

**REGULAR MEETING OF MAYOR AND COUNCIL
September 9, 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 August 28, 2020 and advertised in the Asbury Park Press on September 1, 2020

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

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

Discussion: Mayor Larson

There was a discussion about the starting time of pickleball because there were complaints about the early morning players. The Mayor and Council said that we could introduce an ordinance to set the start time. Meter distribution was the next topic for discussion. Extending the deadline for meter pick-up, fees for residents that don't comply with the deadlines, and changing the days and times for pick up were some of the things discussed. Councilwoman Foley said that over 600 meters were handed out and over 200 have been activated. The Mayor talked about changing the approval of Recreational Use Permits. He said that instead of presenting the applications to Council, the office staff could do the approval and Council agreed. Councilwoman Reynold thought that she felt that the 6' leash requirement in the ordinance wasn't necessary.

Mayor Larson asked for a motion to close the Caucus. On a motion by Wellington, 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 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 August 28, 2020 and advertised in the Asbury Park Press on September 1, 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 was absent, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of June 10, 2020 regular meeting.

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

FINANCE: Councilman Spark was absent.

PUBLIC WORKS: Councilman Wellington said that the normal things were done, such as trash and grass cutting. On behalf of the Finance Committee he reported that the bills that were to be approved for payment in the amount of \$314,725.94.

DOCKS AND HARBORS: Councilman Alloway said that he had nothing to report. Mayor Larson said he heard that the new dock was coming.

PUBLIC SAFETY: Councilman Mikuletzky said that he would like to make the court report a part of the minutes. He reported that the court brought in \$1,737.64, Barnegat Light kept \$945 and Fish & Game received \$150. He said that there was over \$1000 in traffic fines. He added that the bike safety signs were in and he asked the Superintendent if they were installed and the reply was "yes".

WATER/SEWER: Councilwoman Foley said hydrant flushing will begin in the beginning of October. She said to be aware of low pressure and rusty water. She reported that at least 15 new hydrants were going to be installed starting in September.

BEACHES & PARKS: Councilwoman Reynolds said that the Beach Patrol did their usual great job this summer and reported on the rescues and first aid. She said that the guarded beaches would be 9th, 18th, 22nd, & 25th Streets. She said that the guarded beaches would be determined by the availability of the lifeguards and the weather. She said that beach badges are not going to be required in this extended season and the tram will be running on the weekends. She said that the badge checkers did an outstanding job this year and the revenue was up by \$3600. The Councilwoman said that the bay beach had many people this year. She said that the water quality was excellent with no closures this year. She thanked DPW for the great work that they did at the bay beach and also for keeping the beach walkways in good condition. She said that the dog park revenue was down by \$600 from last year. She said that it was roasting hot and they need a tree.

Bob Selfridge, Captain of the First aid Squad, introduced himself and thanked council for having him. He said that the squad provides EMS services to the north end of the island. He told the audience and council that it was a challenging year with the pandemic and he wanted to honor some of the young men and women that volunteered. He said that three individuals stepped in and collectively went on 208 calls from March to August. He recognized Laura Patterson, Aiden Belvue, and Christian DiAntonio. He went on to say that on August 27th, at the regular monthly meeting, a "man down" CPR in progress call was received. He said he wanted to recognize three young men who stepped up, responded without hesitation and followed him out the door. It was their first CPR call. He recognized Fire Fighter, Dave Connelly; Ted Slahetka and Cadet Firefighter Hugh Shields. He said the young people have really stepped up. Councilman Mikuletzky said that Captain Selfridge recommended installing defibrillators at the tennis and pickleball courts.

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

Joe Hogan, 14 West 3rd Street, asked Council to repair the entry to 3rd Street.

Marilynn Wasilewski, 18 West 7th Street, asked about the parking laws at the marinas and Mayor Larson said it was a Planning Board issue and we should not be discussing tonight.

Connie Higgins, 10 east 11th Street, said that the town looks great. She thanked Mayor and Council for the Yoga and Zumba classes at the pavilion. She added that she thought that they should be compensated. She said that she hasn't picked up her meter yet because she can't get a plumber.

Kay Giberson, 7 West 26th Street, said that 697 hours were booked for tennis this season. She said that she thought that seasonal badges should be used across the board for tennis and pickleball. She said that the senior badge was only \$12 and it was too cheap. She said that you don't have to sign up for pickleball and the round robin players arrive at 7am and monopolize the court until 12pm. She said if a family comes to play, they are told to put their paddles in the round robin bucket. They cannot play as a family.

There was a gentleman from town that said that there was a controversy between pickleball and tennis. He thought if you have to sign up for tennis, you should have to sign up for pickleball.

A woman named Karen said that there is no place for a beginner pickleball player.

Dennis Livesy, 1904 Bayview Ave., said that this was the busiest on the tennis courts. He doesn't see families on the pickleball courts. He said that one of our three courts should be designated for families and the other two for round robin.

Barry Mescolotto, 11 West 19th Street, agreed with Mr. Livesy. He also asked what the penalty for not paying your water bill. He suggested turning off the water if residents don't get their meters installed.

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

PROCLAMATION:
September 2020
HUNGER ACTION MONTH

WHEREAS, hunger and poverty are issues of grave concern in the United States, the State of New Jersey; and
 and
 WHEREAS, Borough of Barnegat Light is committed to taking steps to raise awareness about the need to combat hunger; and
 WHEREAS, Borough is committed to working with Fulfill, formerly The Foodbank of Monmouth and Ocean Counties, to educate people about the role and importance of food banks in addressing hunger and to devote more resources and attention to hunger issues; and
 WHEREAS, more than 215,000 individuals in Monmouth and Ocean Counties now rely on food provided by Fulfill and its partners since the beginning of the pandemic; and
 WHEREAS, the unemployment level is the highest it has ever been in the history of the State and the poverty level for a family of four is \$25,465 and 9.5% of families live below that level; and
 WHEREAS, since March 13th, 2020, Fulfill has provided 1,986,909 meals including 16,000 **more** meals **per day** than the year before and 1,082,925 of those meals were provided to Ocean County residents; and
 WHEREAS, due to the pandemic, one (1) in every six (6) people in Monmouth and Ocean Counties received “emergency” food from Fulfill and their network of food pantries, soup kitchens, shelters and other community organizations; and
 WHEREAS, food banks across the country, including Fulfill, will host numerous events throughout the month of September to bring awareness and attention to encourage involvement in efforts to end hunger in their local community.
 NOW, THEREFORE BE IT PROCLAIMED, that the Mayor and Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey do hereby recognize September, as HUNGER ACTION MONTH in the Borough, and call this observance to the attention of its citizens.

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: 2020-117-2020-126

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

RESOLUTION 2020-117

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF A DUPLICATE TAX PAYMENT DUE TO A FIS OUTAGE

WHEREAS, Barnegat offers WIPP, an online portal, for the payment of taxes and water and sewer; and
 WHEREAS, the processor of these online payment had an outage on August 10, 2020; and
 WHEREAS, the owner of 1911 Seaview Avenue, Block 37, Lot 16.01, made a duplicate payment due to the outage; and

WHEREAS, the Tax Collector was notified of the duplicate payment and the property owner has requested, in writing, a refund in the amount of \$21,959.16; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Tax Collector be authorized to make the adjustments on the account.
2. That the Finance Department shall be authorized to refund \$21,959.16

Send refund to: Ilene and Raymond Nolte
 336 Eagle Drive
 Jupiter, FL 33477

RESOLUTION 2020-118

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION CHANGE ORDER NUMBER 1 TO THE EAST 23RD STREET RECONSTRUCTION CONTRACT

WHEREAS, a contract was previously awarded for the reconstruction of East 23rd Street to Mathis Construction Co., Inc., at the price of \$269,187.20; and

WHEREAS, the Mayor and Borough Council wish to authorize a change order to provide for final as-built quantity adjustments, which will result in a decrease in the contract price in the net amount of \$3,659.40; and

WHEREAS, this change order amounts to a total reduction of -1.36% of the original contract awarded to Mathis Construction Co. 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 to the contract with Mathis Construction Co., for the 2018 Road Reconstruction/Improvement Project for East 23rd Street, to provide for a decrease of the contract price from \$269,187.20 to \$265,527.80, or a net decrease in the contract price amount of \$3,659.40 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. That a certified copy of this resolution shall be forwarded to the Chief Financial Officer, the Borough Engineer and Mathis Construction Co.

RESOLUTION 2020-119

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

WHEREAS, Helen Kourlos applied to have a wedding ceremony at the Bay Breeze Park Pavilion on August 7, 2020; and

WHEREAS, Helen Kourlos has expressed that she and Anthony Cortese had a wonderful wedding at the pavilion; and

WHEREAS, Helen Kourlos 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:
Helen Kourlos
10 Caroline Foster Court
Morristown, NJ 07960

RESOLUTION 2020-120

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF A TAX OVERPAYMENT

WHEREAS, Block 23, Lot 13.01 and Block 23, Lot 15.01 were consolidated to Block 23, Lot 13.02; and

WHEREAS, both of these accounts had preliminary billing for 2020; and

WHEREAS, these accounts were no longer on the 2020 tax rolls in January 2020 which caused them to be overbilled; and

WHEREAS, the property owner paid the 2020 preliminary taxes which caused an overpayment to both accounts;

WHEREAS, the property owner has requested a refund of overpaid taxes in the amount of \$4,571.48.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Tax Collector be authorized to make the adjustments on the account.
2. That the Finance Department shall be authorized to refund \$4,571.48.

Send refund to: Salvatore & Mary Jane Saia
PO Box 781
Barnegat Light, NJ 08006-0781

RESOLUTION 2020-121

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RENEWING LIQUOR LICENSE FOR DAYMARK FOR THE YEAR 2020-2021

WHEREAS, 404 Broadway Restaurant Partners, LLC has applied to the Alcoholic Beverage Control Commission for renewal of the Plenary Retail Consumption License #1501-33-002-004 for the year 2020-2021 for the establishment known as Daymark at 706 Broadway; and

WHEREAS, the State of New Jersey, Department of the Treasury, Division of Taxation has issued the Alcoholic Beverage Retail Licensee Clearance Certificate; and

WHEREAS, the municipal license renewal fee of \$2,000.00 has been paid to the Borough of Barnegat Light.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Barnegat Light, County of Ocean that a Plenary Retail Consumption License be issued to 404 Broadway Restaurant Partners, LLC for the premises mentioned above and may operate in accordance with ordinances adopted by the Borough.

RESOLUTION 2020-122

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF AN ERRONEOUS WATER/SEWER PAYMENT

WHEREAS, the Assessor put new deed information on the wrong account; and

WHEREAS, the new owner of the property paid the water/sewer charges on the wrong account; and
WHEREAS, a payment was received from the owner of the property and it was sent back to them; and
WHEREAS, the owner sent back the check for posting.

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Tax Collector shall be authorized to make the adjustments on the account.
2. That the Finance Department shall be authorized to refund \$251.84.

177.50 sewer

74.34 water

251.84

Send refund to: Andrew and Julia Bender
239 Clairemont Rd.
Ridgewood, NJ 07450

RESOLUTION 2020-123

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT COUNTY OF OCEAN, STATE OF NEW JERSEY,
EMPLOYING AN ADDITIONAL LIFEGUARD FOR 2020

WHEREAS, the Borough of Barnegat Light is in need of an additional lifeguard for 2020; and
WHEREAS, the following person shall be employed as noted, effective August 29, 2020, with the
compensation listed below:

Gavin Liepe \$460.00

NOW, THEREFORE, BE IT RESOLVED that the governing Body of the Borough of Barnegat Light approve the
employment of the additional lifeguard for 2020.

RESOLUTION 2020-124

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE CANCELLATION OF WATER & SEWER BILLING AND REFUND DUE TO CUT AND CAP
FROM THE WATER SUPPLY

WHEREAS, the water and sewer bill for the calendar year 2020 was issued to Account No. 851-0, also
known as Block 39, Lot 9, with an address of 5 East 20th Street; and
WHEREAS, the Utility Collector was notified that Permit # 20-003D was issued on September 3, 2020 for
a cut & cap from the water supply; and
WHEREAS, a portion of the 2nd half billing for 2020 should be canceled and refunded in the amount of
\$219.86; and

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, as follows:

1. That a certified copy will be forwarded to the Utility Collector and the CFO
2. That the Utility Collector be authorized to cancel a portion of the 2nd half billing.
3. That the CFO shall be authorized to refund \$219.86.
4. That breakdown of the cancellation is as follows:

Water	45.50
Sewer	115.37
<u>Spigot</u>	<u>58.99</u>
	\$219.86

RESOLUTION 2020-125

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$308,333.60

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 \$308,333.60 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 2020-126

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

WHEREAS, Sara Waldman applied to have a wedding ceremony at the Bay Breeze Park Pavilion on
September 12, 2020; and

WHEREAS, Sara Waldman has requested in writing that return the \$500 security deposit 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 Waldman
 939 Columbus Drive
 Teaneck, NJ 07666

ORDINANCE 2020-13 was read by title and the clerk recorded the votes

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 57-18 OF THE BOROUGH CODE, ENTITLED "CONTROL OF DOGS, LEASHING; PROHIBITION IN CERTAIN PLACES," TO REVISE THE SAME.

Passage on First Reading:

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

ORDINANCE 2020-14 was read by the Attorney by title and the Clerk recorded the votes.

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ESTABLISHING AN 8AM START TIME FOR THE USE OF THE PICKLE BALL COURTS.

Passage on First Reading:

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

The Mayor announced that the Mayor and Council would be going into a closed executive session. The Attorney read the following resolution by title and the Clerk recorded the votes

RESOLUTION 2020-127

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE MEETING TO BE CLOSED TO THE PUBLIC FOR THE PURPOSE OF DISCUSSING AND/OR REVIEWING MATTER EXEMPT UNDER THE OPEN PUBLIC MEETINGS ACT IN EXECUTIVE SESSION, SPECIFICALLY FOR THE PURPOSE OF DISCUSSING THE MATTERS IDENTIFIED BELOW; ACTION MAY OR MAY OR MAY NOT BE TAKEN UPON RETURN TO REGULAR OPEN SESSION:

- personal educational or medical matter; specifically:
- collective bargaining agreement or negotiations with:
- tactics for public safety; specifically:
- pending or anticipated litigation; specifically:
- contract negotiations regarding:
- matter involving the employment of a specific current or prospective officer or employee; specifically :
 : *unless* (RICE NOTICE) requested to be in public
- OTHERstatutory confidential matter; regarding the right to receive government funds; matter of individual privacy; purchase, lease or acquisition of property; investigations of violations of law; any attorney-client privilege matter; deliberations after a public hearing; specifically :

LIVERY LEASE; RIPARIAN LEASE

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that all meetings of public bodies shall be open to the public at all times, except for certain enumerated exception; and

WHEREAS, according to NJSA 10:4-12(b), a closed executive session of a public body may be convened to discuss matters as noted in the title of this Resolution.

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 Borough of Barnegat Light does hereby authorize a closed executive session to discuss matters identified in the title of this Resolution.
2. That reasonably comprehensible minutes of the closed session shall be taken showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with NJSA 10:4-12.

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

The topic was the livery leases. Some of the things discussed were:

- Increased lease amounts
- Advertising
- Public bidding by auction method
- Any changes to the lease?

No formal action was taken.

The Mayor said that there were property owners on Holly Drive that were interested in leasing our property to install docks. Some of the things discussed were:

- Cost of lease
- Riparian rights

No formal action was taken.

The Mayor asked for a motion to close the executive session and to return to the regular meeting. There was a motion and all carried it.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn. There was a motion and it was carried by all, the Meeting of the Borough Council was closed.

APPROVED: _____

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK