REGULAR MEETING OF MAYOR AND COUNCIL MARCH 10, 2021

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm. He said that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Original notice of this meeting was advertised in the Asbury Park Press on January 27, 2021. This meeting is being conducted remotely by electronic means, during the COVID-19 State of Emergency and State of Public Health Emergency, as provided by NJSA 10:4-9.3 & 52:27D-18.1. Notice of the change to the Virtual platform, ZOOM, was published in the Asbury Park Press on February 19, 2021.

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

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

Discussion: Mayor Larson asked Council if they wanted to allow the restaurants to put their tents back up since restaurants aren't opened up fully and he added that some people are still afraid to be inside. Sponge said that if the Governor allows full capacity that we should not allow the tents at that point because that would be a parking problem. The Mayor said that people are still scared to be inside because they have not had their vaccines.

Councilman Mikuletzky asked if we had to redo our ordinance regarding marijuana sales. Terry Brady said that the new law is very detailed. He added that the municipalities that have ordinances in place would not be repealed by the new law. He said that our ordinance stays in place. He said that we were going to add marijuana to all areas where no smoking is allowed.

Mayor Larson asked Council if charging for the tram for weddings on the beach was something we wanted to do. The Clerk said that there was a request from the December Council meeting and wanted to get clarity from Council. The Council discussed this issue and if it would be a donation or a fee. Terry Brady said that it should be a fee and it would have to be set by ordinance. He said that the DPW rates should be considered when deciding. Councilman Wellington said that he would talk to Stuart, look at the union contract and come up with a fee. The clerk asked if she could tell the requestor that she could use the tram but the fee has not been set yet. The Council said that would be fine.

The next topic of discussion was a request that came in regarding a yoga class for Memorial Day weekend. The Clerk said that Memorial Day weekend was already booked. She said the lifeguards would be using it on Saturday and Church Services would be held on Sunday. She said that she told the requestor that was not available that weekend and she asked for a different Saturday. The Council asked if the class was free and the clerk replied that it was.

Tree trimming was the next discussion. Mayor Larson asked if everyone looked at the correspondence. There were letters of consent from the neighbors and pictures to show what they wanted to cut.

Mayor Larson asked Councilwoman Foley about replacement of meters. He said that we would continue to replace without charge until the warranty runs out. After that the residents will have to pay to replace meters. The Clerk said that 757 accounts have been updated with the meter information. Stuart said that only four of those were not reading correctly. Councilman Spark brought up the townwide garage sale. The date for the event was May 15th and the rain date is the 16th. The Clerk said that this year we weren't charging the fee and no balloons would be given out but the directory would still be available at the Post Office and Borough Hall. Councilman Spark said that there was a link on our website for a flood insurance webinar.

Mayor Larson asked for a motion to close the Caucus. On a motion by Reynolds, seconded by Spark 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. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Original notice of this meeting was advertised in the Asbury Park Press on January 27, 2021. This meeting is being conducted remotely by electronic means, during the COVID-19 State of Emergency and State of Public Health Emergency, as provided by NJSA 10:4-9.3 & 52:27D-18.1. Notice of the change to the Virtual platform, ZOOM, was published in the Asbury Park Press on February 19, 2021.

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 was absent, Reynolds, Foley, and Mikuletzky

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the February 10, 2021 regular meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the February 2, 2021 Budget Workshop

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

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

COMMITTEE REPORTS: NONE

National Library Week 2021

Proclamation

WHEREAS, libraries of all types are at the heart of their cities, towns, schools, and campuses, serving their communities;

WHEREAS, libraries are accessible and inclusive places that foster a sense of belonging and community;

WHEREAS, today's libraries and their services extend far beyond the four walls of a building and everyone is welcome to use their resources;

WHEREAS, for people lacking broadband at home, libraries provide access to computers and wi-fi, even checking out internet hotspots and laptops;

WHEREAS, libraries strive to develop and maintain programs and collections that are as diverse as the populations they serve and ensure equity of access for all;

WHEREAS, libraries offer opportunities for everyone to explore new worlds and become their best selves through access to technology, multimedia content, and educational programs;

WHEREAS, in times of crisis, libraries, librarians, and library workers play an invaluable role in supporting their communities both in person and virtually;

WHEREAS, to adapt to our changing world, libraries are expanding their resources and continuing to meet the needs of their patrons;

WHEREAS, libraries are cornerstones of democracy, promoting the free exchange of information and ideas for all;

WHEREAS, libraries have long served as trusted and treasured institutions for all members of the community regardless of race, ethnicity, creed, ability, sexual orientation, gender identity, or socioeconomic status;

WHEREAS, libraries, librarians, and library workers are joining library supporters and advocates across the nation to celebrate National Library Week;

NOW, THEREFORE, be it resolved that I, Kirk O. Larson, Mayor of the Borough of Barnegat Light, proclaim National Library Week, April 4-10, 2021. During this week, I encourage all residents to visit their library online to access resources and services. Because of you, Libraries Transform lives and communities.

Proclamation Recognizing Althea R. Martie Barnegat Light's Newest Centenarian March 8, 2021

WHEREAS, longevity of life is a blessing for an individual and for a community which benefits from the knowledge, creativity, and experiences this individual brings to all; and

WHEREAS, the Borough of Barnegat Light recognizes with respect and admiration the contribution of senior citizens to our community; and

WHEREAS, Althea R. Martie (Roane) was born on March 8, 1921 in Manhattan, New York and was an only child to Sexton Crea Roane and Althea Ida; and

WHEREAS, Althea went to Katharine Gibbs Secretarial School in New York City and subsequently worked as a teacher at Katharine Gibbs in Ridgewood, New Jersey for twenty-two years; and

WHEREAS, Althea married JC Williams who was unfortunately killed in the Battle of the Bulge. They had one son, JC Williams; and

WHEREAS, Althea later married Robert T. Martie and moved to Teaneck, New Jersey in 1951. They had four children together, Jacklyn, Robert, Thomas and Althea; and

WHEREAS, Althea has seven grandchildren, 6 great grandchildren and one more on the way; and

WHEREAS, Althea and Robert started renting a home in Barnegat Light in 1962; and

WHEREAS, Althea and Robert purchased a home on 26th Street in Barnegat Light in 1973 and in 1977 they decided to retire and move to their current house on East 10th Street and have spent 48 years enjoying their Barnegat Light homes; and

WHEREAS, Althea has enjoyed all these years as active member of St. Peter's at-the-Light Episcopal Church, where she met many good friends. She also held the position of Treasurer for the Church for many years; and

NOW, THEREFORE, BE IT RESOLVED that Kirk O. Larson, Mayor, on behalf of Borough Council, employees and citizens of the Borough of Barnegat Light honor Mrs. Althea R. Martie for her long life and prosperity, and wish her more years of happiness, prosperity and good health.

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

Althea Martie's family thanked the Mayor and Council for their kindness. They are inquired about the process for the tree trimming request. It was explained to them.

Connie Higgins wanted an update on the trapping of coyotes. The Mayor said that it was over. He said that 5 coyotes were trapped. He said that the trapping only lasted for two weeks. Councilwoman Reynolds said that air horns, loud noises, waving your arms are among the things to help scare off coyotes.

Barbara Truncellito requested to get the pay down of the debt on the pavilion. The Mayor said that he would get the CFO to get the number for her. Ms. Truncellito also talked about the meeting that the Taxpayers Association had with RODA regarding the wind mills. She said they didn't learn anything new. She said if they have a plan, they aren't revealing it and it would be worse if they don't have a plan. She said that they wanted to use the pavilion for the 2-3 meeting but the dates aren't finalized yet.

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

PROCLAMATIONS: 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		X			
Wellington		X	X			
Alloway						X
Reynolds			X			
Foley			X			
Mikuletzky			X			

RESOLUTION 2021-053

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A COLLECTIVE BARGAINING AGREEMENT WITH THE TEAMSTERS LOCAL #35.

WHEREAS, the Borough of Barnegat Light and the Teamsters Local #35 entered into collective bargaining negotiations with regard to the terms and conditions of employment for the employees of the Barnegat Light Public Works Department for January 2021 through December 2023; and

WHEREAS, the parties have reached a settlement with regard to the same; and

WHEREAS, it is the desire of the Mayor and Borough Council to have executed a completed form of the Collective Bargaining Agreement between the parties.

