

SPECIAL MEETING OF MAYOR AND COUNCIL August 17, 2018

THE SPECIAL MEETING of the Mayor and Council was called to order by Mayor Larson at 1:00pm at the Borough Hall, on East 7th 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 August 14, 2018 and was transmitted to the Asbury Park Press, Beach Haven Times and the Press of Atlantic City, newspapers that were designated by Mayor and Council on January 3, 2018 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 was absent, Wellington, Alloway, Reynolds, Foley and Mikuletzky

Also present: Mayor Larson and Brenda Kuhn.

RESOLUTIONS: The clerk read the numbers and titles of two resolutions and recorded the votes.

RESOLUTION 2018-119

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR PROFESSIONAL LANDSCAPE DESIGN SERVICES AND MATERIALS FOR THE PAVILION PROJECT.

WHEREAS, there exists a need for the services of professional landscape design services for the Pavilion Project, to include the landscaping materials to be used per the approved design; and

WHEREAS, the Borough of Barnegat Light has determined that the specialized landscape designing required by the Borough is in the nature of a professional service, in that it involves the practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study (as distinguished from general academic instruction or apprenticeship and training), including the provision or performance of goods or services that are original and creative in character in a recognized field of artistic endeavor; and

WHEREAS, according to NJSA 40A:11-5(1)(a)(1) and NJAC 5:34-1.2, said professional landscape design services and goods may be awarded without competitive bids or price quotes as an exception to the bidding requirements of the Local Public Contracts Law; and

WHEREAS, the Landscape Design firm of Brown & Quattrocchi Landscape Group consists of Paul Quattrocchi, who holds a Bachelor of Science of Ornamental Horticulture Degree, and Don Brown, who holds a Bachelor of Science of Landscape Design Degree; and

WHEREAS, the firm of Brown & Quattrocchi Landscape Group has submitted a landscape design plan with planting materials and installation services for the total price of \$37,328.50, as per the attached design plan and invoice estimate; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a professional services contract to Brown & Quattrocchi Landscape Group without competitive pricing, in the amount of \$37, 328.50; and

WHEREAS, the Borough's purchasing agent has determined and certified in writing that the value of services will exceed \$17,500, thereby requiring compliance with the NJ Campaign Contributions & Expenditures Reporting Act (Pay-2-Play Law), NJSA 19:44A-20.5; and

WHEREAS, the Borough of Barnegat Light has determined that Brown & Quattrocchi Landscape Group and its principals do not make reportable political contributions to municipal candidates so as to otherwise require fair and open contract advertising pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, Brown & Quattrocchi Landscape Group has completed and submitted a Business Entity Disclosure Certification which certifies that Brown & Quattrocchi Landscape Group has not made any reportable contributions to a political or candidate committee in the Borough of Barnegat Light in the previous one year, and that Brown & Quattrocchi Landscape Group will be prohibited from making any reportable contributions through the term of the contract, and

WHEREAS, the anticipated term of this contract shall not be more than one year; and

WHEREAS, Brown & Quattrocchi Landscape Group's Business Disclosure Entity Certification and the Borough's Determination of Value has been placed on file with this resolution.

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

1. That the Mayor and Borough Council of the Borough of Barnegat Light do hereby award a professional services contract to Brown & Quattrocchi Landscape Group without competitive pricing, in the amount of \$37, 328.50. This contract award for professional services is not made in a "fair and open" process, but rather without competitive bidding or advertising under the exception provisions of the Local Public Contracts Law, and the NJ Campaign Contributions & Expenditures Reporting Act.

2. That the Mayor and Borough Clerk are hereby authorized to execute an agreement with Brown & Quattrocchi Landscape Group for said project, said agreement to be in conformance with design plans and materials invoice submitted by Brown & Quattrocchi Landscape Group.

3. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following line item appropriations or ordinances constitute the availability of funds for this contract:

Barnegat Light Capital Ordinance 2017-007

4. That a Notice of Contract Award shall be published in accordance with NJSA 40A:11-5(1)(a).
5. That certified copies of this resolution shall be forwarded to Brown & Quattrocchi Landscape Group, and the Borough Treasurer.

DATED: August 17, 2018

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

RESOLUTION 2018-120

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

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

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

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

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

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

1. The terms of the Planning Board of the Borough of Barnegat Light as follows:
 - Class I Kirk O. Larson Term as Mayor 12/31/18
 - Class II Jeffrey Washburn 1 year 12/31/18
 - Class III Ed Wellington 1 year 12/31/18
 - Class IV James Gutowski 4 years 12/31/20
 - Class IV Richard Manookian 4 years 12/31/19
 - Class IV Chris Patterson 4 years 12/31/18
 - *Class IV Paul Sulock 4 year 12/31/21
2. The terms of the alternate membership of the Barnegat Light Planning Board as follows:
 - *Alternate #1 Steve Rabbitt 2 years 12/31/19
 - Alternate #2 Daniel Mears 2 years 12/31/19
3. That a certified copy of this resolution be forwarded to the Secretary of the Barnegat Light Planning Board.

DATED: August 17, 2018

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

MOTION TO ADJOURN:

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

MOTION TO RE-OPEN THE MEETING:

Mayor Larson asked for a motion to reopen the meeting to discuss the feeding of wildlife on private property. On a motion by Wellington, seconded by Foley and carried by all, the Meeting of the Borough Council was closed.

Mayor Larson said he wasn't going to be at the next meeting. He wanted to talk to council about the ordinance that was introduced at the August 8, 2018 meeting that would be on the agenda in September for adoption. The ordinance was regarding feeding wildlife on private property. There was a discussion about that and there were pros and cons for both sides of feeding wildlife.

MOTION TO ADJOURN:

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

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK