

**REGULAR MEETING OF MAYOR AND COUNCIL
December 11, 2019**

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 NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall on January 2, 2019 and was published on December 2, 2019 in the Asbury Park Press, a newspaper designated by Mayor and Council to receive such notice.

ROLL CALL: Spark (by phone), Wellington, Alloway, Reynolds (by phone), Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Stuart McGowan, Sponge Washburn and Brenda Kuhn

Discussion: Mayor Larson asked if anyone had anything that they would like to discuss. He said that there was a resolution on the agenda to award the pilings for the restroom and some of the councilmembers had concerns. Three councilmembers said that they didn't see the specs and didn't know that it was even out to bid. Mayor Larson said that the packet was available in the Clerk's office and it was since before the advertising of the bid opening. He said that the money for the restroom was approved by the council earlier in the year. Councilman Wellington explained that the plans were very much like the original one with a few exceptions. He said that it was going to be lower, 16' above grade. He said that some things were being eliminated which included railings, tile work which would be replaced by fiberglass, ridged insulation in floor joists and some of the decking at the storage area. It was decided that the resolution to award the piling contract would be put off until the budget meeting.

Mayor Larson asked for a motion to close the Caucus. Foley made a motion, it carried by all the Caucus Meeting was closed.

THE MEETING of the Mayor and Council was called to order by Mayor Larson at 5:00pm at the Borough Hall, on East 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 January 2, 2019 and was published on December 2, 2019 in the Asbury Park Press, a newspaper 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 (by phone), Wellington, Alloway, Reynolds (by phone), Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady Stuart McGowan, Sponge Washburn, Kathleen Flanagan and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of November 13, 2019 regular meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of November 25, 2019 special meeting.

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

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

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

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

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

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky said that he would like to make the court report a part of the meeting minutes. He said that the court took in \$1101.24. He said that Fish and Game got \$375.00 and we kept \$351.00. The Councilman urged everyone to beware of scams. He said that one scam was GoFundMe pages were created after the recent shooting. He said that when you get phone calls, don't answer and if you do never answer yes.

WATER/SEWER: Councilwoman Foley said DPW/Water, Sewer repaired two sewer laterals and installed clean outs at the curb line. She said that the final paving and infrared was done at 11th and 27th Streets and they were no longer a danger to motorists. She said that we had a very antiquated chlorine system and it was donated to a company for response training and we didn't have to pay to get rid of it. Councilwoman Foley also reported that 3 leaking meter pits were replaced, fire hydrants were being painted and some of the broken hydrants will be replaced.

BEACHES AND PARKS: Councilwoman Reynolds said that beach badge sales were up \$1300.00 from last year and the dog park revenue was the same as last month. She reported that sand was being used to fill low spots on the beach and the tram route. She said that we would order Mobi Mats if approved for the CDBG.

DOCKS AND HARBORS: Councilman Alloway said that the dock revenue was off by about \$400.00. He said that if anyone had a kayak at the bay beach they should get them out now. The DPW will be removing them starting next week.

PUBLIC WORKS: Councilman Wellington had an example of the new replacement street signs. He said that they were 80-gauge aluminum and inexpensive. Some of the other things he reported on were:

- skateboard park was being resurfaced and rebuilt
- holiday lighting was installed including the snowflakes
- seal coated and relined the parking lot at Post Office
- winterized all outside plumbing
- bulkhead at tram trail was removed
- erosion at the boat ramp has been filled and regraded

FINANCE: Councilman Spark via the phone said that there would be a budget meeting on the 19th. Councilman Wellington reported that big bills this month included Regional School tax at \$158,000 and the Local School tax at \$118,000.

Mayor Larson thanked Tim Brindley and the Boy Scouts for the beautiful poinsettias. He also said that we were approved by the DOT for West 13th Street.

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

Tim Brindley, 404 Bayview, talked about the bulkhead that was discussed earlier. He also said that he thought that the signs were from 1995. Sarah Lambert, 1609 Seaview Avenue, thanked council for the new street signs. She also asked Councilwoman Foley about the water meters and if there will be information sent out to property owners. Councilwoman Foley replied that it has been decided that meters can be installed in pits or inside the homes. She said that we will mail out information, probably in January, and that we are in the process of ordering the meters. John Tennyson, 6 West 22nd Street, thanked the council for moving forward with the restrooms at the pavilion. Marilyn Wasilewski, 18 West 7th Street, said she was happy with the look of the restrooms. She also thanked the Mayor for the letter that was sent to the other towns after the majority members of the school board decided to purchase the EJ School. She said it has been put on hold, maybe permanently. John Alchus, 8 West 7th Street, inquired about the cost of installation of the meters. Councilwoman Foley didn't have a clear idea of the cost. She said that all the properties can have a different situation which can affect the cost. Mayor Larson suggested that he call a plumber and ask that question. Dick Feehan, 12 East 15th Street, asked what he would be responsible for and if he could use his old meter. Stuart said that if it wasn't compatible he would have to have a new one installed. Sarah Lambert, 1609 Seaview Avenue, said she thought that you just take off the blue disc and replace the meter. She wondered why there was talk about pavers and landscaping. She was told that some property owners covered their pits with various landscaping or hardscaping. Everyone seemed to be concerned with the cost to the owners. Stuart McGowan said that in Long Beach Township some of the neighbors were pairing up and hiring the same plumber to get a better price. Mayor Larson said this whole meter installation project is mandated by the state. Councilwoman Foley said that there would be an analysis of the water usage to come up with a rate that is fair.

CLOSE PUBLIC SESSION: Mayor Larson asked for a motion to close the open public session. There

was a motion by Alloway, seconded by Foley and it was carried by all.

RESOLUTIONS:

The clerk asked if the resolution could be done by consent agenda. All councilmembers agreed. The clerk read Resolutions 2019-138-2019-141 and 2019-143 by title and recorded the votes as follows:

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

RESOLUTION 2019-138

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING A LABORER FOR THE DEPARTMENTS OF PUBLIC WORKS AND THE WATER/SEWER

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to employ a Laborer for the Departments of Public Works and Water/Sewer; 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 Andrew Clark as Laborer #1, as a full-time employee, subject to the Borough’s probationary period.
2. That Andrew Clark 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 \$17.00 per hour for the six-month probationary period.
2. That certified copies of this resolution shall be forwarded to Andrew Clark and the Borough Treasurer.
- 3.

RESOLUTION 2019-139

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR THE RECONSTRUCTION OF EAST 23rd STREET TO MATHIS CONSTRUCTION CO.

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for the East 23rd Street Reconstruction Project; and

WHEREAS, at the time, place and date set for the receipt of bids, formal bids were received by the Borough as follows:

Mathis Construction Co.	\$269,187.20
Earle Asphalt	\$280,113.13
Shore Top Const	\$301,212.00
Swift & Son	\$334,771.67
Coastline Const	\$388,921.00
CJ Hesse	no bid
P&A Const	no bid
Crest Const	no bid
Construction Connect	no bid
Shore Connection	no bid

WHEREAS, said bids were taken under advisement and have been reviewed by the Borough Engineer and it has been determined that Mathis Construction Co. submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amount of \$269,187.20.; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a contract for the East 23rd Street Reconstruction Project to Mathis Construction Co., the lowest bidder; and

WHEREAS, part of the funding for said project comes from financing awarded by the NJ Department of Transportation, and the award is, therefore, subject to NJDOT review and approval, per their grant rules and regulations.

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 & Borough Council of the Borough of Barnegat Light do hereby award the contract for the East 23rd Street Reconstruction Project to Mathis Construction Co., at the price of \$269,187.20, subject to NJDOT review and approval.
2. That the Mayor and Borough Clerk are hereby authorized to execute an agreement with Mathis Construction Co. for said project, said agreement to be in conformance with bid specifications and bid submitted by Mathis Construction Co.

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 Bond Ordinance 2019-05

4. That a certified copy of this resolution shall be forwarded to Mathis Construction Co., the NJDOT, the Chief Financial Officer and the Borough Engineer.

5. This contract award is subject to NJDOT review and approval, per their grant rules and regulations.

RESOLUTION 2019-140

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EMPLOYEE EDUCATIONAL EXPENSE REIMBURSEMENT AGREEMENT WITH THE BOROUGH SUPERINTENDENT OF PUBLIC WORKS AND WATER/SEWER.

WHEREAS, Stuart McGowan is an employee of the Borough of Barnegat Light, in the position of Superintendent of Public Works and Water/Sewer; and

WHEREAS, Stuart McGowan will be pursuing the course of educational requirements prescribed by the State of New Jersey for certification as a Certified Public Works Manager, in accordance with N.J.S.A. 40A:9-154.6a 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 Stuart McGowan to advance educational expenses and costs related to certification as a Certified Public Works Manager, in accordance with N.J.S.A. 40A:9-154.6a 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 the Borough Treasurer and to Stuart McGowan.

RESOLUTION 2019-141

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, Nicholas A. Stevens 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, Nicholas A. Stevens 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 Nicholas A. Stevens 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 Nicholas A. Stevens and to the Borough Chief Financial Officer.

RESOLUTION 2019-143

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$586,525.80

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 \$586,525.80 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.

ORDINANCES:

SECOND READING/PUBLIC HEARING

ORDINANCE NO. 2019-15-BOND

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO West 6th Street, APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$57,950 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY

The Clerk read Ordinance #2019-15 by title and said there would be a public hearing.

OPEN PUBLIC HEARING:

Mayor Larson asked for a motion to open the public hearing. On a motion by Mikuletzky, seconded by Wellington and carried by all, the public hearing was open.

CLOSE PUBLIC HEARING:

Being no public comment, Mayor Larson asked for a motion to close the public hearing. On a motion by Foley, seconded by Alloway and carried by all, the public hearing was closed.

Mayor Larson asked for a motion to adopt.

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

BOND ORDINANCE NO. 2019-15

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WEST 6TH STREET, APPROPRIATING \$375,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$57,950 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Barnegat Light, in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$375,000, said sum being inclusive of all appropriations heretofore made therefor, including \$314,000 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), and the sum of \$3,050 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$57,950, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Section 3.

(a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of various improvements to West 6th Street located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$57,950, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$375,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$375,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$3,050 down payment for said purposes, and the \$314,000 grant funds expected to be received from the NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the

provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$57,950 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$37,500 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law

MOTION TO ADJOURN:

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

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK