOLUTION OF THE BOROUGH OF BARNEGAT LGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE
CERTIFIED LIST OF ALL VOLUNTEER MEMBERS OF THE
BARNEGAT LIGHT FIRST AID SQUAD WHO QUALIFIED FOR
CREDIT UNDER THE LOSAP PROGRAM FOR THE YEAR 2015

WHEREAS, Ordinance No. 01-019 of the Borough of Barnegat Light implemented the Length of Service Award Program (LOSAP) for the Barnegat Light First Aid Squad and was passed by voters by a referendum on November 6, 2001; and

WHEREAS, it is the desire of the Mayor and Borough Council to fix the wage to be paid for said services.

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

1. That the Mayor and Borough Council of the Borough of Barnegat Light do hereby fix the extra compensation wage for Edward Sulecki, Superintendent of Public Works/ Water-Sewer Operator, for weekend on-call coverage during the absence of a foreman or other employee to be on-call, at the rate of \$28.57 per day for being on-call, plus overtime at the rate of 1 ½ of his hourly rate for actual hours worked (no minimum).

2. That certified copies of this resolution shall be forwarded to Edward Sulecki and the Borough Treasurer.

DATED: August 10, 2016

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Sharpless			X			
Wellington			X			
Reynolds		X	X			
Mikuletzky			X			
Warr						X

RESOLUTION 2016-114
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS
IN THE AMOUNT OF \$2,096,923.35

WHEREAS, the Finance Committee of the Borough of Barnegat Light has examined the vouchers presented for payment,

NOW, THEREFORE, BE IT RESOLVED, that the approved vouchers amounting to \$2,096,923.35 be authorized to be paid upon verification of the Treasurer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

DATED: AUGUST 10, 2016

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Sharpless			X			
Wellington		X	X			
Reynolds			X			
Mikuletzky			X			
Warr						X

RESOLUTION 2016-115

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE MEETING TO BE CLOSED TO THE PUBLIC FOR THE PURPOSE OF DISCUSSING AND/OR REVIEWING MATTER EXEMPT UNDER THE OPEN PUBLIC MEETINGS ACT IN EXECUTIVE SESSION, SPECIFICALLY FOR THE PURPOSE OF DISCUSSING THE MATTERS IDENTIFIED BELOW; ACTION MAY OR MAY NOT BE TAKEN UPON RETURN TO REGULAR OPEN SESSION:

-legal advice/settlement negotiations/personnel

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that all meetings of public bodies shall be open to the public at all times, except for certain enumerated exception; and

WHEREAS, according to NJSA 10:4-12(b), a closed executive session of a public body may be convened to discuss matters as noted in the title of this Resolution.

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

1. That the Borough of Barnegat Light does hereby authorize a closed executive session to discuss matters identified in the title of this Resolution.

2. That reasonably comprehensible minutes of the closed session shall be taken showing the

time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with NJSA 10:4-12.

DATED: August 10, 2016

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Sharpless			X			
Wellington		X	X			
Reynolds	X		X			
Mikuletzky			X			
Warr						X

CORRESPONDENCE:

1. Commend Lifeguards
2. Cricket Luker is asking for permission to close end of 5th and Broadway August 11, 2016 from 4-5 for the Annual Dog Show.
3. Anne Frankel requests permission to have wiffle ball game on the baseball field on Sunday, August 21, 2016 at 10:00 a. m.
4. Shira Loewenberg acknowledging lifeguards
5. Michael Healy request permission to close West 25th Street for Block Party on September 10, 2016 3pm-10pm

At this time they went into Closed Session. After Closed Session ended the Mayor and Council went back to the regular meeting.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn. On a motion by Wellington, seconded by Reynolds and carried by all, the meeting of the Borough Council was closed.

APPROVED: _____

KIRK O. LARSON, MAYOR

BRENDA L. KUHN
ACTING MUNICIPAL CLERK