

REGULAR MEETING OF MAYOR AND COUNCIL December 12, 2018

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 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-absent, Wellington, Alloway, Reynolds, Foley and Mikuletzky

Also present: Mayor Larson, Terry Brady, Kathleen Flanagan and Brenda Kuhn.

Discussion: Mayor Larson said that the Historical Society wanted to change the sign when you enter Barnegat Light. He said that he preferred "Incorporated in 1904" and asked the Council their opinion. Everyone agreed.

The Mayor then ask the Clerk to explain the new CRS rating for 2019. The Clerk said that Diana Stott had completed the 5-year review for the Community Rating System that was related to the discount for property owners on flood insurance. The report that was prepared by Diana resulted in a 15% discount for flood insurance, up from 10%.

The Mayor and Council discussed the types of usage and fees for the pavilion. Mayor Larson said that we would need an ordinance, possibly for introduction at the January meeting. He asked Council to think about it.

Mayor Larson said that Fred Brody from Cross River Fiber was at the meeting to explain the right-of-way agreement that they were proposing. Mr. Brody said that the first step to get the right-of-way agreement in place. The next step would to get the route approved then a bucket truck would attach the fiber optic wire to the existing poles. He said that the attorney, engineering and police detail fees would all be paid by Cross River Fiber at no cost to the Borough. Borough Attorney, Terry Brady had some items in the agreement that he wanted amended.

Ben Wurst, Conserve Wildlife of NJ, was requesting approval from Mayor and Council to install a live streaming camera on the osprey nest platform located at Bayview and 24th Street. He said that Conserve Wildlife would be installing the camera and having electricity and internet installed. He said that this year was the first time in many years that the nest was occupied and that the camera would be a unique opportunity for the Borough. He answered all of the Council's questions.

Eric Schradling, Field Supervisor of the US Fish and Wildlife Services. He explained that they wanted to provide an area near the jetty for Piping Plover nesting. He said that they were working with their partners from Rutgers University, Conserve Wildlife Foundation of NJ and the State Division of Fish and Wildlife to enhance plover habitat in Barnegat Light. He said that the project would be done in two phases. The first would be to move vegetation and sand and that would start this winter.

Mayor Larson asked for a motion to close the Caucus. On a motion by Mikuletzky seconded by Wellington and 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 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-absent, Wellington, Alloway, Reynolds, Foley and Mikuletzky

Also present: Mayor Larson, Terry Brady, Kathleen Flanagan, and Brenda Kuhn.

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

Mayor Larson asked Mr. Schradling what they were going to do with the vegetation that was being removed from the habitat project. Mr. Schradling said it would be moved, crushed and the pushing of sand would bury it. There was discussion regarding the type of water and if it would be drawing from underground streams. Connie Higgins, 10 E 11 St, asked where this would be and if people would be able to see the plovers. She said that this is a natural habitat and that we were very lucky. Richard Malacrea, 1410 Bayview, asked what the borders of the project were. Mr. Schradling said E 6th St to W 3rd. Dick Feehan, 12 E 15th St. asked how the fiber optic installation would benefit the Borough.

CLOSE PUBLIC SESSION: Mayor Larson asked for a motion to close the open public session. There was a motion by Foley, seconded by Reynolds and carried by all.

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of November 14, 2018 regular meeting.

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

COMMITTEE REPORTS:

PUBLIC WORKS: Councilman Wellington said he wanted to make the Public Work monthly report a part of the minutes. He said a new deck was being built at the Post Office and work has been done in the Public Works yard. He said the maintenance was being done on the vehicles and they were preparing for winter.

DOCKS AND HARBORS: Councilman Alloway said the ramps are still open but no one is working.

BEACHES AND PARKS: Councilwoman Reynolds said that she had nothing to say.

WATER/SEWER: Councilwoman Foley said that there was a list of 44 residential meters that weren’t on the map and all but 7 have been found and added to the map.

PUBLIC SAFETY: Councilman Mikuletzky said he wanted to make the Court Report a part of the minutes. He reported that the court brought in \$1455 and the Borough kept \$256.50.

FINANCE: In the absence of Councilman Spark, the CFO stated that the 1st Budget Workshop was held and it went well. She said that the 2nd Budget Workshop would be January 22, 1:30pm.

2 OPEN PUBLIC SESSION: Mayor Larson asked for a motion to open the open public session. There was a motion by Reynold, seconded by Alloway and carried by all.

John Alchus, 8 W 7 St, said that he came home to find a hole in the ground and asked if it was related to the Borough looking for the meter.

Barbara Truncellito, 15 W 8 St, said that she was going to post the recycling rules on the Taxpayers Association Website. She also asked if they would be mailed out. Mayor Larson asked Ms. Truncellito if they could find time at their spring meeting to have our Recycling Coordinator to speak about the recycling program. Barry Mescolotto, 11 W 19 St, said he didn’t realize that the garbage company was so selective because today was recycling day and they picked up recycling and the garbage. Barbara Truncellito said that happened at her house too. The CFO said that we pay them to do it correctly. Terry Brady, Borough Attorney, said that he read an article about the recycling commingled market is drying up and the separating of recycling materials is coming in other counties. The Mayor asked everyone to think about the pavilion and how it will be used. Barbara said that the Taxpayers Association was holding their June 22, 2019 meeting at the Pavilion at noon.

2CLOSE PUBLIC SESSION: Mayor Larson asked for a motion to close the open public session. There was a motion by Wellington, seconded by Reynolds and carried by all.

RESOLUTIONS:

The clerk said that the resolution would be done by consent agenda. She read each resolution by title and then 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 2018-146
APPROVING RIGHT-OF-WAY USE TO CROSS RIVER FIBER

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Barnegat Light for the purpose of constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Barnegat Light for the joint use of any existing utility poles; and

WHEREAS, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

WHEREAS, it is in the best interests of the Borough of Barnegat Light and its citizens to grant consent to Cross River Fiber; and

WHEREAS, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

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 Clerk are hereby authorized to execute the Right-of-Way Use Agreement
2. Cross River Fiber is granted a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating repairing and maintaining a telecommunications system.

RESOLUTION 2018-147
AUTHORIZING REFUND OF DUPLICATE CERTIFICATE OF OCCUPANCY PAYMENT.

WHEREAS, the fee for a certificate of occupancy is \$50.00; and

WHEREAS, Island Realty paid for a certificate of occupancy for one property inspection two times; and

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

That a certified copy of this resolution shall be forwarded to the Barnegat Light Chief Financial Officer.

That the Barnegat Light Chief Financial Officer be authorized to refund the \$50.00 certificate of occupancy payment for the duplicate payment.

That the refund be mailed to:

Island Realty
2211 Long Beach Boulevard
Surf City, NJ 08008

RESOLUTION 2018-148
CANCELLING VARIOUS GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES FOR COMPLETED PROJECTS

WHEREAS, various General Capital Improvement appropriation balances remain dedicated to projects which have now been completed; and

WHEREAS, it is necessary to formally cancel said balances in order that the unexpended balances may be returned to the General Capital Improvement Fund or credited to Surplus, and any unused debt authorizations may be cancelled; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to cancel the unused and unexpended General Capital Improvement appropriation balances for projects which have now been completed.

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

1. That the following unexpended and dedicated balances of General Capital Improvement appropriations shall be cancelled:

<u>PROJECT DESCRIPTION</u>	<u>AMT.CANCELLED</u>
Emergency Communications	\$ 2,550.00
Repair of Tennis Courts	\$ 2,774.52
Furnaces for DPW	\$ 10,000.00

Handicapped Walkway 29 th St	\$ 1,500.00
Electrical Renovations at P.O.	\$ 2,748.70
Dock Replacement	\$ 2,307.08
Museum Roof Repairs/Replace	\$ 30,000.00
Acquisition of Fuel Tank	\$ 8,775.00
Acquisition of Real Property	\$ 95,000.00
Imp to Boro Dune Walkways	\$ 985.32
Constr of 29 th St Handicap	\$ 20,944.58
Reconstruct E. 8 th St	\$ 12,894.30
Reconstruct W. 11 th St	\$ 60,869.18

1. That any unexpended balances may be returned to the General Capital Improvement Fund or credited to Surplus and any unused debt authorizations may be cancelled.
2. That a copy of this resolution shall be forwarded to the Borough Treasurer and the Borough Auditor.

RESOLUTION 2018-149

AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$647,938.48

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 \$647,938.48 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.

MOTION TO ADJOURN:

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

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK