

**REGULAR MEETING OF MAYOR AND COUNCIL SEPTEMBER 12, 2018**

**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 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 (via phone) Mikuletzky

**Also present:** Terry Brady, Sponge Washburn and Brenda Kuhn.

**Discussion:** The Council talked about an ordinance that was being introduced at the meeting. The ordinance would require the seller of properties to uncover and have their meter pits inspected prior to being issued a CO. If the meter pit is not in good condition the seller would be required to replace the pit at their cost. Council President stated that when the new commercial meters were installed and the pits were bad that the Borough paid for the pits and he felt that we should not require residential property sellers to pay for a pit. There was extensive discussion on this subject. It was made clear that this ordinance would only be for real property sales from now until the meter project begins. The next topic was regarding Ordinance No. 2018-13 that would amend the Borough Code to prohibit the feeding of wild animals on private property. Councilwoman Reynolds said that she felt that the borough would be better off not adopting this ordinance. She said that the one individual that was complained about has stopped feeding wildlife. Councilman Wellington said that from time to time a situation comes up and nothing can be done about it because it is not in our code. He said that we wouldn't go out and actively look for problems but we should have that resource if anything came up in the future.

Council President Spark asked for a motion to close the Caucus. On a motion by **Mikuletzky**, seconded by **Reynolds** and carried by all the Caucus Meeting was closed.

**THE MEETING** of the Mayor and Council was called to order by Council President Spark 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 (via phone) Mikuletzky

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

**APPROVE MINUTES:** Council President Spark asked for a motion to approve the minutes of August 8, 2018 regular meeting.

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

**APPROVE MINUTES:** Council President Spark asked for a motion to approve the minutes of August 17, 2018 special meeting.

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

<b>Alloway</b>		X	X			
<b>Reynolds</b>			X			
<b>Foley</b>			X			
<b>Mikuletzky</b>			X			

**COMMITTEE REPORTS:**

**PUBLIC SAFETY:** Councilman Mikuletzky stated that the court took in \$1638.00 and we kept \$966.50. He said that the traffic lights in Barnegat Light have been turned off and are blinking. He said Harvey Cedars’ lights are still on.

**BEACHES AND PARKS:** Councilwoman Reynolds said that the beaches were officially closed on September 9<sup>th</sup>. She said that a Beaches Meeting will be held but the date hasn’t been determined. Regarding the beach badge revenue, she said that it was down approximately \$6000 and that she felt we would make it up when we started selling preseason badges. The councilwoman said that the water was very rough and there were a lot of red flags. The beach patrol had 44 rescues. She said that someone wrote in to request more pickle ball courts.

**FINANCE:** Councilman Spark said that he wanted the Clerk to report on the tax and utility collections. She reported that in the month of August \$1,911,101.52 was collected in taxes. She said that \$60,586.16 was collected for water charges and \$80,331.00 was collected for sewer charges. The Collector also said she was happy to report that all of 2017 taxes and water/sewer charges have been paid in full; therefore there would not be a tax sale again this year.

**DOCKS AND HARBORS:** Councilman Alloway said that the revenue at the docks was down \$3,700 from last year. He attributed this to bad weather and no fish. He also said that there was an incident at the dock last Friday. A boater came in and had a heart attack. He said that a fisherman and Stanley started CPR but he was sorry to say that the fisherman didn’t make it. He said that’s why everyone should know CPR.

**PUBLIC WORKS:** Councilman Wellington said that DPW was putting away the beach stuff and taking the garbage cans off and cleaning them. He said that the landscaping at the pavilion was completed and that the grass was starting to grow and fertilizer would be put down. He said that there was torrential after the seed was put down. He mentioned that wisteria would be planted at the concrete. He said it would be the least expensive way to deal with the wall.

**WATER/SEWER:** Councilwoman Foley said that the ordinance regarding meter pits was already discussed. She said that she would be meeting with Kat and Eddie to discuss the infrastructure plan. She also said that the leaking fire hydrants would be fixed soon if not already done. She added that she would be meeting with Kat to discuss additional revenue that is generated by the water sewer department such as cell tower agreements that are placed on the water tower.

**OPEN PUBLIC SESSION:** Council President Spark asked for a motion to open the open public session. There was a motion by Mikuletzky, seconded by Reynolds and carried by all.

John Tennyson asked Councilwoman Reynolds how people would know when the beaches meeting would be held. She said it would be on the sign and she would also email the Taxpayers Association. He also talked about the water meter project and his understanding of it. Tim Brindley said he was at the pavilion the other day and was happy to see the pavers that he order were installed and happy to see a tribute to all the of the Barnegat Light Mayors. Marilyn Wasilewski said how wonderful the pavilion turned out and that it was a beautiful addition to the town. Barry Mescollotto wanted to compliment the new signs at the pavilion park. Sarah Lambert said that she was applauded by the conditions of the beaches this year. She felt that there was time to get out there and do something before the restrictions are placed by the DEP. She said that people should be allowed to feed wildlife on their own property. Rich Brodman complimented the pavilion. He said that he heard that the government would be building a wildlife habitat. Councilman Wellington said that there is a plan to build this habitat and they are still working on the funding of the project. Their plan is to try to encourage the Piping Plovers to nest there instead of our beaches but there is no guarantee.

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

**RESOLUTIONS:**

Council President Spark said that the resolution would be done by consent agenda. He read each resolution by title and the Clerk recorded the votes as follows:

<b>Larson</b>	<b>Moved</b>	<b>Second</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
<b>Spark</b>			X			
<b>Wellington</b>		X	X			
<b>Alloway</b>			X			
<b>Reynolds</b>	X		X			
<b>Foley</b>			X			
<b>Mikuletzky</b>			X			

**RESOLUTION 2018-121**

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. 979-0, also known as Block 45, Lot 5, with an address of 2 E 24<sup>th</sup> Street (formerly 2310 Central Ave.); and WHEREAS, the Utility Collector was notified that Permit # 18-004D was issued for a cut & cap from the water supply; and

WHEREAS, a prorated second half billing for 2018 should be cancelled in the amount of \$227.04; 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:

That a certified copy will be forwarded to the Utility Collector and the CFO.

That the Utility Collector be authorized to cancel a prorated portion of the 2<sup>nd</sup> half billing.

That breakdown of the cancellation is as follows:

Water	- 55.04
Sewer	-139.57
Spigot	- 32.43
\$227.04	

**RESOLUTION 2018-122**

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.458-0, also known as Block 21, Lot 2, with an address of 1104 Central Ave.; and

WHEREAS, the Utility Collector was notified that Permit # 18-005D was issued for a cut & cap from the water supply; and

WHEREAS, a prorated second half billing for 2018 should be cancelled in the amount of \$226.64; 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:

That a certified copy will be forwarded to the Utility Collector and the CFO.

That the Utility Collector be authorized to cancel a prorated portion of the 2<sup>nd</sup> half billing.

That breakdown of the cancellation is as follows:

Water	- 51.97
Sewer	-131.79
Spigot	- 42.88
\$260.09	

**RESOLUTION 2018-123**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, GOVERNING BODY CERTIFICATION OF THE 2017 ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2017 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Barnegat Light, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

**RESOLUTION 2018-124**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2018 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE 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 \$34,000.00 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:

COMMUNITY DEVELOPMENT BLOCK GRANT - Handicap Beach Access and Accessibility Equipment . . . . . \$34,000.00

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 – Handicap Beach Access and Accessibility Equipment . . . . . \$34,000.00

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 2018-125**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RECSCINDING RESOLUTION NUMBER 2018-115 REGARDING A CHAPTER 159 (NJSA 40A:4-87) SPECIAL ITEM OF REVENUE & APPROPRIATION FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT.

WHEREAS, on August 8, 2018, the Borough of Barnegat Light adopted Resolution No. 2018-115, providing for the insertion of a special item of revenue in the budget for the Community Development Block Grant revenue and appropriation; and

WHEREAS, said program revenue and appropriation had already been anticipated in the 2018 municipal budget, making said resolution unnecessary.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, that Barnegat Light Borough Resolution No. 2018-115, entitled “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 OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT,” be and hereby is rescinded.

BE IT RESOLVED that a 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 2018-126**

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

WHEREAS, Douglas Lisiewski is an employee of the Borough of Barnegat Light, in the position of Laborer for the Public Works and Water/Sewer Departments; 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

WHEREAS, Douglas Lisiewski will be pursuing the course of educational requirements prescribed by the State of New Jersey for certification as a Water Operator, pursuant to NJSA 58:11-66 et seq., & NJAC 7:10A-1.1 et seq.

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 Douglas Lisiewski to advance educational expenses and costs related to certification as a Water Operator, pursuant to NJSA 58:11-66 et seq., & NJAC 7:10A-1.1 et seq. 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 Douglas Lisiewski and to the Borough Chief Financial Officer.

**RESOLUTION 2018-127**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE EXTENSION OF A SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF LONG BEACH AS LEAD AGENCY FOR THIRD-PARTY CONSTRUCTION

INSPECTION SERVICES BETWEEN THE TOWNSHIP OF LONG BEACH AND THE BOROUGHS OF SHIP BOTTOM AND BARNEGAT LIGHT

WHEREAS, pursuant to Resolution 18-0829.06 dated August 29, 2018, the Township of Long Beach ("Township") approved the extension of a contract ("Shared Services Agreement") for the final one-year option for third-party construction inspection services with the following vendor: Trinity Code Inspection, LLC, 735 Shunpike Road, Cape May, New Jersey 08204 ("Vendor"); and

WHEREAS, the one-year option shall be effective and begin upon October 1, 2018, and extend through September 30, 2019; and

WHEREAS, Vendor has agreed to provide third-party construction inspection services for electric, plumbing, and fire sub-codes for the Township pursuant to the rates and terms specified in their bid received on August 31, 2016; and

WHEREAS, pursuant to Long Beach Township Resolution 14-0912.10 dated September 12, 2014, and Borough of Ship Bottom Resolution 2014-147 dated September 23, 2014 authorizing the Shared Services Agreement, the Township and the Boroughs of Barnegat Light and Ship Bottom (collectively "Boroughs") agreed to share the construction inspection services Vendor effective October 1, 2014, through September 30, 2018; and

WHEREAS, all participating parties (i.e., Township, Boroughs, and Vendor) have elected to extend the Shared Service Agreement for one-year in order to continue said services through September 30, 2019, at which time third-party construction inspection services shall be again procured by competitive bid and a new shared service agreement by and between the Township and Boroughs shall be negotiated; and

WHEREAS, this Resolution shall be deemed to be the extension of the Shared Services Agreement, shall be incorporated hereby, and, along with similar resolutions adopted by the Township and the Borough of Barnegat Light, shall serve as the written Shared Services extension.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Barnegat Light that the aforesaid Shared Service Agreement shall be and is hereby extended for a period of one-year pursuant to the terms and conditions stated herein.

**RESOLUTION 2018-128**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$654,718.00

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 \$654,718.00 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.

Terry Brady, Municipal Attorney, read the ordinances by number and title.

**Ordinance Second Reading:**

**ORDINANCE No. 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.

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. 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 or soil 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.
- B. Any person desiring to use the Borough's dog park for any dog owned by him may do so only after licensing and registering said dog with the Borough of Barnegat Light. The Borough shall issue to said registrant a keycard for entry into the Borough dog park. Any person who has licensed and has been issued a registration for his dog by another municipality may obtain a dog park keycard only upon presentation of said license and registration, along with current information regarding the breed, sex, age, immunization, color and markings of the dog for which license and registration was issued, and whether it is of a long- or short-haired variety and also the name, street and post office address of the owner and the person who shall own, keep or harbor such dog; and there shall be a \$30 fee for the same.

- C. No person shall be permitted to use the Borough's dog park for more than 2 dogs at any time.
- D. Proof of licensing and registration shall be required annually.
- E. The Borough shall require strict compliance with all other rules and regulations set forth in this Chapter. The Borough may adopt additional rules and regulations by resolution of the Mayor & Borough Council

**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.

Councilman Spark read ordinance 2018-12 by title and asked for a motion to open the public hearing. On a motion by Reynolds, seconded by Wellington and carried by all the Public Hearing was open.

Being no public comment, Councilman Spark asked for a motion to close the public hearing. On a motion by Alloway, seconded by Reynolds and carried by all, the public hearing was closed.

Council President Spark asked for a motion to adopt.

**ADOPTION: Final Passage: Date: September 12, 2018**

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

**Ordinance Second Reading:**

**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.

**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 57-20 (entitled "Wildlife feeding,") of Chapter 57 (entitled "ANIMALS,") of the Borough Code of the Borough of Barnegat Light, is hereby amended and supplemented to provide as follows:

**CHAPTER 57**

**ANIMALS**

**§ 153-14. Wildlife feeding.**

- A. No person shall feed any animal wildlife, or expose or scatter edible material for feeding animal wildlife, in any public park or on any other property owned or operated by the Borough of Barnegat Light, other than confined animal wildlife (e.g., wildlife confined to zoos, parks, rehabilitation centers, environmental education centers), except that prohibited feeding does not include baiting in the legal taking of fish and/or game.
- B. No person shall feed any animal wildlife, or expose or scatter edible material for feeding animal wildlife, on any private property if it adversely affects the health, safety, welfare or quality of life for any neighboring properties, or would interfere with the ordinary and reasonable use, occupation and enjoyment of neighboring properties. In addition, adequate measures shall be taken to prevent animals from escaping or at any time roaming at large. Erecting and maintaining birdfeeders/birdhouses/birdbaths shall be excluded from this regulation.

**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.

Councilman Spark read ordinance 2018-13 by title and asked for a motion to open the public hearing. On a motion by Reynolds, seconded by Wellington and carried by all the Public Hearing was open.

Tim Brindley, 1404 Bayview, asked if the ducks on Bayview would be part of this ordinance. He said that the numerous ducks crossing the road were a problem to the public. He said there were about 300 mallards. He was in favor of the ordinance. Marilyn Waslewski, 18 W 7<sup>th</sup> St., said there is a problem with the ducks. Terry Brady said that the ordinance deals with private property. Sarah Lambert, 1609 Seaview Ave., asked if it could be handled with a general nuisance ordinance. Nicholas Stroumtsos, 10 E 15<sup>th</sup> St, was concerned that the ordinance would not allow bird feeders but the council pointed out that they were excluded in the last sentence. Nancy Manookian urged the council to not pass the ordinance and said she didn't feel it necessary. Mary Ellen Foley said that the resident that was feeding seagulls bought a device to deter the seagulls. Sarah Lambert said that we should let the Health Department handle the problem.

Councilman Spark asked for a motion to close the public hearing. On a motion by Reynolds, seconded by Wellington and carried by all, the public hearing was closed.

Council President Spark asked for a motion to do something. Councilman Spark made a motion to reject the ordinance and it was seconded by Reynolds.

**VOTE TO REJECT:**

Date: September 12, 2018

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

Councilman Wellington made a motion to table it for 30 days.

**VOTE TO TABLE UNTIL OCTOBER:**

Date: September 12, 2018

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

The Municipal Attorney said that the public hearing was concluded and the ordinance could be voted on at the next meeting or at any subsequent meetings without public comment.

**Ordinance Second Reading:**

**ORDINANCE No. 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 LIGHT MUSEUM.**

**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 195 of the Borough Code of the Borough of Barnegat Light, entitled “Vehicles and Traffic,” is hereby amended and supplemented to provide additional sections as follows:

[Chapter 195](#)  
[Vehicles and Traffic](#)

§ 195-9.1. Dedicated parking areas.

The locations described in Schedule XII-A of §195-23.1 of this chapter are hereby designated as dedicated parking spaces for the purposes provided therein, and parking in said dedicated parking spaces shall be restricted to said purpose accordingly.

§ 195-23.1. Schedule XII-A: Parking dedicated for specific purposes.

In accordance with the provisions of § 195-9.1, no person shall park a vehicle at any time upon any of the following described streets, except for the purposes dedicated for the same:

Name of Street	Side	Location	Purpose
Central Ave	West	Between 5 <sup>th</sup> & 6 <sup>th</sup> Sts	Barnegat Light Museum

All other enumerated street parking restrictions in Chapter 195 shall remain in full force and effect.

**SECTION 2.** 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 3.** 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 within 30 days of final adoption of this ordinance.

**SECTION 4.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

**Councilman Spark read ordinance 2018-14 by title and asked for a motion to open the public hearing. On a motion by Reynolds, seconded by Wellington and carried by all the Public Hearing was open.**

Rich Brodman, E 10<sup>th</sup> St., said that the traffic was not bad near the museum and Tim Brindley agreed. Nicholas Stroumsos, was concerned if beach goers would take advantage of this parking ordinance.

Being no public further comment, Councilman Spark asked for a motion to close the public hearing. On a motion by Mikuletzky, seconded by Reynolds and carried by all, the public hearing was closed.

Council President Spark asked for a motion to adopt.

Final Passage:                      Date: **September 12, 2018**

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

**ORDINANCES-FIRST READING**

**ORDINANCE No. 2018-15**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 64-4 OF THE BOROUGH CODE, ENTITLED “BOAT SLIP PERMIT FEES,” TO REVISE THE BOAT SLIP & BOROUGH RAMP FEE SCHEDULES**

Councilman Spark read Ordinance 2018-16 by title and asked for a motion.

**INTRODUCTION:**

Passage on First Reading:           Date: **September 12, 2018**

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

**ORDINANCE No. 2018-16**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 153 OF THE BOROUGH CODE, ENTITLED “SEWERS AND WATER”, TO REQUIRE WATER METER PITS & SHUT-OFF VALVES PRIOR TO RE-SALE OF PROPERTIES.**

Councilman Spark read Ordinance 2018-16 by title and asked for a motion.

**INTRODUCTION:**

Passage on First Reading:           Date: **September 12, 2018**

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

**CORRESPONDENCE:**

Flu Clinic at St. Francis  
Letter requesting pickle ball courts  
Dare Car request for donation

**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:**

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**KIRK O. LARSON, MAYOR**

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