

REGULAR MEETING OF MAYOR AND COUNCIL OCTOBER 14, 2015

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 5, 2015 and by mailing a copy of the notice to the Beach Haven Times and Asbury Park Press, newspapers designated by Mayor and Council on January 5, 2015, to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 5, 2015.

**ROLL CALL: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY
WARR**

**ALSO PRESENT MAYOR LARSON, TERRY F BRADY, ESQ., AND KATHY GUERRERO,
DEPUTY CLERK**

The Mayor asked if Dottie wanted to talk about beach badge prices. Dottie referred the Mayor and Council members to her list of suggested prices. She mentioned that we are not that far off compared to other towns. She thought pre-season and season badges should be raised \$5.00, they would be \$30 for pre-season and \$40 for season badges. She also suggested raising senior, weekly and daily badges all by \$2.00. The Mayor said he felt we should not raise the daily badges, it would be too much to charge to come to the beach for one day. Dottie said she was good with that. Terry Brady mentioned the holiday badge and said that price would include the additional \$2.00 for the box. He also said the State looks at beach badge fees to see if a town is discriminatory it is the daily beach badge that catches their attention so it is good to keep the price low.

Ed Wellington said that the Docks and Harbors committee had met and wanted to propose a \$100 increase to price of the slip lease from \$2000 to \$2100, we do not want to be too competitive with the private marinas which are about \$2300. The daily ramp pass will remain at \$20, they would like to raise the seasonal ramp fee from \$100 to \$120 and keep the commercial pass the same price. The livery leases are up and they would like to raise the livery fee by 1% per year for the next three years.

Mayor Larson brought up the resolution concerning sick time. Michael Spark said some of the wording concerning the time frame was a little misleading. Council agreed some wording would need to be changed to clarify it. It should read, anyone hired gets 10 sick days at the start of their employment. Terry Brady will make the changes.

Mayor Larson then brought up the parking issue, he asked if they wanted to talk about it or they still wanted to do a little more research. Michael Spark said they would like to do some more research.

Michael Spark then asked if they could talk about the Coast Guard property. Mayor Larson said the Borough owns it. The Borough has 60 days from the date of the letter, we sent in the required 10%, \$309,000. Kat is working with a financial specialist and they are putting together some financing pieced together to make a plan for how the Borough is going to pay for the property. He said they are probably looking at a 20 year payout. Everything is preliminary at this time. He said it is possible that they might just get the regular loans for the first year, the percentage rate right now is between .50 and .75%, but that may not be forever. After five years they would have to go out for permanent financing. During the budget they would work on the permanent financing for next year. They would figure out the best way to do it without raising any taxes. Mayor Larson said if we get a tax increase from buying the property it probably would be about a half of a cent. There

is already some money in the bank. At this time they are looking to remove the houses that are on the property. They will also remove the parking lot and the basketball court. He said he has had many requests for what to do with the property, but it has to stay open lands. It can be used for concerts and they have talked about putting a bathroom on the property and possibly a pavilion style bandstand. Ed Wellington asked if they could talk a little more about moving ahead with taking the buildings down, the sooner the better. The Mayor said he has two guys looking to bid on that. One has looked at it and gave him a price, but that price does not include asbestos abatement. The big expense will be concrete removal of all of the interior sidewalks, taking down the buildings and the asbestos removal. Ed Wellington said he would like to move as quickly as they practically can. Ed Sulecki has contacted someone about the asbestos removal. Ed Wellington asked about the Borough's liability, there is none until we close. Eventually JIF will be contacted to add the property to the insurance. Terry Brady said there would be an adjustment to add a large asset. Once the buildings are down it will just be land.

The Mayor mentioned that he put some park benches on Bayview Avenue for children waiting for the school bus. Dottie Reynolds said they will also be good in the summer for people waiting for the shuttle. He also asked if Council wanted to consider bringing back the memory benches, just so there are not too many on any one street end. Dottie agreed that there would have to be a limit.

The Mayor said he still does not know what they want to do with the parking issue. Dottie Reynolds said she still thinks there should be no parking from 20th to 30th Streets on Central. Michael Spark said they would then have to address the side street parking. The cars that cannot park on Central will go to the side streets and then there is going to be the perceptual argument of driveways being blocked. The Mayor then asked if everyone could agree on no overnight trailers on the streets. Michael Spark asked, what happens if have your boat in for the weekend? Scott Sharpless asked if they were just talking about County roads and the Mayor clarified it would be all streets. The Mayor said he was not only talking about boat trailers, but all trailers, construction and landscaping trailers. Michael Spark said it could be written two ways, boat trailers could be on the street for 48 hours, but construction and landscaping no overnight.

The Mayor then brought up the need of a Code Enforcer, just someone to address issues that are brought up or check complaints that are called in.

Kat Flanagan said she had three issues that needed to be discussed. There are two employees that have left the Borough, the Assistant Treasurer and a Public Works employee. They both had days on the books that they need to be paid for and it needs to be approved by Council to release their checks. All agreed that the checks could be released. The second item was that Public Works is in desperate need of a backhoe. The Mayor said buy it, they need to have one. She suggested doing introduction by title only. The last item was the Best Practices checklist, all Council members received a copy. It had to be discussed at an open public meeting. The Mayor said it was time to open the regular meeting and asked if they could discuss it during committee reports, Kat said that was fine.

With nothing further to be discussed at caucus a motion to end the caucus was made by Scott Sharpless and seconded by Dottie Reynolds and all were in favor.

THE MEETING of the Mayor and Council was called to order by Council President, Michael Spark at 5:00pm 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 transmitting notice of same to the Beach Haven Times and the Atlantic City Press on January 5, 2015 and by posting a copy of the notice of this meeting on the bulletin board in the Borough Hall on January 5, 2015 Said news papers were designated by Mayor and Council on January 5, 2015, to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 5, 2015.

PLEDGE OF ALLEGIANCE

**ROLL CALL: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR
ALSO PRESENT: MAYOR LARSON, TERRY F. BRADY, ESQ., KATHY GUERRERO, DEPUTY CLERK AND KAT FLANAGAN, CFO, BRENDA KUHN, TAX COLLECTOR, ELAINE TOLLISON, ADMINISTRATIVE ASSISTANT AND ED SULECKI, SUPERINTENDENT OF PUBLIC WORKS**

THE MAYOR asked for a motion to approve the minutes of the September 9, 2015 regular meeting. On a motion by Sharpless, seconded by Spark the minutes were approved.

MOTION: SHARPLESS

SECOND: SPARK

**VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY
NAYS: NONE ABSTAIN: NONE ABSENT: NONE**

TREASURER'S REPORT: On a motion by Warr, seconded by Reynolds and carried by all the report was approved.

MOTION: WARR

SECOND: REYNOLDS

**AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR
NAYS: NONE ABSTAIN: NONE ABSENT: NONE**

BUILDING & ZONING REPORT:

THE MAYOR asked for a motion to approve the reports for September. Spark so moved, seconded by Sharpless.

MOTION: SPARK

SECOND: SHARPLESS

**VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR
NAYS: NONE ABSTAIN: NONE ABSENT: NONE**

COMMITTEE REPORTS:

WATER/SEWER: Michael Spark asked to make the report part of the minutes. He said finally the water level is going down which is to be expected. The Mayor said he had looking into getting meters. Michael asked what made him make the decision and he said he is seeing the meter pit breaks, two in the last two weeks, and if they were all redone then we would not have to worry about them for 20 years. Ed Sulecki added that this is something the DEP wants us to do also. The Mayor said the Borough is going to hire a contractor and go out and bond for it and be put on a metered system with wi-fi. Everything will be metered and people will pay for the water they use.

PUBLIC WORKS: Scott Sharpless asked to make the Public Works report a part of the minutes. Public Works had 241 working hours on the beaches. They finished the 20th St. walkway and also put in a lot of time preparing for the storm, moving benches, trash cans, etc. There were two meter pit breaks that they worked on. He mentioned the need for a backhoe and Kat said it is being worked on. They will continue to work

on the walkways, starting on 22nd St. in the next week and it should go quickly. The dune grass planting was done and about 15 people showed up on Saturday and another five planted on their individual streets. They are going to be working with Bill Hudson and the island Chamber of Commerce, they run the program every year, during the coming weekend. The following week there will be a couple school groups coming to do some planting. In all it was a good turnout this year. At this time all of the bundles are heeled in so the roots do not dry out. He said if anyone had the inclination to plant some dune grass they could do it on their own. A total of 60-70 bundles were planted between 30th and 27th Streets and the rest are out there between 20th and 30th Streets for people to pick up if they want.

DOCKS AND HARBORS: **Ed Wellington** said the ramp is up about \$1500 over last year at this time. He said the stripers are not here yet, so with the good weather and the November time frame will decide how we end up in comparison to last year. He was in contact with the DOT coordinator who is working on the dredge project for Double Creek, High Bar harbor and our Creek and the bids that came back were all in excess of what they had planned so all bids were rejected. They are now re-working the bid specs and expect to go out for bid again and expect to get a more affordable return. Because of this he believes we are at least into next spring before any possibility of dredging beginning. The Mayor had an idea that Ed thought may work. He is going to call the DOT and see if the Borough can use their permit to do some local dredging in some of the shallow spots that we have. If the Borough can use their permit to do some of the local stuff then they could try to hire one of the local bulk header to do some of the work.

BEACHES AND PARKS: **Dottie Reynolds** said obviously the beaches are closed and it did work out nicely having 22nd St. guarded for the extra weeks during the good weather after Labor Day. They also patrolled up and down the beach. She said that during the work session they mentioned the prices of beach badges are going to be raised through the first reading of an ordinance at tonight's meeting. The prices will be, pre-season \$30, season \$40, senior \$12, weekly \$22, and the daily will remain the same at \$5. The holiday badge will be \$32 which is the price of the preseason badge plus \$2 for the gift box. The tennis courts continued to raise a little money and revenue was over \$1000 over last year.

PUBLIC SAFETY: **Frank Mikuletzky** asked to make the Court reports a part of the minutes, September and October. In September the Borough took in a little over \$1000, but only \$341.50 for October. He reminded everyone to be careful on the bridges, lanes are being closed down. It will be one lane each way for the winter, so it will be a little slower on and off the island. The Mayor said he wanted to add something, if anyone thinks they are going to run themselves to the hospital, do not do it, do not be afraid to call 9-1-1. An ambulance can get the cars out of the way, do not try to be a hero. Frank also said winter is approaching and there are not going to be a lot of people around, he said be aware of your neighbors homes and report anything suspicious. He stated that there is not a lot of crime here, but when there is it seems to come in sprees. He reminded people to keep their doors locked and just be aware.

FINANCE: **George Warr** stated that the monthly bills paid this month totaled \$779,531.19, of that \$130,016.58 went to the regional school taxes. That left a higher amount than what is normally left in Barnegat Light, however, \$269,000 was involved with the purchase of the Coast Guard property. The Mayor said that money came out of Open Lands money. He said the Borough would never have been able to get the property if it was not for the Open Lands money, we would not have been

able to transfer money fast enough. It was a good thing Barnegat light passed that a few years ago.

Kat Flanagan said she wanted to talk about the Best Practices. She stated that she is required to discuss it during a meeting so Mayor and Council is aware of what is happening. She explained there are 50 questions, if between 41-50 questions are answered correctly then no funding is lost. Barnegat Light had 39 yes answers, 5 no answers and 6 N/A answers, which is a score of 45, 90%. Since this number is above what was needed there will be no funding lost. We are in compliance with what the State requires so we will not lose any State funding. The Borough does not get a lot, but every little bit helps. Dottie Reynolds complimented her on her good work. She said she just answered the questions, it is what is done that keeps the Borough in compliance and follows the rules. Insurance information is completed, meetings are attended and everything that is required is on the website. Terry Brady asked if any of the no or non-applicable responses are things that should be worked on for next year. She said some of the things just are not going to happen here so the no responses will have to be accepted. The borough is not going to do Pay-to-Play, we are not going to change health benefits for elected officials at this time. Other things just do not apply to the Borough due to the size of the town. The Borough is in the process of getting a rating of 9 which would reduce flood insurance rates for the residents, it would give residents 25% off of their flood insurance. This will help when the rates go up which is based on elevation. The Mayor asked what needs to be done, she said that is a question for the CRS Coordinator, but she does know a rating of 9 is what we want and we are currently at an 8. Michael Spark said it seems like we can never quite get there. We cannot reduce our claims because we do not have any to mitigate or lower.

OPEN PUBLIC SESSION:

On a motion by Reynolds, seconded by Sharpless and carried by all the public session was opened. Anne Peavy of 26 West 7th St. thanked the Borough for purchasing the property and asked if there will be a committee set up to discuss what is going to be done with the property. The Mayor said at this time the plan is just to remove the buildings and concrete, parking lot and interior sidewalks. He said Scott Sharpless mentioned putting in a bathroom and a small stage for concerts. Nothing is happening yet. He said it will be announced when there will be a meeting and he would be glad to have her on the committee when we get one. Fran Puskas asked if purchasing the Coast Guard property affects the need for affordable housing, the Mayor said no it does not, it was not affordable. She asked if the buildings were unusable or worth saving, maybe they could be rented out to fisherman. The Mayor said the Borough bought the property for open space with open space money, it is not the same as the general fund. It was a tax that the tax payers paid for the last seven years and collected almost \$700,000, \$309,000 was used for the 10% deposit to hold the property. Ed Wellington said the buildings are definitely coming down. Dottie Reynolds said that the buildings are unusable, the Mayor said they were not even up to Coast Guard standards. Vince Roth said he was under the impression that the property was all being paid for with the Open Land tax and asked why the Mayor mentioned a possible tax increase of a half of a cent. The Mayor explained that the money could be borrowed this year at the half of a cent for this year and that is what they are going to do. They will go out for a BAN, get the money and pay between .50% and .75% interest. When the term rolls over after a year it can be renewed and if the rates go down stay with it. He said if they do not get permanent financing for it then the interest rate could go up to 5% or 10% and if that were to happen then it definitely could not be paid for with Open Lands money. Vince said he understood, but the impression was given that it would be covered by Open Lands money and taxes would not go up, now it

is possible that taxes will go up. The Mayor said he would be lying if he said they definitely not going to go up, but it was unknown because it was an auction. Vince said he understood that it cost a lot of money and he was not against it, but why all a sudden there is a possibility of taxes going up. The Mayor said there are rules and regulations that need to be followed. The Open Space will continue to come in, about \$100,000 per year. The Mayor said he thought he could get the loan for 30 years, but that cannot be done. He said that the CFO has a few different scenarios, 20 years, 15 years and 30 years, but the 30 years is a new interest rate every year so you do not know what you are getting into. He again stated if they do not go into permanent financing then there could be a problem. Kat Flanagan said by doing permanent financing a tremendous amount of money will be saved on interest over the life of the loan. It cannot be financed for more than the useful life of the property. It is in the Borough's best interest to take a loan for a shorter period of time with a lesser interest rate if possible. She said that she would work the best scenario possible to not affect the tax payer. Fran Puskas asked if the Borough had a percentage of what part of the land is buildable, the Mayor again stated that none of the land is buildable. She said she felt the Borough is taking over so much of what would be taxable property. The Mayor asked where, other than the Coast guard property. She asked if in the future the land could be released to be put up for sale, the Mayor said only by referendum. If the public feels they do not want it any more then it would be put on a referendum and be sold. Terry Brady said that could be possible, but when Open Space money is involved it becomes extremely complicated to try to "Unopen Space" the money because it is really dedicated open space forever less there be an act of Congress to undo it. It was bought through the regulations of Open Land and that is what it is dedicated for. Tim Brindley asked if a bathroom could be put on the property, the Mayor said it would not be a problem, it is under the town's discretion. Frank Mikuletzky said that the Borough did not lose any tax money on the property because it was not taxed as the Coast Guard property. Kat Flanagan said by buying it for open space rather than selling it off for houses would have affected the infrastructures. The Mayor said he felt if someone else had bought the property it could have sat vacant for years causing other problems. He said he is glad the Borough bought the property and only one out of every 100 people disagree with him. He feels the financing is under control, maybe only a half of a cent tax increase. Kat Flanagan said that is not set in stone. Michael Spark added that other debt is also being paid down so the more it is paid down that money could go towards that too. Kat said Barnegat Light is pretty aggressive at paying down the debt.

The Mayor then mentioned that the Borough is working on the "old" Borough Hall/Post Office. The will be putting in new windows, new carpeting and a new roof. Dick Malacrea made a comment about the half cent increase, will allow the Borough and the Open Space Committee to keep a large sum of money in reserve without depleting it all for all the things that will have to be done to improve the property. There will always be money left in there and continue to increase in spite of paying all of the debt.

Steve Pine, West 4th St. asked if anyone could shed some light on the alleged miniature golf course. The Mayor said that is all it is right now, a rumor at this time. The Borough has not received any paperwork. Mr. Pine asked what the process is. The Mayor said that have to apply 10 days before the board meeting, notify everyone within 200', send the plans to the Planning Board and advertise in the newspaper. He asked if it was permissible for the developer to clear the land, the Mayor said that they could, it is their property. He then stated that all comments about the golf course should be held for the planning Board meeting when it happens.

Mary Ellen Foley, East 10th St. thanked Dottie and the Lifeguards for extending the season.

Fran Puskas asked if the Borough could do something about the raccoons. The Mayor said they would be talking about it for next year's budget and getting an exterminator.

Being no further comment, on a motion by Spark, seconded by Wellington and carried by all the public session was closed.

PROCLAMATION:

PROCLAMATION

**THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY
"NATIONAL FAMILY CAREGIVER MONTH"**

WHEREAS, THE Ocean County Board of Social Services desires to recognize the month of November 2015 as National family Caregiver Month; and

WHEREAS, the Ocean County Board of Social Services is, with the Ocean County Office of Senior Services, part of the New Jersey EASE public collaboration and works closely with government agencies and with concerned private organizations, including hospitals, to give patients a welcomed alternative to institutionalized care; and

WHEREAS, home care not only emphasizes the dignity, comfort and independence of patients but also affirms the importance of family love and support to their well-being and enables clients to prevent, or to postpone, costly hospital stays and other forms of institutional care; and

WHEREAS, countless numbers of lives have been touched by family caregivers thereby improving the quality of life for these citizens of New Jersey.

BE IT HEREBY RESOLVED, that the Governor of the State of New Jersey, traditionally recognizes the month of November as National Family Caregiver Month and the Ocean County Board of Social Services joins in celebrating this event, the Borough of Barnegat Light will recognize the month of November 2015 as the same.

DATED: OCTOBER 14, 2015

MOTION: SHARPLESS

SECOND: WELLINGTON

AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MILULETZKY, WARR

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTIONS:

RESOLUTION 15-101

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING A THIRD REVISION TO THE DECEMBER 2013 UPDATED EMPLOYEE HANDBOOK/PERSONNEL POLICY.

WHEREAS, as part of the requirements to be eligible for Insurance Coverage as a member of the Ocean County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, it is necessary for the Borough of Barnegat Light to review and/or update its Personnel Policy annually; and

WHEREAS, various changes to the EMPLOYEE HANDBOOK/PERSONNEL POLICY are needed as a result of collective bargaining negotiations and other employee practice changes; and

WHEREAS, the December 2013 Borough Employee Handbook/Personnel Policy is hereby being revised to provide a revised pages 28 - 30 relative to Sick Leave, to read as follows:

Sick Leave

1. All newly hired employees shall be granted 10 days sick leave with pay for use during periods of their own illness or injury (may be used in first year of service).

2. Part-time, temporary or seasonal employees are not eligible for sick leave benefits.
3. All employees hired as a permanent, full-time employee prior to January 1, 2011 shall be granted sick leave with pay after the first calendar year of service according to the following schedule: 10 days in second calendar year of service, 14 days in fifth calendar year of service, 15 days in sixth and subsequent years of service.
4. Sick leave can be accumulated to a maximum of 60 days. For employees hired as a permanent, full-time employee after January 1, 2011, sick days shall be taken from the current year's allotment of sick days first, and the use of accumulated sick days shall be taken first from the most recent year (working in reverse chronological order).
5. Sick leave with pay is hereby defined to mean a necessary absence from duty due to illness, injury or exposure to contagious disease.
6. An employee who does not expect to report for work on any working day because of an illness or other legitimate reason must notify the Borough Clerk by telephone or otherwise within 2 hours after the beginning hour of his or her tour of duty. Absence without notice for 5 consecutive days shall constitute job abandonment.
7. The Borough reserves the right to require an employee to provide a physician's certification for any absence or illness. Any employee who has used 3 or more consecutive sick days must furnish a physician's certificate at the employee's expense which conforms to the Borough's requirements.
8. An otherwise eligible employee may be deemed ineligible for payment of accrued but unused sick leave under the following circumstances:
 - a. An employee who, in the Borough's discretion, exhibits a pattern of abusing sick days or, upon request of the Borough, fails to submit a certification from their health care provider which conforms to the Borough's requirements. Examples of patterns of sick leave abuse are:
 - i. Calling out sick the day before or after a holiday
 - ii. Calling out sick the day before or after a scheduled vacation
 - iii. Calling out sick the day before or after a scheduled personal day
 - iv. Calling out sick the day before or after a weekend
 - b. The examples provided above are intended solely for illustrative purposes and do not constitute an exhaustive list.
 - c. The employee is not at home ill or home caring for an immediate family member who is ill, at an appointment with a health care provider, or for a limited period, collecting necessities connected with health care and recuperation (e.g., prescriptions from pharmacy), the day the employee calls out sick.
 - d. In addition to a nonpayment of accrued sick leave, abuse of sick leave time may result in discipline up to and including discharge from employment
9. Sick leave shall be exhausted prior to temporary disability benefits, including paid family leave. All leave time, whether paid or unpaid, that is used or allowed in connection with an event that is also covered under federal and/or state leave laws shall run contemporaneously (at the same time) with leave under federal and/or state leave laws, if applicable.
10. Sick leave shall not accrue during a leave of absence without pay or suspension. Sick leave shall not accrue after an employee has resigned or retired although his or her name is being retained on the payroll until exhaustion of vacation or other compensatory leave.
11. An employee on sick leave who, in addition, qualified under Worker's Compensation for weekly benefits shall, during the first 3 month period he or she is receiving Worker's Compensation payments, be entitled only to that portion of his or her regular salary which, when added to the Worker's Compensation payments, equals his or her normal salary. After the first 3 month period, the employee shall only receive the Worker's Compensation payments.

12. Upon separation from employment with the Borough, in good standing, an employee shall be paid for unused sick leave up to a maximum of 60 days. Upon separation or retirement from employment with the Borough, in good standing, an employee hired as a full time permanent employee prior to January 1, 2011 shall be paid for unused sick leave up to a maximum of 60 days, capped at \$15,000. Employees hired after January 1, 2011 must have at least 15 full years of service to be entitled to any retirement/separation pay for unused sick leave (up to a maximum of 60 days, capped at \$15,000. For all sick leave accrued after January 1, 2011, the retirement/separation pay will be at the rate of pay for the year in which the sick day was accrued (for example, sick pay accrued in 2010 shall be paid at retirement/separation at the employee's 2010 rate of pay; not at the rate of pay of the future retirement/separation year). An otherwise eligible employee may be deemed ineligible for any payment of accrued but unused sick leave under this section under the following circumstances and process:
- a. The employee's absences prior to their official retirement date or after notice of their intent to retire increases by 30% for the 12 month period immediately preceding either of those dates as compared to sick that employee's annual sick leave used during any one of the previous 3 calendar years; OR,
 - b. The employee attempts to maximize sick leave payout by using sick days prior to retirement including but not limited to as a means of "terminal leave." The Borough does not provide a terminal leave program, whether formal or informal, and the conduct described may result in discipline, removal, fines and/or criminal penalties;
 - c. The employment relationship ends for any reason other than voluntary retirement or the employee does not meet the eligibility requirements.

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 do hereby adopt the above amendment/supplement to the REVISED BOROUGH OF BARNEGAT LIGHT DECEMBER 2013 EMPLOYEE HANDBOOK PERSONNEL POLICY, copies of which are on file in the Borough Clerk's Office.
2. That copies of this resolution, noting the above amendment/supplement shall be supplied to all officers and employees of the Borough of Barnegat Light.

DATED: OCTOBER 14, 2015

MOTION: REYNOLDS

SECOND: WELLINGTON

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 15-104

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING A LABORER FOR THE PUBLIC WORKS DEPARTMENT.

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to employ a Laborer for the Public Works Department; and

WHEREAS, the position was duly advertised and interviews held with various applicants.

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 do hereby employ Cody Lippincott as Laborer #1, effective September 24, 2015, as a full-time employee, subject to the Borough's probationary period.
2. That Cody Lippincott shall be compensated in accordance with the Salary Ordinance of the

Borough of Barnegat Light, as amended from time to time, presently at the rate of \$31,200 per year.

3. That certified copies of this resolution shall be forwarded to Cody Lippincott and the Borough Treasurer.

DATED: OCTOBER 14, 2015

MOTION: REYNOLDS

SECOND: WELLINGTON

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MILULETZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 15-105

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
APPOINTING ACTING PLANNING BOARD SECRETARY FOR THE BOROUGH**

WHEREAS, the Borough of Barnegat Light desires to appoint an Acting Planning Board Secretary for the Borough; and

WHEREAS, Frances Elaine Tollison has the necessary qualifications for said position; and

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council that Frances Elaine Tollison shall serve as Acting Planning Board Secretary for the Borough of Barnegat Light for the year 2015.

BE IT FURTHER RESOLVED THAT she shall receive \$2500.00 per annum as compensation for serving as Acting Planning Board Secretary.

DATED: October 14, 2015

MOTION: REYNOLDS

SECOND: WELLINGTON

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 15-106

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING APPLICATION TO NJDOT LOCAL AID PROGRAM FOR
2016 ROAD RECONSTRUCTION IMPROVEMENT PROJECT**

WHEREAS, Governing Body wishes to submit a grant application and execute a grant agreement with the Department of Transportation for the reconstruction and resurfacing of East 23rd Street, in the amount of \$103,109.00.

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council, of the Borough of Barnegat Light, formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor, Municipal Clerk and Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2016-East 23rd Street-00241 to the New Jersey Department of Transportation on behalf of the Borough of Barnegat Light; and

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Barnegat Light and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement.

DATED: OCTOBER 14, 2015

MOTION: REYNOLDS

SECOND: WELLINGTON

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 15-107

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING AN EMPLOYEE EDUCATIONAL EXPENSE
REIMBURSEMENT AGREEMENT WITH THE BOROUGH
ASSISTANT TREASURER.**

WHEREAS, Ashley Darmon is an employee of the Borough of Barnegat Light, in the position of Assistant Treasurer; and

WHEREAS, it is the policy of the Borough of Barnegat Light to encourage existing employees to obtain state certification to statutory positions in order that they may qualify for promotions to the same if/when available; and

WEREAS, Ashley Darmon will be pursuing the course of educational requirements prescribed by the State of New Jersey for certification as a Municipal Finance Officer, pursuant to NJSA 40A:9-140.2.

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 do hereby authorize the execution of an agreement with Ashley Darmon to advance educational expenses and costs related to certification as a Municipal Finance Officer under NJSA 40A:9-140.2. The Mayor and Borough Clerk are authorized to execute said agreement, a copy of which is attached hereto and incorporated herein by reference.

2. That certified copies of this resolution shall be forwarded to Ashley Darmon.

DATED: OCTOBER 14, 2015

MOTION: WARR

SECOND: SPARK

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 15-108

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY
OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A ONE-TIME
CARRY-OVER OF PERSONAL DAYS BY THE PUBLIC WORKS
FOREMAN.**

WHEREAS, Winfield Smith is employed by the Borough of Barnegat Light as Public Works Foreman, and is a member of the Teamsters Local 35 Union; and

WHEREAS, under the Union Contract with the Teamsters, Winfield Smith is entitled to 5 personal days off, so long as they are taken during the 2015 calendar, and said personal days are otherwise not to carry over to the following year; and

WHEREAS, due to the shorthanded nature of the Department of Public Works, it serves the public

interest for Winfield Smith to forestall the use of accrued personal days on a one-time exceptional circumstance basis.

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 requests that Winfield Smith forestall the use of his 5 personal days for the 2015 calendar year.
2. That in consideration of not taking his personal days in 2015, Winfield Smith may carry over the unused personal days into 2016 for use in the next calendar year, on a one-time exceptional circumstance basis.
3. That certified copies of this resolution shall be forwarded to Winfield Smith, the Superintendent of Public Works and the Borough Treasurer.

DATED: OCTOBER 14, 2015

MOTION: SHARPLESS

SECOND: WELLINGTON

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MILUELTZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 15-109

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS
IN THE AMOUNT OF \$779,531.19**

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 \$779,531.19 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: OCTOBER 14, 2015

MOTION: WARR

SECOND: WELLINGTON

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MILULETZKY, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 2015-110

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A CLOSED EXECUTIVE SESSION TO DISCUSS MATTERS EXEMPT UNDER THE OPEN PUBLIC MEETINGS ACT, SPECIFICALLY FOR THE PURPOSE OF DISCUSSING THE MATTERS IDENTIFIED BELOW:

Request for the purchase, lease or acquisition of property rights; specifically : request for release of riparian restrictions on Bayfront properties

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: OCTOBER 14, 2015

MOTION: SPARK

SECOND: SHARPLESS

VOTE: AYES: SPARK, SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, REYNOLDS, WARR

NAYS:

ABSENT: ABSTAIN:

ORDINANCES: FIRST READING:

ORDINANCE 2015-009

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO PROVIDE FOR REVISED BEACH BADGE FEES.

Terry Brady, Esq. read the above by title and number and includes what was discussed in caucus session for first reading according to law. Wellington moved to introduce, seconded by Shaprless.

MOTION: WELLINGNGTON

SECOND: SHARPLESS

VOTE: AYES: SPARK SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

ORDINANCE 2015-010

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REVISING THE BOROUGH'S BOATING & DOCK FEES

Terry Brady, Esq. read the above by title and number and includes the fees discussed in caucus session for first reading according to law. Reynolds moved to introduce, seconded by Spark.

MOTION: REYNOLDS

SECOND: SPARK

VOTE: AYES: SPARK SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

ORDINANCE 2015-011

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CAPITAL PURCHASE OF A BACKHOE, AND APPROPRIATING \$100,000.00 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$95,000.00 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF BARNEGAT LIGHT TO FINANCE THE SAME

Terry Brady, Esq. read the above by title and number for first reading according to law.

Wellington moved to introduce, seconded by Sharpless.

MOTION: WELLINGTON

SECOND: SHARPLESS

VOTE: AYES: SPARK SHARPLESS, WELLINGTON, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

CORRESPONDENCE:

The Mayor announced that the Borough's Zoning Officer, Al Oros, has put in his retirement papers. He has been the Zoning Officer for 20 years and he has done a fabulous job keeping the town together. He put in his retirement papers December 1st. He thanked him for his service. He then asked if the Council accepted his retirement. A motion was made by Spark, seconded by Reynolds and all were in favor to accept his retirement. The Mayor said that Council needed to address Gail Wetmore's request to extend her leave. Kathy Guerrero mentioned a letter that was sent to Mayor and Council from Southern Ocean Medical Center thanking the Borough for their contribution of \$1000. There was a letter sent in to the Mayor and Council concerning West 20th Street. The Mayor said the issue of parking on that street does need to be addressed. People park on West 20th St. when there is an event at Viking Village. He said the police should have coned that area off. Michael Spark suggested it be taken into consideration with the same as parking on the boulevard. The Mayor agreed, 20th Street is a County road so we need their permission to do that. He also said it would be good if they made the road a little wider when they repave it. Kathy Guerrero said that there was a letter from the Ocean Monmouth Health Alliance reminding that October 16th is National Mammography Day and all women over the age of 40 years-old should get a mammography every one to two years. The Mayor received a card from a resident thanking him and Public Works for having a bench put on Bayview between 19th & 20th Streets. The last piece of correspondence was a letter from Gail Wetmore, Administrator/Clerk, requesting an extension of her leave. On a motion by Spark, seconded by Sharpless and carried by all her request was accepted.

Michael Spark made one more comment reminding people to start thinking about turning off their outside showers.

The Mayor said they were going to adjourn the regular meeting and go into executive session. On a motion by Spark and seconded by Sharpless the meeting was adjourned. After the closed session, a motion was made by Spark and seconded by Sharpless and carried by all to re-open the meeting.

THERE BEING NO FURTHER BUSINESS BEFORE THE COUNCIL, ON A MOTION BY ED WELLINGTON, SECONDED BY MICHAEL SPARK AND CARRIED BY ALL THE MEETING WAS ADJOURNED.

APPROVED: _____

**KATHY J. GUERRERO
DEPUTY CLERK**