

**REGULAR MEETING OF MAYOR AND COUNCIL
February 13, 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 in the Asbury Park Press and Beach Haven Times on January 10, 2019, both newspapers are designated by Mayor and Council to receive such notice.

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

Also present: Mayor Larson, Terry Brady & Brenda Kuhn

Discussion: Mayor Larson started the caucus with the requests for tree trimming. There were two requests, one from Steven Fall for Seaview Ave, and the second from Lynn Fryckberg on 5th Street. There was discussion about 5th Street. The Superintendent met with Ms. Fryckberg and said her request was fine. The Mayor said that it would have to be approved during the regular meeting. Steve Fall was not present. The next topic was the letter and petition requesting another pickle ball court. Councilman Wellington said that another net has been purchased and in the spring the basketball court would be lined for pickle ball and the net would be installed. The tennis courts wouldn't be involved. He added that a shade shelter had been built there. The next topic was the request to have the annual dog show at the pavilion. The request also included yoga classes at the pavilion. The Mayor said that there was an Open Lands Committee meeting and the pavilion use was the main topic. Mayor and Council discussed pavilion uses that included weddings, yoga, garbage, security deposit for cleanup, the legality of someone making a profit etc. Terry Brady said that municipalities cannot rent out public property for private use without bidding. There was a lot of discussion and no real conclusion.

Mayor Larson asked for a motion to close the Caucus. On a motion by Mikuletzky, seconded by Alloway 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 2, 2019 and was published in the Asbury Park Press and Beach Haven Time on January 10, 2019, 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 (absent), and Mikuletzky

Also present: Mayor Larson, Terry Brady and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of January 9, 2019 regular meeting.

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

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky said he didn't have much to report because he didn't have a Court Report. He said it would be double next month. Mayor Larson asked if the new Judge and Prosecutor were working out and Councilman Mikuletzky everything was fine.

WATER/SEWER: In the absence of Councilwoman Foley, Mayor Larson said to make the water/sewer reports a part of the minutes. Councilman Mikuletzky added that there were only six meters that weren't on the map left to find.

BEACHES AND PARKS: Councilwoman Reynolds said that 55 preseason badges and 5 senior badges were sold bringing in \$8,000. She said that 15 dog park passes were sold to out of towners for \$450. She reported that two shade shelters had been built, one in the dog park and the other at the pickle ball court. She asked if we had heard from the county about the flooding at the bay beach. Councilman Wellington said that there was talk about using the jetter on those pipes but they belong to the county. He said that they were putting a plan together to fix the gully where the bay water is coming in from the north side. He said they were going to fill in the pot holes and grade the parking lot. Councilwoman Reynolds suggested putting holes in the wooden fence so the water could seep through. There was discussion about where the water was coming from. Some thought it coming from the wind and high tide and others thought it was it from heavy rain, not coming in but when it was going out. Someone said that the grade of the parking lot was high at the bulkhead and low at the street.

DOCKS AND HARBORS: Councilman Alloway said that there were boat slips available.

PUBLIC WORKS: Councilman Wellington said that a new deck was built at the EOC building, two shelters were built, one at the dog park and one at the pickle ball court. He said that a new digital sign was installed at the Post Office. The councilman said that the beaches were clean and presentable and the benches were going to be installed before our "plover" deadline.

FINANCE: Mayor Larson asked if anyone on the finance committee wanted to talk about the budget. Councilman Wellington said that there was a 2nd Budget Workshop last week and progress was made. He said that the CFO had a list of things to start preparing the budget.

Mayor Larson said that we had a Proclamation for Thomas Brindley who achieved the rank of Eagle Scout. The Clerk read the proclamation.

PROCLAMATION

Eagle Scout Thomas Augustine Brindley

WHEREAS, Thomas A. Brindley has been in Boy Scouts of America since 2007; and

WHEREAS, Thomas is currently the Senior Patrol Leader of BSA Troop 65, Manahawkin, NJ; and

WHEREAS, Thomas should be commended for his achievements such as the Helm Chapter National Honor Society, Southern Regional Spanish Honor Society, and the Tri-M Music Honor Society; and

WHEREAS, Thomas has participated in extracurricular activities such as track & field, the chess club, and the Southern Regional Golden Rams Marching Band as the Alto Sax Section Leader; and

WHEREAS, Thomas has demonstrated responsibility working as a dockworker, a dishwasher and a First Mate; and

WHEREAS, in December of 2018, Thomas attained the rank of Eagle Scout, the Highest Award in Scouting; and

WHEREAS, we commend Thomas for all of his achievements.

NOW, THEREFORE BE IT RESOLVED, that I, Kirk O. Larson, Mayor of the Borough of Barnegat Light, on behalf of the Mayor, Council and residents of the Borough, do hereby recognize and congratulate **THOMAS A. BRINDLEY, EAGLE SCOUT**, for this outstanding accomplishment, extend to him our deepest appreciation for all of his hard work, and wish him the best in all of his future endeavors.

The Mayor said to Tim Brindley that he should be very proud of Thomas.

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.

Tim Brindley, 1404 Bayview Avenue, asked what they were doing at the habitat. He said that they took all the vegetation out of there. He thought they were digging the pond but council said that the pond wouldn't be start until next year.

Darren Stivale, 12 West 9th Street, was at the meeting to discuss the backup alarms that were on the DPW equipment. He said that he lives next to the Public Works yard and he and his family are especially sensitive to the noise from the backup alarms. He handed out some information to Mayor and Council for their review. He told the Mayor and Council about cost effective alternatives to the backup alarms that are less annoying and still as safe. Councilman Wellington said that he would look into it. Mr. Stivale offered his help for installing this new technology.

Pumping water was the next topic that was discussed. Mayor Larson said that there was a problem with

property owners that pump their basements and crawlspaces in the winter when temperatures are low. He said that the streets turn into a sheet of ice. He also said that some owners pump their backyard and the water stains the road in front of the neighbors' homes.

John Tennyson, 6 West 22nd Street, joked that he was NOT into hot yoga and asked Tim to turn down the temperature a little bit!

Tim Brindley, 1404 Bayview Avenue, shared a little story. He said that he rakes the stones and cleans up the pine cones in his yard almost every day. He noticed that there was a perfect circle where the stones were missing and he would rake the stones back to that spot. It was a mystery for about a month then he finally found out that it wasn't aliens, it turned out to be the garbage truck releasing the airbrakes and that would blow the stones!

Connie Higgins, 10 East 11th Street, asked if the gas station was opening. Mayor Larson said it looked like it but hasn't been able to talk to the owner. She also asked if the bump on Central Avenue would be getting fixed. Mayor Larson said that it would be fixed when the weather gets nicer. Mrs. Higgins asked what to do with old phone books because the bin at DPW isn't there. She was told to throw them away. She also said that she thought that yoga at the pavilion is a great idea.

Nancy Manookian said that shredded paper was no longer allowed in the recycling cans but towns could have bins to put it in separately.

Cricket Luker, 5th Street, asked about her request for the Dog Show. Mayor Larson said that it would be voted on after the public session closed.

Mayor Larson said that Steven Fall was not present but he had sent in letters of request for tree trimming on Seaview. He talked to council about it and said that they would vote on it after the public session was closed.

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

Mayor Larson asked Council to vote on the three requests.

The 1st was the request from Lynn Fryckberg to trim trees on 5th Street. On a motion by Wellington, seconded by Reynolds and carried by all the request was approved. Ms. Fryckberg must coordinate the trimming with the Superintendent of DPW.

The 2nd request was from Steven Fall to trim trees on Seaview between 20th & 21st Streets. There was a motion by Wellington, with a stipulation that the trees being trimmed are black pines and that the Superintendent must give his approval. There was a second by Alloway and carried by all.

The 3rd request was from Cricket Luker for the annual dog show at the pavilion. On a motion by Wellington, seconded by Reynolds and carried by all, the request was approved.

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			
Reynolds	X		X			
Foley						X
Mikuletzky			X			

RESOLUTION 2019-046

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes the Borough of Barnegat Light to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40:8A-4 requires such a contract to be authorized by resolution; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Barnegat Light to authorize the execution of a contract with the Ocean County Board of Health for Animal Facility Services for 2019.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, that the agreement entitled "CONTRACT FOR ANIMAL

FACILITY SERVICES", be executed by the Mayor and Borough Clerk in accordance with the provisions of law.

RESOLUTION 2019-047

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 SUPERINTENDENT OF PUBLIC WORKS AND WATER/SEWER.

WHEREAS, Albert Morrison is an employee of the Borough of Barnegat Light, in the position of Assistant Superintendent of Public Works and Water/Sewer; 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, Albert Morrison 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 Albert Morrison 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 Albert Morrison.

RESOLUTION 2019-048

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH DYNAMIC TESTING SERVICE FOR WORKPLACE DRUG AND ALCOHOL TESTING

WHEREAS, the Borough of Barnegat Light is in need of workplace drug and alcohol testing services, the cost of which is anticipated to be less than the Borough's bid threshold of \$36,000; and

WHEREAS, Dynamic Testing Services has submitted a proposal for said services on an as-needed basis for a period of four (4) years, which is anticipated to be less than the Borough's price quotation threshold of \$6000; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to authorize the execution of an agreement with Dynamic Testing Service for workplace drug and alcohol testing, in accordance with the proposal submitted by Dynamic Testing Service.

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 of the Borough of Barnegat Light do hereby authorize the execution of a four (4) year agreement with Dynamic Testing Service for workplace drug and alcohol testing, in accordance with the proposal submitted by Dynamic Testing Service, a copy of which is attached hereto and is incorporated herein by reference.

2. 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:

DPW, WS, Lifeguards

3. This resolution and the subject contract are specifically made subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation of the same, as required by N.J.A.C. 5:34-5.3.

4. That a certified copy of this resolution shall be forwarded to the Chief Financial Officer and to Dynamic Testing Service.

RESOLUTION 2019-049

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING RESOLUTION 2018-075 REGARDING THE CERTIFIED LIST OF ALL VOLUNTEER MEMBERS OF THE BARNEGAT LIGHT VOLUNTEER FIRE COMPANY WHO QUALIFIED FOR CREDIT UNDER THE LOSAP PROGRAM FOR THE YEAR 2017

WHEREAS, by Resolution 2018-075, the Borough of Barnegat Light certified the list of Barnegat Light Volunteer Fire Company members approved to receive the 2017 LOSAP award, pursuant to Ordinance No. 01-018 and N.J.S.A. 40A:14-191; and

WHEREAS, the Mayor and Borough Council of the Borough of Barnegat Light desire to correct the name

an approved Fire Company member.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Barnegat Light, that Section One of Resolution 2018-075 is hereby amended to correct the name of **Kurt Cane**, listed therein, to his corrected given name of **Reginald Kane**. All other sections and names listed in Resolution 2018-075 shall remain in full force and effect.

RESOLUTION 2019-050

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEWJERSEY, EMPLOYING CONSTRUCTION WORKERS

WHEREAS, there exists a need for construction workers on a temporary basis; and
WHEREAS, Ordinance 2017-012 allows for the hiring of Construction Leaders and Construction Helpers; and

WHEREAS, the following people are employed as noted with the compensation listed below.

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Barnegat Light that the following people are employed with titles and compensation as listed below:

Construction Leader	David Martinson	\$30.00 hr
Construction Leader	Kenneth Nutt	\$35.00 hr
Construction Leader	Kevin Walsh	\$40.00 hr
Construction Leader	Michael Roth	\$45.00 hr
Construction Leader		\$30.00 hr

RESOLUTION 2019-051

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF WATER/SEWER BILLING

WHEREAS, water /sewer account # 24-0 was billed as a duplex in 2018 and 2019; and
WHEREAS, it has been confirmed by the Barnegat Light Tax Assessor that the home is a single family dwelling; and

WHEREAS, the property was purchased in June of 2018; and

WHEREAS, University Title collected the second half water/sewer from the buyer in the amount of \$528.00; and

WHEREAS, the Utility Collector has calculated the new amount for billing and the owner of the property has requested that the 2018 credit be applied to the 2019 bill.

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, that the Tax/Utility Collector be authorized as follows:

1. To cancel ½ of the water (-\$70.00) & sewer (-177.50) billing for 2018
2. To adjust and increase the 2018 spigot count billing (+\$24.75)
3. To cancel one unit of water (\$140.00) and one unit of sewer (\$355.00) for 2019
4. To increase the 2019 spigot count billing (+49.50)
5. To apply credit from 2018 to the 2019 bill

RESOLUTION 2019-052

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$1,424,038.59

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 \$1, 424,038.59 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-FIRST READING

ORDINANCE 2019-02

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ASHLEY DARMON TO THE POSITION OF QUALIFIED PURCHASING AGENT FOR THE BOROUGH.

Ordinance 2019-002 was read by title and Mayor Larson asked for a motion.

INTRODUCTION:

Passage on First Reading:

Date: February 13, 2019

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

Foley						X
Mikuletzky		X	X			

ORDINANCES-SECOND READING

The Municipal Clerk read Ordinance No. 2019-01 by title. She said that it was passed on first reading at the January 9, 2019 meeting.

Passage on First Reading: Date: January 9, 2019

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

OPEN PUBLIC HEARING:

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

Dick Feehan, 12 East 15th Street, asked what this ordinance was about and Terry Brady gave him an explanation.

CLOSE PUBLIC HEARING:

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

Mayor Larson asked for a motion to adopt.

Final Passage: Date: February 13, 2019

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

ORDINANCE 2019-01

ORDINANCE OF THE BOUROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Barnegat Light in the County of Ocean finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$20,458.74 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Barnegat Light, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Borough of Barnegat Light shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$71,605.59, and that the CY 2019 municipal budget for the Borough of Barnegat Light be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Larson said that they needed to vote on the application from the Rotary Club to hold the 1/8 Mile Run. There was a motion by Reynolds, a seconded by Wellington and carried by all. The request was approved.

MOTION TO ADJOURN:

Council President Spark asked for a motion to adjourn. On a motion by Wellington, 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