

**REGULAR MEETING OF MAYOR AND COUNCIL August 8, 2018**

**THE CAUCUS MEETING** of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Borough Hall, on East 7<sup>th</sup> Street. He stated that adequate notice of this meeting has been provided in accordance with the NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall on January 3, 2018 and was published in the Asbury Park Press on January 8, 2018 and in the Beach Haven Times, both newspapers are designated by Mayor and Council to receive such notice.

**ROLL CALL:** Spark, Wellington, Alloway, Reynolds, Foley and Mikuletzky

**Also present:** Mayor Larson, Terry Brady, Sponge Washburn, Kathleen Flanagan and Brenda Kuhn.

**Discussion:** Mayor Larson began the meeting by asking Council if they would be interested in doing an ordinance to limit each adult entering the dog park to 2 dogs. He said if you have more than two dogs running around in the park it would be almost impossible to keep an eye on them. There was discussion that some people own more than two dogs but Mayor and Council agreed that 2 dogs per person would be suitable. They could have more than two dogs on their application but could not enter the park with more than two per adult. They decided to introduce an ordinance by title later in the regular meeting. There was talk about limiting the number of cards that could be issued to the same person per year but they decided not to include this in the ordinance. The Clerk said that we purchased key fobs to enter the park instead of the cards. Councilwoman Reynolds said there a complaint regarding a resident feeding seagulls. She said that she talked to Dan at the LBI Health Department and he suggested that we introduce an ordinance to prohibit feeding wildlife on private property. She said that she talked to the resident that was feeding the seagulls she was assured that the feeding has stopped. There was discussion about this topic. In the end the Council decided that they would introduce the ordinance just to get it on the books. On to another subject, Councilwoman Reynolds said that she continually hears from residents about preserving the charm and history of old homes in the Borough. She said that she felt an urgency addressing this matter. She proposed introducing an ordinance that would grandfather Borough historical buildings in regards to preserving or reconstructing them to their original design as long as it could be authenticated by photos or plans. She said that historical homes could be excluded from our current zoning restrictions. Mayor Larson asked that Council put this off until next month. Councilman Wellington asked Mayor and Council about purchasing a new digital sign for the post office. He said that the cost would be around \$20,000 and we could have it three weeks. The Mayor said to hold off for a month.

**Mayor Larson** asked for a motion to close the Caucus. On a motion by Foley seconded by Spark and carried by all the Caucus Meeting was closed.

**THE MEETING** of the Mayor and Council was called to order by Mayor Larson at 5:00pm at the Borough Hall, on East 7<sup>th</sup> Street. He stated that adequate notice of this meeting has been provided in accordance with the NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall on January 3, 2018 and was published in the Asbury Park Press on January 8, 2018 and in the Beach Haven Times, both newspapers are designated by Mayor and Council to receive such notice.

**PLEDGE OF ALLEGIANCE**

**The Municipal Clerk** stated that the meeting was being recorded and that a written copy would be available in the Clerk’s office.

**ROLL CALL:** Spark, Wellington, Alloway, Reynolds, Foley and Mikuletzky

**Also present:** Mayor Larson, Terry Brady, Sponge Washburn, Kathleen Flanagan and Brenda Kuhn.

**APPROVE MINUTES:** Mayor Larson asked for a motion to approve the minutes of July 11, 2018 regular meeting.

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Wellington			X			
Alloway			X			
Reynolds			X			
Foley			X			
Mikuletzky		X	X			

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

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway			X			
Reynolds	X		X			
Foley		X	X			
Mikuletzky			X			

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

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway			X			
Reynolds		X	X			
Foley	X		X			
Mikuletzky			X			

**COMMITTEE REPORTS:**

**PUBLIC SAFETY:** Councilman Mikuletzky said he wanted to make the court report a part of the minutes. He said that the court brought in \$1722.00 and the Borough kept \$1137.00 of that.

**WATER/SEWER:** Councilwoman Foley said that water and sewer usage was up from last month. She said she was going to be working with the CFO to get explanation of the things that the water department generates such as the cell antennas on the water tower. She said there were four commercial meters that will be installed after Labor Day. The councilwoman also mentioned that she would be working with the CFO to get a proposal from Stafford Township for the residential meters. She said that it would be presented to council to decide if the project would be contracted out or if the Borough would attempt to do it ourselves.

**BEACHES AND PARKS:** Councilwoman Reynolds said that we just got new key fobs instead of entry cards for the dog park. She said they were cheaper and you can put them on your key chain which would make it harder to lose. She said that we have sold 173 dog passes to out of town dog owners. The councilwoman said the Bay Beach had been closed a few times this season due to poor water quality and when it's closed there's a sign posted. She also said that the bay beach has been guarded regularly this season and when there's no lifeguard on duty it's closed. Another topic was the beach badge revenue. It is down this year by almost \$6,000 but she feels that when the holiday & preseason badges go on sale later this year that it probably will even out. Councilwoman Reynolds talked about Beach Patrol report and the rescues on the beaches. She said the total of rescues to date were 69 with 123 victims. She said that her grandsons assisted with two rescues on 24<sup>th</sup> Street. One of those victims had a heart attack. The next topic was Piping Plovers. She said that all of the chicks have fledged and all the fencing has been removed from the nesting sites. Other things that were discussed were the 30<sup>th</sup> Street access and complaints about shells and seaweed on the beach. Councilwoman Reynolds said that the shells on the beach hold the sand which builds up our beaches. Councilwoman Foley said that we don't rake the beaches for that reason. Councilwoman Reynolds also mentioned that the USFW found the 1987 agreement between the State and the Borough that gave ownership of the newly created land to the Borough.

**DOCKS AND HARBORS:** Councilman Alloway said that it was slow at the docks.

**PUBLIC WORKS:** Councilman Wellington said that now that the Piping Plovers have fledged Public Works has been able to go up and clean up the winter accumulation of debris. He said that they took 7-8 truck loads off the beaches over 3days. He said that we opened 30<sup>th</sup> Street when access to the beach on 22<sup>nd</sup> Street was not available to us and one or more taxpayers called the DEP and complained. He said that the DEP sent us a 2 count violation letter. He was told that it could be used until the end of the season but must be closed and never reopened on the dune area. He said that because 30<sup>th</sup> Street beach access is in our Beach Management Plan that we could open that again but it would have to be where it was previously and it would require approval. He was told that we could have filed for an emergency access and that we should start thinking options to keep the beachgoers safe next season. Councilman Mikuletzky said that he thought we should open 30<sup>th</sup> Street permanently.

**FINANCE:** Councilman Spark said that we just got our tax rate from the county and it is down from .885 to .855. He said that there were a lot of accounts that had to be adjusted because of all the prepayments of taxes in December. He said the grace period was extended to September 4, 2018.

**OPEN PUBLIC SESSION:** Mayor Larson asked for a motion to open the open public session. There was a motion by Foley, seconded by Spark and carried by all.

Tim Brindley of 1404 Bayview Avenue talked about the pond that the state wants to build at the habitat for the piping plovers. He said that he heard in the news about red tides, hot water and flesh eating bacteria in stagnant water. He said that the pond would be a problem if the water isn't fed. Mayor Larson said he didn't propose any problems with that. Marilyn Wasilewski of 18 W 7<sup>th</sup> Street said that we all know that one of the reasons that we don't have damage from storms is because unlike all the other towns on the island we don't allow building on the dunes. She said we pay for replenishment because of the other towns' errors. She said after the 1962 storm the Federal Government came in and allowed building on the dunes on 30<sup>th</sup> Street but the dunes are back.

**CLOSE PUBLIC SESSION:** Mayor Larson asked for a motion to close the open public session. There was a motion by Wellington, seconded by Spark and carried by all.

**RESOLUTIONS:**

The clerk said that the resolutions 2018-113, 115, 116, 117 & 118 would be done by consent agenda. She read each resolution by title and then recorded the votes as follows:

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark	X		X			
Wellington		X	X			
Alloway			X			
Reynolds			X			
Foley			X			
Mikuletzky			X			

**RESOLUTION 2018-113**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF WATER & SEWER BILLING DUE TO CUT AND CAP FROM THE WATER SUPPLY

WHEREAS, the water and sewer bill for the calendar year 2018 was issued to Account No. 465-0, also known as Block 21, Lot 12, with an address of 10 E 12<sup>th</sup> Street; and  
 WHEREAS, the Utility Collector was notified that Permit # 18-003D was issued for a cut & cap from the water supply; and  
 WHEREAS, a prorated second half billing for 2018 should be canceled in the amount of \$260.09; and  
 NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, as follows:

1. That the Utility Collector be authorized to cancel a prorated portion of the 2<sup>nd</sup> half billing.
2. That a certified copy will be forwarded to the Utility Collector and the CFO.
3. That breakdown of the cancellation is as follows:

Water	- 59.64
Sewer	-151.24
Spigot	<u>- 49.21</u>
	\$260.09

**RESOLUTION 2018-115**

RESOLUTION OF THE BOROUGH OF BARNEGATLIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2018 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OFREVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any local unit when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and  
 WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and  
 WHEREAS, the County of Ocean, has approved a grant to the Borough of Barnegat Light under the Community Development Block Grant in the amount of \$16,587.62 which has been received; and  
 WHEREAS, it is the desire of the Borough of Barnegat Light to amend the 2018 municipal budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.  
 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:

That the Mayor and Borough Council do hereby authorize an amendment to the 2018 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:  
 GENERAL REVENUES: (SHEET 9)

3. Miscellaneous Revenues-Section F: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services – Public & Private Revenues Offset With Appropriations:

FY16 COMMUNITY DEVELOPMENT BLOCK GRANT – EAST 9<sup>TH</sup> STREET HANDICAPPED RAMP . . . . . \$16,587.62

That the Mayor and Borough Council do hereby further authorize an Appropriation of an equal sum under the caption of:

GENERAL APPROPRIATIONS: (SHEET 24)

(A) OPERATIONS – Excluded from CAPS: Public and Private Programs Offset by Revenues:  
 FY16 COMMUNITY DEVELOPMENT BLOCK GRANT – EAST 9<sup>TH</sup> STREET HANDICAPPED RAMP . . . . . \$16,587.62

That one certified copy of this resolution shall be forwarded to the  
 Director of the Division of Local Government Services, with one  
 Copy to the Borough Auditor and the Borough Treasurer

**RESOLUTION 2018-116**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEWJERSEY, AUTHORIZING REFUND OF LIT REGISTRATION FEES

WHEREAS, the fee for the use of Barnegat Light’s LIT program is \$100.00; and  
 WHEREAS, Grace and Jack Matz were registered for the second session of the Barnegat Light LIT

program; and

WHEREAS, the children could not attend any of the training; and

WHEREAS, the Borough received, in writing, a request to refund the registration fee; and

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

That a certified copy of this resolution shall be forwarded to the Barnegat Light Chief Financial Officer.

That the Barnegat Light Chief Financial Officer be authorized to refund the \$200 registration fee for both children.

That the refund be mailed to: Brandi Matz 110 Rising Ridge Road, Ridgefield, NJ 06877

**RESOLUTION 2018-117**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING MEMBER TO THE PLANNING BOARD.

WHEREAS, NJSA 40:55D-23 provides for the creation of municipal Planning Boards and for the appointment members thereto; and

WHEREAS, Chapter 21 Article 1 of the Borough Code further provides for the establishment of a Planning Board in the Borough of Barnegat Light; and

WHEREAS, the Planning Board consists of seven members consisting of the following four classes & 2 alternate members:

- Class I The Mayor or the Mayor's designee in the absence of the Mayor
- Class II. One of the officials of the municipality other than a member of the governing body
- Class III. A member of the governing body
- Class IV. Four other citizens of the municipality. The members of Class IV shall hold no other municipal office.

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

The terms of the Planning Board of the Borough of Barnegat Light as follows:

Class I	Kirk O. Larson	Term as Mayor	12/31/18
Class II	Jeffrey Washburn	1 year	12/31/18
Class III	Ed Wellington	1 year	12/31/18
Class IV	James Gutowski	4 years	12/31/20
Class IV	Richard Manookian	4 years	12/31/19
Class IV	Chris Patterson	4 years	12/31/18
Class IV	Steve Rabbitt	4 year	12/31/21

The terms of the alternate membership of the Barnegat Light Planning Board as follows:

Alternate #1	Paul Sulock	2 years	12/31/19
**Alternate #2	Daniel Mears	2 years	12/31/19

That a certified copy of this resolution be forwarded to the Secretary of the Barnegat Light Planning Board.

**RESOLUTION 2018-118**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY,

AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$494,251.16

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 \$494,251.16 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.

Mayor Larson discussed **ORDINANCE 2018-10**, No Parking on West 6<sup>th</sup> Street, he said that the golf course wasn't open yet and we don't know if there will be a problem. Council decided that the ordinance would be rejected. There was a motion by Spark, seconded by Foley and carried by all.

Mayor Larson then discussed **ORDINANCE 2018-11**, No Parking on South Side of West 6<sup>th</sup> Street. The Council decided that the ordinance would be rejected also. There was a motion by Spark, seconded by Foley and carried by all.

The following ordinances were introduced by title only.

**ORDINANCE 2018-12**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO RESTRICT THE USE OF THE BOROUGH DOG PARK TO TWO DOGS PER PERSON.**

**INTRODUCTION:** Passage on First Reading: **Date:** August 8, 2018

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway			X			
Reynolds	X		X			
Foley			X			
Mikuletzky		X	X			

**ORDINANCE 2018-13**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO PROHIBIT THE FEEDING OF WILD ANIMALS.**

**INTRODUCTION:** Passage on First Reading: **Date:** August 8, 2018

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington	X		X			
Alloway			X			
Reynolds			X			
Foley		X	X			
Mikuletzky			X			

**CORRESPONDENCE:**

Request from Cub Scout Pack 61 to camp on the beach on 9/29/18. All were in favor  
Wildflower’s was requesting to close 5<sup>th</sup> Street from 3-5pm on 8/9/18 for the Annual Dog Show. All were in favor.

Information from the LBI Health Department

\$3,000 Donation from Discover Barnegat Light-Mayor Larson thanked them for their generous donation.

Block party requesting closing E & W 25<sup>th</sup> Street on 9/1/18. All were in favor.

The Mayor asked if the Council wanted to do a first reading to provide dedicated parking for the museum. Council agreed and the Municipal Attorney read the ordinance by title.

**ORDINANCE 2018-14**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO PROVIDE FOR DEDICATED PARKING FOR THE BARNEGAT LGHT MUSEUM.**

**INTRODUCTION:** Passage on First Reading: **Date:** August 8, 2018

Larson	Moved	Second	Aye	Nay	Abstain	Absent
Spark			X			
Wellington			X			
Alloway			X			
Reynolds			X			
Foley		X	X			
Mikuletzky	X		X			

**MOTION TO ADJOURN:**

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

**APPROVED:**

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**KIRK O. LARSON, MAYOR**

\_\_\_\_\_  
**BRENDA L. KUHN, MUNICIPAL CLERK**