

## **REGULAR MEETING OF MAYOR AND COUNCIL May 11, 2016, 2016**

**THE CAUCUS MEETING** of the Mayor and Council was called to order by Council President Spark 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 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

**Also present:** Terry Brady, Nancy Manookian and Brenda Kuhn

**Discussion:** The dog park ordinance was the first thing discussed. The need for licensing of dogs, the issue of summer renters bringing their dogs to the park, sales at the beach badge booth, getting the word out to rental companies, the gates at the park and the fencing were the topics that were discussed.

Councilwoman Reynolds brought up the parking ordinance. She asked if the ordinance should include exemptions for the churches, museum, and the life guard race. Councilman Spark said that we could do that the same way we do any exemptions. Exemptions would be for the regular church services, special events, etcetera. Terry Brady said that the exemptions would cause an enforcement nightmare for the police.

The next topic discussed was the ordinance pertaining to the bay front non-motorized watercraft fees. Councilman Spark said that there would be a onetime fee of \$10.00. He said that the public works employees went down to the areas of concern and cleaned up the areas that had become eyesores. The chains have not been installed yet because they are waiting for the anchors to come in. Councilman Mikuletzky said that he didn't see anything in the ordinance about using the chain for a tie down. Councilman Spark said that the only tie down facility would be this chain and that no one would be permitted to bring their own tie down materials, no cinder blocks, no tires, nothing. Terry Brady pointed out that subsection D. of the ordinance says, "The registrant shall not change, alter or install any equipment upon the mooring area." Councilman Spark said that we will talk about this again during the open public session.

The Council President brought up the parking ordinance again but specifically the parking of trailers and recreational vehicles on Central Avenue. Councilman Warr said that he couldn't support that. Councilman Wellington said that the issue that was trying to be resolved was construction trailers that are parked in the street for extended periods of time while homes are under construction. The thought process was that there should be enough land for the construction vehicles and dumpsters to be placed on the property. Councilman Warr said that in most cases there is room on the property but they just choose not to put them there. He said that solving one problem is creating another one. Councilman Sharpless said that we need the regulation there so that it may be utilized if we need it.

Councilman Spark said that we would take a 5 minute break. Councilwoman Reynolds made a motion to close caucus, it was seconded by Councilman Wellington and all were in favor. The caucus meeting ended.

**THE MEETING** of Mayor and Council was called to order by Councilman Spark at 5:00 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 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.

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

**ALSO PRESENT:** Terry Brady, Nancy Manookian, and Brenda Kuhn

**APPROVE MINUTES:** Councilman Spark asked for a motion to approve the minutes of April 13, 2016 regular meeting.

**MOTION:** Reynolds

**SECOND:** Wellington

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

NAYS: None

ABSTAIN: Warr

ABSENT: None

**TREASURER'S REPORT:** Councilman Spark asked for a motion to approve the Treasurer's Report.

**MOTION:** Warr

**SECOND:** Reynolds

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

NAYS: None

ABSTAIN: None

ABSENT: None

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

**MOTION:** Wellington

**SECOND:** Sharpless

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

NAYS: None ABSTAIN: None ABSENT:

#### COMMITTEE REPORTS:

**PUBLIC WORKS:** Councilman Sharpless said DPW is busy. He said that they are up to 13<sup>th</sup> Street with the boardwalks and he thinks that they might get to 12<sup>th</sup> Street before the summer starts. He also reported that he had a priority list for DPW of the things to do and if anyone had something to add, just let him know. He said that the Memorial Day Parade will be May 29, 2016. He asked if anyone would be interested in joining the recreation committee because we are desperately in need volunteers.

**DOCKS AND HARBORS:** Councilman Wellington said he was surprised that the revenue was up \$700.00 over last year because the weather hasn't been very good. He said that he went to a meeting last month regarding the dredging project. He said that Maria, from the Sandpaper, did a great job posting the results of the meeting in the paper. He said that Double Creek, High Bar, and the Barnegat Light Channels are all going to be dredged between September 1 and December 31, 2016. He stated that it was DEP regulation that wouldn't allow the dredging before September and we wouldn't see it in Barnegat Light until late November or early December.

**WATER/SEWER:** Councilman Spark said he would like the report a part of the regular minutes. He said that it was interesting to see that Barnegat Light was using a lot of water than the Township.

**FINANCE:** Councilman Warr said that the bills for the month were \$392,537.53. He said of that \$130,016.58 was spent for Regional School tax.

**PUBLIC SAFETY:** Councilman Mikuletzky said that the traffic lights are about to go on and the speed limit will be changing. He said that the dates that he received seemed to be reversed of the normal procedure. He said that it would happen before the end of the month. He said to be aware.

**BEACHES AND PARKS:** Councilwoman Reynolds said that another tennis pass was sold. Now we have sold \$235.00 on the tennis courts. She said that we have sold over two hundred more Preseason Beach Badges than last year. She said we have made over \$13,000.00 more than last year in our BB revenue. She said that we haven't sold any Senior Badges, but she was informed that they weren't available yet. Councilwoman Reynolds said that everyone loves the permanent walkways and the rollups that take you closer to the ocean, are still available. Regarding the dog park, she said that we talked about changing the opening time from 8:30am to 8:00am.

**OPEN PUBLIC SESSION:** Councilman Spark said that if the public could talk about anything but if they wanted to talk about a particular ordinance that there would be an open session for each of the ordinances. He said that he would prefer if the public would wait until we get to the ordinances to talk about them. He said that there may be other items that need to be addressed before we get to the ordinances. Councilman Spark asked for a motion to open the public session. On a motion by Sharpless, seconded by Wellington and carried by all the public session was opened. Rich Brodman, 4 East 10<sup>th</sup> Street, stated that he and his wife are now permanent residents of BL. He asked if a walkway would be constructed on 10<sup>th</sup> Street. Councilman Sharpless said that it didn't look like it would be there this summer and it probably would be a fall project. Mr. Brodman said that they were beautiful. Mike Greenblatt, 902 Bayview, asked if the lights in BL are going to flash until a later date than the rest of the Island and he was told yes. Mr. Brodman said that he had a couple of kayaks in the bayfront area. He asked what they were doing there. Councilman Wellington informed him that DPW was instructed to pick up and discard anything that was left there over the winter. Councilman Wellington told him that once the anchors and chains were installed he should anchor to it and then take away whatever he was previously using. Mr. Brodman said that he would happy to help clean up the area. An unidentified man said that rumor has it that this will not happen until next year. Councilman Wellington said it was just a rumor. Councilman Spark told him that we already had the 500' of chain and we are just waiting for the screw jacks to go in the ground. Mary Jane Prieser wanted to know about the area between 10<sup>th</sup> and 11<sup>th</sup> Street and was informed that that was also addressed in the ordinance. Then she said that some people come down with boat trailers and leave them there and wanted to know if that was going to be addressed. Mike Greenblatt said that in the last meeting it was mentioned about the backstop in the ballpark was going to be moved and wanted to know if it would affect the small field and he was told yes, that is where it is going. He said he was against that. He was told that the whole area would be reversed. Elise Lemcke asked if there would be enough space for helicopter landings. Councilman Sharpless said that there would be enough space and also the "Coast Guard Property" may be used. Mr. Brodman wanted to know if the town has thought about pickle ball courts and if there has been much interest in this. He said that it is played with a waffle ball and wooden paddle and the courts are about a third of the size of a tennis court and it is becoming very popular. Elise Lemcke said that she liked the dog park opening at 8:00am but still didn't like using dusk as a closing time. Mary Jane Prieser asked if parking was going to be prohibited on the whole length of Central Avenue. She asked about parking for the church and the church special events. She wanted to know how it would affect the people coming to the church. She was told that the borough could grant exceptions to the rule but the church would have to ask us for a waiver and the police department would be notified of the waiver. She was told that funerals are exempt and wouldn't require us to grant a waiver. Robin Pearson from West 11<sup>th</sup> Street said

that the dog park seems to be a done deal but has some questions about it. She thought it was a lot of fuss and all we had to do is padlock it. She asked how renters are going to know what to do and if they don't know how to use it, there will be dog poop all over town that no one will pick up. **Councilman Spark** said that this was being done to try to get some control over who uses the dog park and to keep out dogs that are a problem and to be certain that the animals that are in the park are licensed and have had a rabies shot. **Bonnie Brodman** asked when the kayak area rules will be in effect. She was told that we had to get the ordinance passed and we had to install the chains, purchase the stickers and post the signs. We would check the area and if there were watercraft there that were not registered, we would leave a packet of information with the boat. **Ed Ebenbach** wanted to know if the town had a proactive plan in place to communicate with the residents regarding the new parking regulations so that they don't find out by getting a ticket. **Terry Brady** said that NO PARKING signs would be posted because they are required. **Dick Malacrea** asked about the museum and how that parking would be handled. **Ingrid Meara** from 704 Central Avenue said that she felt that the parking ordinance is a done deal. She said that if safety is the reason for the ordinance she couldn't understand why we would give waivers to businesses & churches. She asked if we were not concerned about safety during church hours. She said that it would cause a hardship to her and that it wasn't fair to her and the people who live on Central Ave. **Michelle Wellington** from West 11<sup>th</sup> Street wanted to applaud the council for addressing the safety issue on the boulevard. She said that she didn't understand how it is a hardship to walk from the other side of the blvd. to the beach.

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

#### RESOLUTIONS:

##### RESOLUTION 2016-084

##### **RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING EMERGENCY OPERATIONS BASIC UPDATE PLAN**

**WHEREAS**, Kirk O. Larson, Emergency Management Coordinator and Kathy Guerrero, Ed Wellington, Scott Sharpless and Frank Mikuletzky, Deputy Emergency Management Coordinators, have submitted an Emergency Operations Basic Update Plan, concerning disaster control as required by county and state regulations; and

**WHEREAS**, this plan shall be in effect for a period of four years, from June 26, 2016 to June 26, 2020.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey that the Emergency Operations Plan be approved.

**DATED: MAY 11, 2016**

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

##### RESOLUTION 2016-085 **RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING SEASONAL WORKERS**

**WHEREAS**, the Borough of Barnegat Light is in need of seasonal employees for the 2016 season; and

**WHEREAS**, the following people are employed as noted with the compensation listed below:

**NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Barnegat Light approves the list of seasonal employees.

#### BEACH BADGE BOOTH:

Kay Giberson	\$15.00/hr
Lisa Zurlo-Waltz	\$8.63/h

#### DOCK MASTER AND ASSISTANTS:

Ed Kenny	\$13.00/hr
Rafael Martinez	\$9.00/hr
Stanley Madsen	\$8.75/hr
Merrill Thim	\$8.63/hr
Frank Fuhr	\$8.38/hr

#### BEACH BADGE CHECKERS:

Dennis Pantzer	\$13.00
Warren Halbing	\$8.63

**DATED: MAY 11, 2016**

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

**RESOLUTION #2016-086**

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED  
SERVICES AGREEMENT WITH BEACH HAVEN, SURF CITY AND HARVEY  
CEDARS FOR CONSTRUCTION CODE ENFORCEMENT SERVICES**

**WHEREAS** the State Uniform Construction Code Act, NJSA 52:27D-119 et. seq., requires that each municipality must make provisions for the enforcement and administration of the Uniform Construction Code; and

**WHEREAS** NJSA 40A:65-1 et. seq., authorizes several municipalities to agree to provide code enforcement services jointly by contract when approved by resolution under NJSA 40A:65-5; and

**WHEREAS** it is the desire of the Borough of Barnegat Light to contract with the municipalities of Beach Haven, Surf City and Harvey Cedars to jointly employ a Construction Code Officer.

**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:

1. The Mayor and Clerk are hereby authorized and directed to enter into and execute a Shared Services Agreement with the municipalities of Beach Haven, Surf City and Harvey Cedars for the provision of Uniform Construction Code enforcement and administration services.
2. A copy of this agreement shall be kept on file and be available for public inspection at the office of the Borough Clerk.
3. This agreement shall take be effective as of April 12, 2016 and shall take effect upon full execution by the parties and shall remain in full force and effect for a period of four (4) years, expiring on April 11, 2020.
4. A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, Borough of Surf City, Borough of Harvey Cedars and the Construction Code Official.

**DATED: MAY 11, 2016**

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

**RESOLUTION #2016-087**

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE  
OF NEW JERSEY URGING THE NEW JERSEY PUBLIC UTILITIES TO OPPOSE THE  
PROPOSED NEW JERSEY NATURAL GAS RATE INCREASE**

**WHEREAS**, New Jersey Natural Gas Company serves more than a half-million customers in New Jersey, extending across Ocean and Monmouth Counties, as well as parts of Middlesex, Morris and Burlington Counties; and

**WHEREAS**, New Jersey Natural Gas Company wants to raise rates by 24%, raising customers' monthly bills by an average of more than \$21; and

**WHEREAS**, part of this up charge includes a 118% increase in the utility's monthly customer service charge, which would rise from \$8.25 a month to \$18; and

**WHEREAS**, the company's highly-paid top executives are receiving massive raises. Their 2015 compensation rose 40% over 2014 and has doubled since 2011; and

**WHEREAS**, a 24% increase could force seniors on fixed incomes and families struggling to get by to choose between keeping their lights on, heating their homes, putting food on the table, or buying needed medication; and

**WHEREAS**, many local businesses and homeowners are also still recovering from the devastating impact of Super Storm Sandy and this would be an unwarranted burden; and

**WHEREAS**, the return of investments should fund the improvements necessary and that a dedicated fund be established to finance improvements thus eliminating the need to propose huge rate hikes for their customers; and

**WHEREAS**, this proposal by New Jersey Natural Gas must still undergo regulatory hearings before an administrative law judge and be approved by the State Board of Public Utilities.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, hereby urges that prior to the approval of any rate increase strong consideration be given to the devastating effect such increase would have on senior citizens, struggling families and the business community.

**BE IT FURTHER RESOLVED** that certified copies of this Resolution shall be forward to the 30<sup>th</sup> Legislative District, the Board of Public Utilities and All Ocean County Municipalities.

**DATED: MAY 11, 2016**

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

**RESOLUTION 2016-088**

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN,  
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SCHEDULE  
“C” AGREEMENT WITH THE COUNTY OF OCEAN FOR 2016**

**WHEREAS**, the Interlocal Services Act, N.J.S.A. 40:8a-1 et seq. authorized the Borough of Barnegat Light to enter into a contract for the provision of certain governmental services with the County of Ocean; and

**WHEREAS**, N.J.S.A. 40-8 requires such a contract to be authorized by resolution or ordinance; and

**WHEREAS**, it is the desire of the governing body to authorize the execution of a contract with The County of Ocean for the provision of services, materials and equipment as set forth in Schedule “C” attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Barnegat Light, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute a Schedule “C” agreement with The County of Ocean in accordance with the provisions of the law to include \$3000.00 for the Road Department and \$2500.00 for the Engineering Department and \$6000.00 for major project request West 17<sup>th</sup> Street end at Bayview Avenue for a total sum not to exceed \$11,500.00. A copy of the said agreement is attached hereto and made part hereof as Schedule “C”.
2. This agreement is for the period January 1, 2016 to December 31, 2016.
3. That a copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk’s office during normal business hours.

**DATED: MAY 11, 2016**

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

**RESOLUTION 2016-089**  
**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS  
IN THE AMOUNT OF \$392,537.53**

**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 \$392,537.53 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: MAY 11, 2016**

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

## **ORDINANCES:**

The clerk stated that the following Ordinances were advertised in the Beach Haven Times on April 21, 2016

### **SECOND READING:**

#### **ORDINANCE 2016-003**

#### **AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 57 OF THE BOROUGH CODE, ENTITLED "ANIMALS", TO PROVIDE FOR THE REGULATED USE OF THE BOROUGH DOG PARK.**

**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.** Chapter 57 of the Borough Code of the Borough of Barnegat Light, entitled "Animals," is hereby amended and supplemented to provide revised Section 57-18.1 as follows:

#### **Chapter 57 Animals**

##### **§ 57-18.1. Municipal Dog Park.**

- A. A dog park is defined as a public park, typically fenced, which offers people and their dogs an off-leash play area where they can enjoy a park-like setting and the chance to socialize with other canines and their owners. Dog parks offer a wealth of benefits to dogs, dog owners and the community as a whole.
- B. There is hereby established within the Borough of Barnegat Light a municipal dog park, located upon the municipal recreational property at 10<sup>th</sup> Street. Notwithstanding anything in this Chapter to the contrary, duly licensed and supervised dogs may run at large upon the lands of the municipal recreation property in the designated dog park area without leash, so long as each dog is properly controlled and monitored to prevent any injury, damage to soil or to any person, property or other animal in the area. In the event that a dog attacks any person or other dog, the Borough Animal Control Officer shall take enforcement action as provided by law, and the Borough shall ban said dog from the municipal dog park. The offending dog owner shall further be liable for the penalties provided in this Chapter. The Borough Council may adopt further rules and regulations governing the use of the dog park area, as it may deem appropriate from time to time.
- C. Any person desiring to use the Borough's dog park for any dog owned and licensed by him may do so only after registering said with the Borough of Barnegat Light by completion of access card application form, acceptance of risk and release of liability form and payment of fee. Any person who has been issued a license for his/her dog in another municipality may register his/her dog by completion of access card application form, acceptance of risk and release of liability form, payment of fee and by producing a copy of the other municipality's license or a valid rabies certificate. The Borough shall issue to said registrants a keycard for entry into the dog park.
- D. Proof of licensing and registration with the Borough shall be required annually. There shall be no fee for residents and homeowners, a \$30.00 annual fee for nonresidents and a weekly fee of \$10.00 payable to the Borough of Barnegat Light. Passes are not transferrable between owners. The annual keycards will expire one year from the date of issue. Applications and passes may be obtained from the Barnegat Light Borough Hall offices weekdays from 8:30am to 3:30pm or the Beach Badge Booth when in operation.

The hours of operation are:

April 1 to September 30 – 8:00 am to 8:00 pm

October 1 to March 31 – 8:00 am to 5:00 pm

- E. The Borough shall require strict compliance with all rules and regulations set forth in this Chapter, or as otherwise prescribed by the Mayor and Borough Council, including but not limited to:
  - a. All dogs must be registered prior to use of the park. Bringing unregistered dogs to the park is strictly prohibited and may be subject to loss of your pass.
  - b. Owners are responsible at all times for the behavior and safety of their dogs and should be considerate of others.
  - c. Dogs must wear collar displaying valid licenses and registration ID at all times.
  - d. Dogs must be leashed prior to entering and upon leaving the dog park area.
  - e. Dog owners assume all liability for damages suffered by anyone who is bitten or injured by their dog while utilizing the dog park.
  - f. Dogs must be supervised by person(s) eighteen years or older. No children under the age of 18 years are permitted in the park unless accompanied and supervised by an adult.
  - g. Dog owners must remain in the park and keep their dog in view at all times. Abandoning animals is prohibited by law.
  - h. Allowing dogs to dig holes is prohibited. Owners must fill in any holes made by their pets.
  - i. Users of the park shall clean up after themselves and their dog.

- j. The following are not allowed in the park: aggressive dogs, sick dogs, or female dogs that are in heat. Smoking, alcohol, food and glass containers are not permitted in the park.
- k. Professional dog trainers are not permitted to use the facility for training purposes without written permission from the Borough.

