

**REGULAR MEETING OF MAYOR AND COUNCIL
NOVEMBER 4, 2020**

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Barnegat Light Fire Hall, on West 10th 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 and was published in the Asbury Park Press and the Beach Haven Times, both newspapers are designated by Mayor and Council to receive such notice. The change in venue was posted on the bulletin board on October 27, 2020 and advertised in the Asbury Park Press on October 30, 2020

ROLL CALL: Spark, Wellington, Alloway, Reynolds, Foley, via phone and Mikuletzky

Also present: Mayor Larson, Terry Brady, Michele Inman, Sponge Washburn, Brenda Kuhn

Discussion: Mayor Larson started a discussion about generators, air conditioners and setbacks. He said that he and Sponge had been talking about this matter. The Mayor and Council talked about the noise. They talked about the side yards vs. the back yards among other things and that and that currently they could not be installed in the setbacks The Mayor said this is something that could be discussed for an ordinance for next year. The next topic to be discussed was the ordinance regarding water meters that was going to have second reading and public hearing at this meeting. The Borough Attorney, Terry Brady explained the ordinance. He said that the fines for not meeting the deadlines setforth by the Borough would not be less than the cost of the meter and if the Borough had to install or have the meters installed it would be determined by the Water Superintendent the cost of each individual install. He said that prevailing wage would be charged. Councilwoman Foley said that it would be less for the homeowners to have a plumber do the work prior to the deadline. Sponge said that he wasn't clear about homes that were being rebuilt and homes that were being built on undeveloped land. He wanted to know if those owners would get a meter for free. The final answer was yes. When they are ready for the meter, we would supply it. Councilwoman Reynolds mentioned the Barber House. She said that it was demolished and the house that was donated would be put on pilings in it's place. She said that she talked to the State about birth control for coyotes and person she spoke to did not recommend it. She asked if that meant that it can't be done and he replied that he would be the one to issue a permit.

Mayor Larson asked for a motion to close the Caucus. On a motion by Wellington, seconded by Reynolds and carried by all the Caucus Meeting was closed.

THE MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Barnegat Light Fire Hall, on West 10th 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 and was published in the Asbury Park Press and the Beach Haven Times, both newspapers are designated by Mayor and Council to receive such notice. The change in venue was posted on the bulletin board on October 27, 2020 and advertised in the Asbury Park Press on October 30, 2020

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, Wellington, Alloway, Reynolds, Foley, via phone and Mikuletzky

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of October 14, 2020 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		X			
Wellington			X			
Alloway			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		X			
Alloway		X	X			
Reynolds			X			
Foley			X			
Mikuletzky			X			

LIVERY LEASE AUCTION:

Borough Attorney said that the livery leases parcels 1 and 3 were up for auction. He said that notice of the auction had been advertised. The first livery for bidding was Parcel 1. The attorney said that the minimum bid was \$27,000 for the first year and each of the subsequent years of the lease would increase by 2%. He said that the high bidder would be required to pay 20% of the first years rent. Jeff Kline, JBCK LLC, bid \$27,000 and the attorney asked if there were any other bids, there were none. The second livery for bidding was Parcel 3. The attorney said that the minimum bid was \$26,500 for the first year and each of the subsequent years of the lease would increase by 2%. Vince Chiaro, Bay Dreamer LLC, bid \$26,500 and the attorney asked if there were any other bids, there were none. The public auction was over. The attorney directed each of the bidders to see that CFO for the down payments.

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky said that he didn't have much because the Court Report was not available until after the 5th. He stated that our court was still being held virtually in Long Beach Township. He said we will be moving court back to Barnegat Light next year.

BEACHES AND PARKS: Councilwoman Reynolds said

Beach badges revenue was almost \$230,000 which is over \$5000 from last year. She said that the Beach Patrol reported 94 rescues, 20 first aid calls, 8 transports, one police call and a lost child. She said that there would be improvements at the children's playground. She said that she would like to have a meeting with the pickleball players to come up with the rules and regulations. Councilwoman Reynolds said that we made \$11,505 on the memorial pavers since May 1, 2018.

WATER/SEWER: Councilwoman Foley said that the hydrant flushing was completed. She said that there were 105 meters left to hand out and reminded everyone to get theirs if they haven't yet. She said that phone calls would be made next week to owners who haven't picked up yet. She said that two more hydrants were installed and two service leaks were repaired.

DOCKS AND HARBORS: Councilman Alloway said that the docks are in and he was going to make a phone call to see when installation could be done. He also mentioned the livery lease auction that held earlier in the meeting. Mayor Larson said that the striper should be coming soon.

PUBLIC WORKS: Councilman Wellington said that DPW has been busy. He said the gifted house was moved by professionals but the demolition of the lifeguard house was done by the guys. He said they brought in 20 trucks of fill and that the property would be graded. Once that was done, they would move forward with the pilings. He said that all the pavers that were at the lifeguard house were picked up, put on pallets and would be reused. He said other things that were done included, cleaning the beach entrances, ramps were built for the walkways, all the catch basins were cleaned and the tennis courts were done.

FINANCE: Councilman Spark said that the Annual Audit was completed and he applauded the ladies in the Finance Department for the good work.

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

Rich Brodman, 4 East 10th Street, asked if furnishings would be needed for the lifeguard house and if we were looking for donations. He also wanted to talk about the generators that were talked about in caucus. He asked if the sentiment was that generators could not be put on the side of the homes.

Kathy and Jack Cloherty, 10 West 23rd Street, were at the meeting to talk about pickleball. They said that they were a part of the round robin group. Kathy said that because of our three beautiful courts pickleball has become extremely popular. She said that because of the popularity it has led to complains about fairness and the lack of specific rules. She offered to meet with the Borough give ideas regarding procedures and rules for play. There was more discussion regarding the issues that arose in the summer and how other towns handle their pickleball courts. Jack explained how the round robin worked during the season. He said that the round robin was 8am-11am and the courts were open after 11. Councilwoman Foley said the group welcomes everyone. The Mayor said that they would get together. Dick Manookian, 14 East 10th Street, asked if signs (pick up after your dog) could be put on the beach walkways and maybe doggie bags at the end of the streets. Councilman Wellington said he is not sure that it is all dog feces. He said it could be from the coyotes. Tim Brindley, 1404 Bayview Avenue, said that dogs cornered a raccoon and the owner went out to see what was going on and was attacked by the raccoon. Mayor Larson said that it was coyote season. He said that there were problems associated with trapping coyotes. He played a recording of the coyotes howling that was recorded on 20th Street.

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

RESOLUTIONS:

The clerk said that the resolution would be done by consent agenda. She read each resolution by title with the exception of 2020-146, which was read by the Terry Brady, the Clerk 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 2020-139

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AMENDMENT OF THE PURCHASING MANUAL INITIALLY ADOPTED 2018-093

WHEREAS, there is a need for the Borough of Barnegat Light to have a Purchasing Manual, which is a guide for Barnegat Light Borough in the preparation of Requests for Goods and Services.

WHEREAS, occasionally amendments should be made to the purchasing manual due to changes in legislation and to streamline processes.

WHEREAS, the Purchasing Agent recommend the following sections be amended;

MAXIMUM THRESHOLDS EFFECTIVE JULY 1, 2020			
	WITHOUT QPA	WITH QPA	
Quotes	\$2,625	\$6,600	3 written quotes or written justification for lack of quotes shall be filed with the Purchasing Agent. You may be required to solicit quotes under this threshold when your unit is included in the Towns total aggregate for the particular commodity or service.
Formal Bid and Competitive Contracting	\$17,500	\$44,000	Aggregation applies.
State Contract	\$17,500(+)	\$44,000(+)	Requires Resolution
County Cooperatives	\$17,500(+)	\$44,000(+)	Requires Resolution
Pay to Play	\$17,500		Aggregation Applies
Professional Services	\$1.00 +		Requires a Resolution – Professional Services Agreement

V. 3. The purchase of materials or services with an estimated cost exceeding the Borough’s quote threshold, but not exceeding the bid threshold, shall be made by the process of the department head submitting a requisition and obtaining three (3) written quotations and submitting them to the Chief Financial Officer. In the case that there is no approved equal or there is a compelling reason why an alternative product or vendor is inadequate and cannot be accepted, the department head or user agency must state these reasons as an attachment to their requisition or General Purchasing Order, but all written quotations will be evaluated by the Chief Financial Officer in accordance with the Local Public Contracts Law and this policy. Normally the lowest of the three (3) written quotations is selected, unless other factors are more pressing.

V. 8. Unless otherwise requested, as in the case of a "pick up", the Finance Department will mail any Purchase Orders over \$6600 and any required enclosures to the vendor. Purchase orders under \$6600 will not be mailed unless requested.

RESOLUTION 2020-140

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$233,082.44

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 \$233,082.44 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.

RESOLUTION 2020-141

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CHANGING THE CUSTODIAN OF PETTY CASH FUND

WHEREAS, in accordance with N.J.S.A. 40:5-21, the Mayor and Council of the Borough of Barnegat Light has a previously established a petty cash fund for the following departments: *Water/Sewer, Public Works and Finance*; and

WHEREAS, the custodian for these funds was Thalia Kay; and

WHEREAS, the Borough Council is changing the custodian for these funds to Kathleen Flanagan; and WHEREAS, Kathleen Flanagan is bonded in the amount of \$1,000,000.00 by virtue of a surety bond.

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 Kathleen Flanagan, CFO is the custodian of the Petty Cash Funds for *Water/Sewer, Public Works and Finance*,
2. That two copies of this resolution shall be forwarded to the Division of Local Government Services, New Jersey Department of Community Affairs for approval.

RESOLUTION 2020-142

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A REFUND FOR A RECREATIONAL USE APPLICATION

WHEREAS, Sara Chiselko applied to have a Memorial Service at the Bay Breeze Park Pavilion on September 12, 2020; and
WHEREAS, Sara Chiselko has requested, in writing, that the \$500 security deposit be returned to her.
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 Finance Department is authorized to refund the security deposit in the amount of \$500.00
2. Certified copies of this resolution will be forwarded to the Barnegat Light Finance Department and to the Recreation Use File
3. That the check be made payable and sent to: Sara Chiselko
37 15th Street
Surf City, NJ 08008

RESOLUTION 2020-143

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A CHANGE ORDER NUMBER 1-FINAL TO THE WEST 10TH STREET RECONSTRUCTION CONTRACT WITH SHORE TOP CONSTRUCTION

WHEREAS, a contract was previously awarded for the reconstruction of West 10th Street to Shore top construction at the price of \$277,935.00; and
WHEREAS, the Mayor and Borough Council wish to authorize a change order to provide, which will result in a decrease in the contract price in the net amount of \$22,279; and
WHEREAS, this change order amounts to a total reduction of -8.02% of the original contract awarded to Shore Top Construction; and
WHEREAS, this change order has been recommended by the Borough Engineer and agreed to by the contractor.

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 Change Order Number 1-Final to the contract with Shore Top Construction for the West 10th Street Reconstruction/Improvement Project, to provide for a decrease of the contract price from \$277,935 to \$255,656, or a net decrease in the contract price in the net amount of \$22,279, consisting of final as-built quantity adjustments. The Mayor and Borough Clerk are hereby authorized to execute Change Order Number 1, a copy of which is attached hereto & is incorporated herein by reference.
2. Certified copies of this resolution shall be forwarded to the Chief Financial Officer, the Borough Engineer (2) and Shore Top Construction.

RESOLUTION 2020-144

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF APPROPRIATIONS ACCORDING TO 40A:4-58

WHEREAS, the Borough of Barnegat Light in the County of Ocean and State of New Jersey finds it necessary to transfer money from certain 2020 budget appropriations to carry on and pay its obligations and that such transfers are permitted by law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light that the Treasurer is hereby authorized to make the following transfers:

CURRENT FUND:

FROM:

Emergency Management	OE	0-01-25-252-200	\$2,500.00
Public Docks	SW	0-01-28-385-100	\$5,000.00
Beachfront Maintenance	OE	0-01-28-380-400	\$12,000.00

TO:

Public Docks	OE	0-01-28-385-200	\$17,000.00
Parks & Play	OE	0-01-28-375-243	\$2,500.00

RESOLUTION 2020-145

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and
WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and
WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and
WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State

of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled "Comments and Recommendations; and
WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and
WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and
WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and
WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit: R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.
NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Barnegat Light, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION 2020-146

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING CONTRACTS FOR THE LEASING OF CERTAIN MUNICIPAL PROPERTY (LIVERY LEASES).

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for the leasing of liveries; and
WHEREAS, bids for the leasing of the liveries in question were received on November 4, 2020 at public auction; and
WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to accept the highest bids submitted for the leasing of municipal liveries.
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 formally award contracts to the highest bidders received at public auction for the leasing of liveries as follows:

Livery No. 1 – Jeff Kline of JBCK LLC

\$27,000 per year or 2021
\$27,540 per year or 2022
\$28,090 per year or 2023
\$28,650 per year or 2024
\$29,220 per year or 2025

Livery No. 3 – Vince Chiaro of Bay Dreamer LLC

\$26,500 per year or 2021
\$27,040 per year or 2022
\$27,590 per year or 2023
\$28,150 per year or 2024
\$28,720 per year or 2025

2. That the Mayor and Borough Clerk are hereby authorized to execute the leases for the subject liveries with the highest bidder for each livery, said lease agreement to be in the form on file with the Borough Clerk and previously approved by resolution of the Borough.

The Clerk said that the Council would be required to sign the group affidavit for the Annual Audit. She said that the Auditor, Brian Logan, want her to thank Mayor and Council for the confidence in him and his firm.

ORDINANCES:

SECOND READING: Ordinance 2020-15 was read by title and the Clerk said that there would be a public hearing.

ORDINANCE 2020-15

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ACCEPTING THE GIFT OF THE RAISED RANCH BUILDING FROM JOHN & LESLIE MOORMAN.

WHEREAS, the Borough of Barnegat Light is in need of a replacement for the Barber Life Guard House Building, which has fallen into disrepair; and
WHEREAS, John & Leslie Moorman are in the process of replacing their home at 4 East 20th Street with a new building, discarding the existing raised ranch building, and they have offered the existing building on the property as a gift to the Borough valued at the building assessment of \$169,300; and
WHEREAS, NJSA 40A:12-5(a)(1) provides that any municipality, by ordinance, may provide for the

acquisition of any real property, capital improvement, or personal property, by purchase, gift, devise, lease or exchange; and

WHEREAS, it is the desire of the Borough of Barnegat Light to graciously accept the offered gift of the house building from 4 East 20th Street given by John & Leslie Moorman, as set forth in the Bill of Sale form attached hereto and incorporated herein by reference.

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 graciously accept the offered gift of the house building from 4 East 20th Street given by John & Leslie Moorman, as set forth in the Bill of Sale form attached hereto and incorporated herein by reference.

SECTION 2. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

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

CLOSE PUBLIC SESSION: Being no public comment, Mayor Larson asked for a motion to close the open public hearing. There was a motion by Alloway and all carried it.

ADOPTION: The Mayor asked for a motion to adopt.

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

SECOND READING: Ordinance 2020-16 was read by title and the Clerk said that there would be a public hearing.

ORDINANCE 2020-16

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 153 OF THE BOROUGH CODE, ENTITLED "SEWERS AND WATER," TO ESTABLISH PENALTIES FOR FAILURE TO COMPLY WITH THE BOROUGH'S NEW WATER METER REPLACEMENT PROGRAM.

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. Section 153-15 of Article I of Chapter 153 of the Borough Code of the Borough of Barnegat Light, entitled "Meters," is hereby amended and supplemented to provide as follows:

Chapter 153 SEWERS AND WATER Article I

Operation and Supervision of Systems

§ 153-15. Meters.

A. Water being furnished through meters shall be approved by the Borough Council, and title to all meters attached to any lines through which water is supplied by the Borough shall at all times remain and be the property of the Borough, notwithstanding that the user shall pay a charge for the installation of the same. All meters shall be under the supervision of the Superintendent of the Water Division and shall be so located so as to be easily read and shall at all times be safe from damage and freezing.

B. No person except duly authorized agents of the municipality working under the supervision of and under the direction of the Superintendent of the Water Division or any other duly authorized agent of the municipality shall set or remove meters or attempt any repairs on the same; provided, however, that licensed plumbers may set or remove meters upon obtaining written permission from the Superintendent of the Water Division to do so. Should any meter be broken or damaged by frost or otherwise by the neglect or carelessness of the persons having the use of said meter, the same shall be repaired or replaced, as the case may require, by the Borough at the expense of the owner of the premises; access to the area to be repaired or replaced must be provided by the property owner within 10 days of the event making the repair/replacement necessary.

For all new residential construction, changes of ownership, replacements of water service and/or major renovations/substantial improvements (exceeds 50% of value of building) of existing residences, the owner/seller shall be required to supply and install a meter pit, a water meter and assembly in accordance with the rules, regulations and specifications of the Borough Water Department.

C. The owner of premises or occupant shall notify the Superintendent of Water Division of any damage to or the nonworking of any meter as soon as knowledge is had of the same.

D. Water furnished by meter measurement indicating the quantity recorded by it shall be conclusive on all parties, except when the meter has been found to be registering incorrectly or has ceased to register. In such case, the quantity used may be determined by the average registration of another meter for a thirty-day period or of the same meter, after repairs, for a thirty-day period, or the quantity used during a previous corresponding period may be used as the basis for the settlement, if so determined by the Superintendent of the Water Division.

E. The Superintendent of the Water Division, at the request of any consumer, will test the meter in the presence of the consumer or his agent. If the meter proves to be faulty, the same shall be replaced or repaired by the municipality.

F. No person shall remove, replace or in any manner interfere with a meter attached to a water pipe unless he is a Water Department employee or a licensed plumber duly authorized to do so in writing.

G. Any person who shall fail to comply with the Borough's rules and regulations regarding the installation of new water meters within the time limitations established by the Borough shall be subject to a fine in an amount not less than the cost of a new water meter purchased by the Borough for the benefit of all water users and/or the cost of installation of the same.

H. Installation of water meter by Borough at owner's cost and expense; lien assessment. If any owner fails to obtain the new water meter provided by the Borough on or before the time prescribed by the Borough Council shall have the right to arrange for the installation of the same by or under the direction of the Water Superintendent of the Borough. In all such cases, the officer of the municipality in charge of the installation of said meter shall certify the cost thereof to the governing body. Upon receipt of the certificate of cost, the governing body shall examine the same and, if found correct, shall cause the cost as shown thereon to be charged against the property. The amount so charged shall become a lien upon such lands and shall be added to and become and form part of the taxes next to be assessed and levied upon said lands, the same to bear interest at the same rate as other taxes, and shall be collected and enforced in the same manner as taxes.

SECTION 2. Section 153-20 of Article I of Chapter 153 of the Borough Code of the Borough of Barnegat Light, entitled "Authority of Borough to turn off water," is hereby amended and supplemented to provide as follows:

§ 153-20. Authority of Borough to turn off water.

The Borough reserves the right to turn off the supply of water in the following cases:

A. For nonpayment of fees therefor or any charges that may stand against any premises supplied.

B. For fraudulent representation on the part of the consumer.

C. For use of water for other purposes than those stated in the application or permit.

D. For tampering or in any way interfering with the mechanism of any meter installed on any premises.

E. For persistent violation of the Borough's rules and regulations.

F. For failure to obtain and/or install a new water meter as required by the Borough within the time prescribed by the Borough for the same.

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.

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

CLOSE PUBLIC SESSION: Being no public comment the Mayor Larson asked for a motion to close the open public hearing. There was a motion by Spark, seconded by Alloway and carried by all.

ADOPTION: The Mayor asked for a motion to adopt.

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

CORRESPONDENCE:

There was an email to Mayor and Council from Joanne Veech, thanking them for the yoga classes and asked them to continue offering the space.

There was an email from Tim Kelly requesting Mayor and Council to allow him to take the memorial bench that was donated by his deceased family and move it to Brant Beach. The Council was favorable to his request.

He said that there was the letter from the pickleball people, which would be addressed in the winter.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn. On a motion by Spark, 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