

**REGULAR MEETING OF MAYOR AND COUNCIL**  
**March 13, 2019**

**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 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, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

**Also present:** Terry Brady, Kathleen Flanagan & Brenda Kuhn

**Discussion:** Usage of the pavilion was discussed. Council President Spark said that that the 2012 ordinance for the beach and gazebo could be used for the pavilion. The Clerk asked for clarity for handling the applications for use of these areas. Application/permit fees, certificates of liability insurance, security deposits were discussed. The council discussed the differences between the beach, gazebo and pavilion and if the fees should be collected differently for each area.

**Council President Spark** asked for a motion to close the Caucus. On a motion by Foley, seconded by Alloway 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 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. She also asked that anyone speaking in the public session state their name and address.

**ROLL CALL:** Spark, Wellington, Alloway, Reynolds, Foley and Mikuletzky

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

**APPROVE MINUTES:** Council President Spark asked for a motion to approve the minutes of February 13, 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			
Reynolds		X	X			
Foley	X		X			
Mikuletzky			X			

**COMMITTEE REPORTS:**

**WATER/SEWER:** Councilwomen Foley reported that there were a few discrepancies with the commercial meters and that was being worked on. She asked the CFO about the status of the residential meter project. The CFO said the package was sent to the proper agency for approval. Once the plan is approved we can go out to bid. The Councilwoman said that a couple of our generators were being repaired and asked Councilman Mikuletzky to talk about the progress.

**PUBLIC WORKS:** Councilman Wellington reported that the Post Office had been refurbished. It was painted and new trim and flooring was installed. He said that he was working on a plan to regrade the bay

beach. The Councilman stated that he talked to Kevin Kuhlman about the replacement of 6 pilings that needed to be replaced. Councilman Spark said that EZ Docks should be called regarding placement of the pilings. He also said that EZ Docks was aware of the need for a floating dock. Councilman Wellington was questioned about the run off at the bay beach. There was a lot of discussion which included storm drains, flooding on the road, erosion and the county not doing what has been requested in the past. The CFO stated that a letter should have been received from the county that asked the town to schedule a meeting with the county to discuss the concerns with the town. She said that she was going to send them an email to let them know that Barnegat Light wants to meet with them.

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

**BEACHES AND PARKS:** Councilwoman Reynolds said that beach badge sales were down by \$1,200.00. She said that 21 people have bought dog park pass and the revenue was down \$500.00. She said that the sun will be shining and all will be well!

**PUBLIC SAFETY:** Councilman Mikuletzky said that he wanted to make the January & February court reports a part of the minutes. He stated that not much money has been taken in.

**FINANCE:** Councilman Spark said that the Tax /Utility Collector took in \$1,606,000 between tax and utility. He complimented the taxpayers for paying on time. He said when people don't pay it affects our tax rate. He said that our biggest expenditures of the month were the school tax. He said that the regional was \$158,000 and the local was \$15,000. He said that the CFO was getting close on the budget process and that another budget workshop will be held on March 28, 2019 at 2:00pm at Borough Hall.

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

Barbara Truncellito, 15 W 8<sup>th</sup> Street, stated that she was at the meeting representing the Barnegat Light Taxpayers Association. She thanked the council for participating in their newsletter.

**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.

## **RESOLUTIONS:**

The Clerk asked if she could do a consent agenda with the resolutions. Councilman Mikuletzky said that he had to abstain from voting on Resolution 2019-055. The clerk read 2019-055 and recorded the vote.

### **RESOLUTION 2019-055**

#### **RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING 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 2018**

**WHEREAS**, Ordinance No. 01-018 of the Borough of Barnegat Light implemented the Length of Service Award Program (LOSAP) for the Barnegat Light Volunteer Fire Company and was passed by voters by a referendum on November 6, 2001; and

**WHEREAS**, pursuant to NJSA 40A:14-191, emergency service organizations participating in a Length of Service Award Program (LOSAP) shall annually certify to the sponsoring agency a list of all volunteer members who have qualified for credit under the LOSAP program for the previous year: and

**WHEREAS**, the Governing Body has received and reviewed such certified list from the President of the Barnegat Light Volunteer Fire Company.

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

1. Per the certified list received, the following Barnegat Light Volunteer Fire Company members are hereby approved to receive the 2018 LOSAP award.

Anderson, Keith	LaPlaca, Joseph
Anderson, Kyle	Major, Lee
Applegate, Harry	Manookian, Nancy A.
Arras, Edward	Manookian, Richard E.
Ballinger, Arthur	Mikuletzky, Frank F.
Connelly, David J.	Mikuletzky, Morgan J.
Connelly Jr., David J.	Mimm, Kevin
Ely, Gerald	Perko, James
Fox, Warren	Richard, Jacques
Grimste III, Frederick	Russo, Peter
Haviland, Stanley	Voris, David M.
Kaminski, Edward	Washburn, Evan
Kaminski, Edward J.	Washburn, Jeffrey
Kane, Reginald	
2. Qualified members will each receive \$708.00 for the 2018 LOSAP award, pursuant to



**WHEREAS**, the owner has, in writing, requested a refund in the amount of \$321.75; 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:

1. That the Tax & Utility Collector is authorized to make necessary adjustments on the account.
2. That the CFO is authorized to process a refund in the amount of \$321.75 for the overpayment on the account.
3. That certified copies of this resolution shall be forwarded to the Tax & Utility Collector and the Chief Financial Officer.
4. That the check be made payable to:

Andrew & Maria McGann  
540 Oriole Lane  
Villanova, PA 19085-1901

**RESOLUTION 2019-057**

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING THE 2019 SALARIES OF CERTAIN EMPLOYEES**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Barnegat Light that the following rates of compensation shall be within the scale of limits set forth in Section I of Salary Ordinances 08-03, 09-02, 10-09, 10-10, 12-11, and 16-02; and

**BE IT FURTHER RESOLVED**, that the following Borough employees are actively employed by the Borough of Barnegat Light and shall receive the amount specified and set forth below:

<u>Name</u>	<u>Position</u>	<u>2019</u>
Kirk O. Larson	Mayor	4,000.00
Michael Spark	Council President	2,800.00
Samuel Alloway	Councilperson	2,500.00
Dorothy Reynolds	Councilperson	2,500.00
Edwin Wellington	Councilperson	2,500.00
Frank Mikuletzky	Councilperson	2,500.00
Mary Ellen Foley	Councilperson	2,500.00
Ashley Darmon	Assistant Treasurer	63,527.28
Brenda Kuhn	Municipal Clerk	75,670.25
Brenda Kuhn	Tax Collector/Water/Sewer	63,406.75
Kathy Guerrero	Deputy Municipal Clerk/Tax Clerk	67,245.78
Kathy Guerrero	Recycling Coordinator	3,000.00
Elaine Tollison	Administrative Clerk/Tax Clerk	52,005.53
Elaine Tollison	Planning Board Secretary	3,000.00
Elaine Tollison	Open Space Secretary	1,000.00
Elaine Tollison	Zoning Board Secretary	2,000.00
Elaine Tollison	Recreation Coordinator	1,500.00
Kathleen Flanagan	Chief Financial Officer	39,264.90
Kathleen Flanagan	Payroll Clerk	5,000.00
Bernard Haney	Tax Assessor	19,417.74
Maureen Daniels	Court Administrator	7,355.63
James Liguori	Municipal Court Judge	6,772.56
Edward Sulecki	Supt. Water/Sewer	48,539.93
Edward Sulecki	Supt. Public Works	48,539.93
Albert Morison	Assistant Supt. Water/Sewer	40,800.00
Albert Morison	Assistant Supt. Public Works	40,800.00
Diana Stott	CRS Coordinator	2,575.50
Jeffrey Washburn	Zoning Officer/Code Enforcement	35.00 hr

**RESOLUTION 2019-058**

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING ASSEMBLY BILL A-4580, WHICH WOULD AMEND THE LOCAL PUBLIC CONTRACTS LAW TO REQUIRE THE RELEASE OF THE BID LIST PRIOR TO BID DATE.**

**WHEREAS**, it is the desire of the Borough of Barnegat Light to oppose Assembly bill A-4580 which would amend the Local Public Contracts law to require release of bid list prior to bid date,

**WHEREAS**, this bill will impact public works procurement at local levels of government and impede the governing body members, Qualified Purchasing Agents, and responsible public works professionals causing them to expend already limited resources on an action that will diminish their duty to protect the

public trust, the integrity of the procurement process, and remove the clearly defined cornerstone of bidding: full, fair, free competition.

**WHEREAS**, it is already permissive, not mandatory, to maintain a Bidders List if the governing body so desires. This can be achieved simply by maintaining a list accessible to the public. However, the legal publication of a Notice to Bidders is an open invitation to all who would participate in the process.

**WHEREAS**, new Jersey's public procurement statutes and related rules already burden the contracting process and the proposed legislation adds costs and probable delays or disputes to the process.

**WHEREAS**, many small municipalities and agencies do not have in-house staff to process and administer such contracts. Therefore, the handling of these bids may be conducted off-site by professional service contractors and incur additional costs to these projects, many of which are critical to taxpayers and the public.

**WHEREAS**, an arbitrary benchmark on bidders notification may serve to induce more protests, disruptions, and delays in the entire process.

**WHEREAS**, the Borough sees no cumulative data on minority owned, women owned subcontracting business being prevented from submitting proposals to General Contractors. What is documented by historical experience is the public works contractors tendency to utilize subcontractors they have previously worked with and who demonstrate their experience and expertise to make an economic proposal and efficient work product.

**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;

1. That the Mayor and Borough Council hereby oppose the enactment of legislation to require release of the bid list prior to bid date.
2. That certified copies of this resolution shall be forwarded to Assemblyman Brian E. Rumpf and Assemblywoman Dianne C. Gove of the 9<sup>th</sup> legislative district.

#### **RESOLUTION 2019-059**

#### **RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SHARED SERVICE AGREEMENT WITH LONG BEACH TOWNSHIP FOR THE LONG BEACH ISLAND MUNICIPAL TRANSPORTATION SYSTEM.**

**WHEREAS**, the Township of Long Beach has created a Municipal Transportation System to address the need for public transportation, to support the goal of the alleviation of traffic and parking problems, fill a need for an immediately available emergency transportation system required during declared emergencies, enhance and support the economic activities in Township and region as a whole, and benefit the experience and way of life of the residents, businesses, and visitors of Long Beach Island, as well as generally protect the public health, welfare, and safety; and

**WHEREAS**, Long Beach Township has offered to all Long Beach Island municipalities the opportunity to participate in said municipal transportation system by way of a shared service agreement; and

**WHEREAS**, it is the desire of the Borough of Barnegat Light to join in a shared service agreement to provide for a municipal transportation system to service all Long Beach Island municipalities, with Long Beach Township as Lead Agency and Barnegat Light Borough as a participating municipality to receive part of the service rendered and to fund a part of the cost of the service; and

**WHEREAS**, N.J.S.A. 40A:65-4 (Common Sense Shared Services Pilot Program Act) provides that any local unit may enter into an agreement with any other local unit to provide or receive any service that each local unit participating in the agreement is empowered to provide or receive within its own jurisdiction, including services incidental to the primary purposes of any of the participating local units, when approved by resolution under N.J.S.A. 40A:65-5.

**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. The Mayor and Borough Council of the Borough of Barnegat Light do hereby authorize a shared services interlocal agreement with Long Beach Township for Long Beach Township to provide for a municipal transportation system to service all Long Beach Island municipalities, with Long Beach Township as Lead Agency and Barnegat Light Borough as a participating municipality to receive part of the service rendered and to fund a part of the cost of the service. Barnegat Light Borough shall pay \$20,000 towards said costs for the period of May 1, 2019 to April 30, 2020 on or before May 1, 2019. The agreement may be extended for a maximum of four (4) one (1) year additional terms following the initial term. Said mutual, written consent must be agreed upon not later than November 1 of the calendar year preceding the termination of each one-year (1) term.

2. That the Mayor and Borough Clerk are hereby authorized to execute the attached Municipal Transportation System Shared Service Agreement, and any and all other documents necessary for said services.

3. A certified copy of this resolution shall be forwarded to the Long Beach Township, Ship Bottom Borough, Harvey Cedars Borough, Surf City Borough and Beach Haven Borough.

#### **RESOLUTION 2019-061**

#### **RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING A DEPUTY MUNICIPAL COURT ADMINISTRATOR AND AN IN-COURT ASSISTANT**

**WHEREAS**, Maureen F. Daniels was appointed to the position of Municipal Court Administrator as of June 13, 2018 for a 3-year term that will expire June 10, 2021; and

**WHEREAS**, the Governing Body of the Barnegat Light must appoint a Deputy Court Administrator in accordance with NJSA 2A:8-13; and

**WHEREAS**, the Mayor and Council of the Borough of Barnegat Light recognize that Karen Garcia possesses the necessary qualifications to hold said position; and

**WHEREAS**, in the absence of Maureen F. Daniel or in an emergency situation Karen Garcia will hold court with assistance from Violations Clerk, Kimberly Walker for recording services; and

**WHEREAS**, Karen Garcia may also be required to do call-outs; and

**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 Karen Garcia is hereby appointed to the position of Deputy Municipal Court Administrator retroactively for a one-term that will expire December 31, 2019.
2. That Kimberly Walker is hereby appointed as Violations Clerk for recording services, retroactively for a one-year term that expires December 31, 2019.
3. That the compensation for Karen Garcia shall be \$50.00 per court session or call-out, not to exceed the total per year as indicated in Salary Ordinance 2018-08.
4. That Kimberly Walker shall be compensated \$50.00 per court session, not to exceed the total per year as indicated in Salary Ordinance 2018-08.
5. That in the absence of Maureen Daniels, Karen Garcia and Kimberly Walker, a qualified substitute shall be used to hold court and be compensated \$50.00 per court session or call-out.
6. That certified copies of this resolution shall be forwarded to Maureen F. Daniels, the Borough Treasurer, Karen Garcia and Kimberly Walker.

**ORDINANCES-SECOND 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.**

**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			

**OPEN PUBLIC HEARING:**

Council President Spark asked for a motion to open the public hearing. On a motion by Wellington, seconded by Foley and carried by all, the public hearing was open.

**CLOSE PUBLIC HEARING:**

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

Council President Spark asked for a motion to adopt.

**ADOPTION:**

**Final Passage:**

**Date: March 13, 2019**

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

**WHEREAS**, NJSA 40A:11-9 provides that the governing body of any contracting unit may by ordinance, in the case of a municipality, designate an individual to serve as the contracting unit's purchasing agent; and

**WHEREAS**, upon the appointment of a qualified purchasing agent, NJSA 40A:11-3 provides that the contracting unit may increase its bidding thresholds to the adjusted amounts established by the Governor, in consultation with the Department of the Treasury, every five years; and

**WHEREAS**, Ashley Darmon currently holds the position of Assistant Treasurer of the Borough of Barnegat Light and has attained the licenses and qualifications to be certified as the Borough's Qualified Purchasing Agent.

**NOW, THEREFOR, 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.** The Borough of Barnegat Light does hereby appoint Ashley Darmon as the Borough's Qualified Purchasing Agent.

**SECTION 2.** The Borough of Barnegat Light does hereby further establish as its bidding thresholds the amounts set forth in the State adjustments, per NJSA 40:11-3.

**SECTION 3.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

**ORDINANCES-FIRST READING**

The Clerk read Bond Ordinance #2019-03 by title and recorded the votes.

**ORDINANCE 2019-03**

**AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY, PROVIDING FOR THE CONSTRUCTION OF A RESTROOM AT BAYVIEW PARK LOCATED IN THE BOROUGH AND APPROPRIATING \$150,000 AND PROVIDING FOR THE ISSUANCE OF \$142,500 IN BONDS OR NOTES OF THE BOROUGH OF BARNEGAT LIGHT TO FINANCE THE SAME**

**Passage on First Reading:**

**Date: March 13, 2019**

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

**Councilman Spark** asked what the time frame was to start construction of the restrooms. The CFO said it probably wouldn't start until September. Then the construction trailer was discussed. Councilwoman Foley asked if we were going to bring in port-a-potties. The CFO said we could do that or bring in trailers but the cost for trailers was very high. She said she would get her assistant to get prices.

**CORRESPONDENCE:**

An Application for Recreational Use Permit was received from Kevin McArdle, 46 West Indiana Ave., Long Beach Township. He wants to use the pavilion for a wedding ceremony (only in the case of inclement weather) on May 4, 2019 between the hours of 4:00pm-6:00pm. He said 100 people would be attending. The council approve the request with the following: \$50.00 application fee, \$500.00 security deposit and a certificate of liability insurance.

There was a request for a beach wedding on May 4, 2019 on 13<sup>th</sup> Street. The applicant said that there would be five people there, the officiant, the bride and groom and two witnesses. The council said that this request is approved and all fees are waived.

Dale Short, 28 W 3<sup>rd</sup> St. Apartment 2413, South Orange NJ 07079, requests for permission to use a handicap access beach cruiser to access the beach. There was discussion between council and the attorney and it was decided that more information was needed before formal action could be taken.

**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:**

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**KIRK O. LARSON, MAYOR**

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