**SECTION 2.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

**Passage on First Reading:** April 13, 2016

**Moved:** Reynolds    **Seconded:** Wellington

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

**Nays:** None    **Absent:** Warr

**Councilman Spark** asked for a motion to open the Public Hearing. On a motion by Reynolds, seconded by Sharpless and carried by all, the public hearing for ordinance #2016-003 was open to the public.

## PUBLIC HEARING:

Ed Mantie from 24 West 10<sup>th</sup> Street said he wanted to commend the Council for addressing the issues that people on 10<sup>th</sup> St. have brought up. He said that moving the entrance to the east side that improved the noise circumstance; and it helped the parking problem. He said now that we decided to recreate the dog park/ballpark, he hopes that council would continue to be as sensitive to the people that live near the park. He said there will be glitches involved. Mr. Mantie said that dusk is not good for closing and specific times would be better. He said signs that give exact times for opening and closing would be very important. There was a lot discussion about the time of opening and closing. Councilman Spark asked Terry Brady to talk about how we change the opening and closing times and pass the ordinance. He said that it could be 8am-8pm April 1 to September 30 and then 8am-5pm October 1-March 31. He said it was not a significant change and a motion to adopt would be appropriate.

**Councilman Spark** asked if there was any further discussion on the dog park. He asked for a motion to close the public hearing. On a motion by Warr, seconded by Sharpless and carried by all, the public hearing for ordinance #2016-003 was closed to the public.

**Councilman Spark** asked for a motion to adopt with the amendment.

**Final Passage:** May 11, 2016

**Moved:** Reynolds    **Seconded:** Wellington

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

**Nays:** None    **Absent:** None

## SECOND READING:

### **ORDINANCE 2016-004**

### **AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 64 OF THE BOROUGH CODE, ENTITLED "BOATING" TO PROVIDE FOR THE REGISTRATION OF CERTAIN WATER VESSELS MOORED ALONG THE BAYFRONT.**

**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.** Chapter 64 of the Borough Code of the Borough of Barnegat Light, entitled "Boating," is hereby amended and supplemented to provide a new Article II, to create and establish registration requirements and rules for mooring along the Borough's bayfront area, to read as follows:

#### **Chapter 64 BOATING Article II Use of Bayfront Area**

##### **§ 64-7. Registration of personal watercraft along bayfront areas; regulations.**

- A. Any person desiring to moor and/or use the Borough's bayfront area for any boat, kayak or personal watercraft (non-motorized) of any kind may do so only after registering said vessel with the Borough of Barnegat Light. There shall be a \$10 registration fee for the same. The registration application shall set forth a description of the vessel, the owner's full name, residence address, business address, driver's license number, boat license number (if applicable), boat state registration number (if applicable), residence and business telephone numbers and an emergency telephone number. The owner shall keep all of the foregoing information current with the Borough. The applicant shall also supply any other information reasonably requested by the Borough Dock Master and/or his assistants.
- B. The use of the Borough's Bayfront area shall be limited to 10<sup>th</sup> to 12<sup>th</sup> Streets, and 24<sup>th</sup> to 30<sup>th</sup> Streets, along the bay. The Bayfront shall not be used for any such mooring or bay access in the off-season from December 1 to April 1.

- C. The Borough will not be responsible for any loss or damage of mooring, tackle, ropes or hardware or any other equipment of the registrant.
- D. The registrant shall not change, alter or install any equipment upon the mooring area.
- E. If the registrant shall violate any of the foregoing conditions or any of the provisions of this Article, the registration shall be immediately terminated. In the event that a registered vessel must be removed, the registrant shall be responsible for all costs and expenses of the Borough associated with the removal of the same.

**SECTION 2.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**Passage on First Reading:** April 13, 2016

**Moved:** Wellington **Seconded:** Sharpless

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

**Nays:** None **Absent:** Warr

**Councilman Spark** asked for a motion to open the Public Hearing. On a motion by Sharpless, seconded by Mikuletzky and carried by all, the public hearing for ordinance #2016-004 was open to the public.

#### **PUBLIC HEARING:**

Mr. Brodman asked why the Borough didn't want to charge an annual fee for registration of the non-motorized watercrafts. He was that if someone left their boat there we would be able to contact them and weren't trying to make money off of the registration fee that we merely were trying to keep the area safe and clean. Mary Ellen Foley said that there were 3 Sunfish that have been down there for approximately 3 years that are all full of sand. She wanted to know if they could be thrown away. She was told that they would be removed.

**Councilman Spark** asked if there were anymore comments on ordinance 2016-004. He asked for a motion to close the public hearing. On a motion by Warr, seconded by Sharpless and carried by all, the public hearing for ordinance #2016-004 was closed to the public.

**Councilman Spark** asked for a motion to adopt.

**Final Passage:** May 11, 2016

**Moved:** Sharpless **Seconded:** Wellington

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

**Nays:** None **Absent:** None

#### **ORDINANCE 2016-005**

#### **AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH'S PARKING REGULATIONS.**

**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 195-3 of the Borough Code of the Borough of Barnegat Light, entitled "Parking," is hereby amended and supplemented to provide a revised paragraph C to provide as follows:

#### **Chapter 195** **Vehicles and Traffic**

##### **§ 195-3. Parking.**

C. Parking prohibited at all times on certain streets; parking prohibited during certain seasons. No person shall park a vehicle at any time upon any of the streets or parts thereof described in Schedule I attached to and made a part of this chapter. No person shall park a vehicle at any time specified upon any of the streets or parts thereof described in Schedule I-A attached to and made a part of this chapter

All other paragraphs, sections, subsections and provisions of Borough Code § 195-3 shall remain in full force and effect.

**SECTION 2.** There is hereby created and established a Section 195-12.1 of the Borough Code of the Borough of Barnegat Light, entitled "Schedule I-A: Paring prohibited at all times during certain seasons," to provide as follows:

##### **§ 195-12.1. Schedule I-A: Parking prohibited at all times; certain seasons.**

In accordance with the provisions of § 195-3C, no person shall park a vehicle at any time upon any of the following described streets during the season of June 1 through October 1.

Name of Street	Side	Location
Central Avenue	both	entire length
West 4 <sup>th</sup> Street	both	entire length

**SECTION 3.** Section 195-13 of the Borough Code of the Borough of Barnegat Light, entitled "Schedule II: Parking prohibited during certain hours on certain streets," is hereby amended and supplemented to provide as follows:

##### **§ 195-13. Schedule II: Parking prohibited during certain hours on certain streets.**

In accordance with the provisions of § 195-3D, no person shall park any trailer, camper or large recreation vehicle overnight upon any of the streets within the Borough between the hours of 12 o'clock midnight and 5 o'clock a.m. during the season of June 1 through October 1.

**SECTION 4.** In accordance with N.J.S.A. 39:4-8, the Municipal Engineer of the Borough

of Barnegat Light has, under his seal as a licensed professional engineer, certified to the Borough of Barnegat Light that any designation and erection of signs or placement of markings in accordance with the provisions of this ordinance (1) has been approved by him after investigation by him of the circumstances, (2) appears to him to be in the interest of safety and the expedition of traffic on the public highways, and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the New Jersey Commissioner of Transportation.

**SECTION 5.** A certified copy of this ordinance, together with the Borough Engineer's aforementioned Certification, statement of reasons for the engineer's decision, detailed information as to the location of streets, intersections and signs affected by this ordinance or its implementation, and traffic data (where appropriate), shall be forwarded to the New Jersey Commissioner of Transportation and to the Ocean County Engineer within 30 days of final adoption of this ordinance.

**SECTION 6.** 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 7.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 8.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

**Passage on First Reading:** April 13, 2016

**Moved:** Reynolds **Seconded:** Sharpless

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

**Nays:** None **Absent:** Warr

**Councilman Spark** asked for a motion to open the Public Hearing. On a motion by Reynolds, seconded by Sharpless and carried by all, the public hearing for ordinance #2016-005 was open to the public.

#### PUBLIC HEARING:

**Mr. Meara** from Central Avenue wanted to know what the main purpose of this ordinance is. **Councilman Mikuletzky** said it was strictly for safety of pedestrians and bicyclist. **Mr. Meara** said that no parking on the Boulevard would just be in Barnegat Light and he was informed him that from Surf City north has no parking on the boulevard. He asked if this ordinance also applied to Broadway and the answer was no. He wanted to know if there could be waivers for people who live on Central. **Becky Tarditi** said that they have a multifamily unit and parking will be a hardship for them. Terry Brady said that no exemptions have been granted and council is not bound to grant them. Someone asked where will people park when going to church. **Jim Gutowski** of Central Ave. stated that he was a biker. He said that it sounds like an issue of safety vs. convenience. He said that he didn't know how many times he sat in his yard and was praying that the lady walking with a stroller didn't get hit by a car. He said that his son parks on Central but he told him park on the side street or park in the driveway and block him in because he doesn't want to see someone killed on Central. **Robin Pearson** said that she and her husband had t-shirts that say, "If you can read this, you're walking the wrong way". She said that people are riding and walking the wrong way. She suggested that we give parking permits for people that live on Central. **Nancy Manookian** said that when and if this passes the side streets will be like a zoo and in the past owners have been asked to designate their driveways. She stated that she carries a copy of the parking ordinance that says that you can only claim 20' for your designated driveway. **Mary Jane Prieser** said that this ordinance will make everyone go to Bayview Ave. which is also a county road. People do bike and walk on Bayview and how are you going to handle that. **Councilman Sharpless** said that he has never seen the side streets on the west side at capacity. **Melinda Decker** said that she felt that it really didn't matter if you were on the correct side of the road, it matters if there's enough room for you to walk or bike. **Bonnie Brodman** asked about the 20' driveway designation. She said she didn't see any driveway marked off and she said that if that was enforced that there would be more parking on the side streets. **Councilman Sharpless** said that what we would like to eventually start marking out spots because people don't park correctly. **Councilman Spark** said that the next part of the ordinance was about parking trailers over night. He asked for comments on this. **Mary Ellen Foley** thinks it is silly that a vacationer can't leave their trailer there all week. **Mike Greenblatt** agreed. **Councilman Spark** said that there have been many times that trailers, containers, dumpsters, etc. have been left on the streets for long periods of time and there is no ordinance that allows the Borough to do anything about it. Someone brought up motor homes and she was told that there already an ordinance in place for that and that you can just live on the street in your motor home. **Councilman Wellington** said we should just try it for the summer and see how it works out. He said that it is not the council's intent to penalize law abiding citizens. He said that they were just trying to solve a safety issue. He said he was inclined to move forward with the ordinance and get it on the books for this year and then we can work out the wrinkles.

**Councilman Spark** asked if there were anymore comments on ordinance 2016-005. He asked for a motion to close the public hearing. On a motion by Wellington, seconded by Reynolds and carried by all, the public hearing for ordinance #2016-005 was closed to the public.

**Councilman Spark** asked for a motion to adopt.

**Final Passage:** May 11, 2016

**Moved:** Wellington **Seconded:** Sharpless

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

**Nays:** None **Absent:** None

**CORRESPONDENCE:**

Barnegat Light Tourism Coalition asked to use certain areas of Borough property for Discover Barnegat Light Day that was being held on Monday, July 11, 2016. All were in favor.

Boy Scout troop from Manahawkin requested to camp on the beach June 10-12, 2016. They were approved.

John Alchus sent a letter suggesting the name of the “Coast Guard Property”. Councilman Sparks said that the Mayor wasn’t at the meeting so they should not make any decisions on this without him being present.

Michael Spinelli sent a letter requesting installing pickle ball courts at the “Coast Guard Property”. He stated that he would be available for a presentation after May 15th.

**MOTION TO ADJOURN:**

Council President Spark 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**