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 the execution of the Collective Bargaining Agreement between the Borough of Barnegat Light and the Teamsters Local #35, said agreement being attached hereto.
- 2. That the Mayor and Borough Clerk are hereby authorized to execute any and all documents necessary to give effect to said Agreement.

RESOLUTION 2021-054

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

WHEREAS, the water and sewer bill for the calendar year 2021 was issued to account No. 1218-0 also known as Block 55, Lot 7, with an address of 15 East 28^{th} Street; and

WHEREAS, the Utility Collector was notified that Permit # 21-001D was issued on February 16, 2021 for a cut & cap from the water supply; and

WHEREAS, the payment for the whole year was paid on February 19, 2021; and

WHEREAS, a prorated portion of the 1st half and the entire 2nd half shall be cancelled and refunded.

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 the prorated 1st half and the entire 2nd half billing.
- 3. That the CFO is authorized to refund \$503.71 for the prorated 2021 billing.
- 4. That breakdown of the cancellation is as follows:

1st half		2 nd half
Water	\$132.14	\$111.25
Sewer	\$ 82.82	\$177.50
	\$214.96	\$288.75
Total		\$503.71

RESOLUTION 2021-055

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING TO THE ATLANTIC SHORE PROJECT BEING SUBMITTED TO BOEM

WHEREAS, on 31 January 2018, New Jersey Governor, the Honorable Phil Murphy, issued Executive Order #8 promoting Offshore Wind Energy and on 23 May 2018 issued Executive Order #28 signing a measure to advance New Jersey's Clean Energy Economy; and

WHEREAS, in September 2020 the New Jersey Board of Public Utilities, as guided by the pertinent executive orders of Governor Murphy published the New Jersey Offshore Wind Strategic Plan noting that the Bureau of Ocean Energy Management (BOEM) lease area OCS-A 0499, located 10 to 20 miles offshore from Atlantic City to Barnegat Light encompassing approximately 183,00 acres is leased to Atlantic Shores Offshore Wind, hereafter Atlantic Shores (a joint venture between EDF and Shell New Energies) which in October 2020 released a project update; and

WHEREAS, in early 2021 Atlantic Shores will submit to BOEM a Construction and Operations Plan (COP) for consideration and COP approval by BOEM to begin construction/operations of an extensive offshore wind farm with onshore construction commencing in 2023 and;

WHEREAS, Atlantic Shores project has raised questions and concerns among the people of the Borough of Barnegat Light and other Long Beach Island communities regarding the direct impact upon Long Beach Island, including but not limited to, the economic impact on commercial and recreational fishing and recreational boating; the economic impact on tourism; degradation of pristine views of an uncluttered ocean environment; safety issues relative to all classes of boating; safety of onshore transmission infrastructure; and a cost benefits analysis of the direct economic benefit to Long Beach Island and;

WHEREAS, the questions and concerns raised in regards to the Atlantic Shores project have been raised in other Atlantic Coast offshore wind projects in North Carolina (Shipman, Matt, "Study: Near-Shore Wind Farms Would Have Big Impact on Coastal Tourism", Nantucket, Massachusetts (Wind power Engineering and Development, Lessons learned from Cape Wind (windpowerengineering.com) and Block Island, Rhode Island, (Recharge News, "America's first offshore wind farm faces shutdown after cables 'not buried deep enough' | America's first offshore wind farm faces shutdown after cables 'not buried deep enough' | Recharge (rechargenews.com) and;

WHEREAS, the Atlantic shores project will have a direct effect on the life and well-being of the people of the Borough of Barnegat Light and Long Beach Island and the opportunity to provide substantive comments, ask questions and provide input to date has been minimal and inadequate on the part of the New Jersey Board of Public Utilities and Atlantic Shores; and

WHEREAS, as Atlantic Shores is submitting the project COP and beginning the two-year BOEM process of review provides an opportunity for substantial public participation in the project review, so; and

THEREFORE, BE IT RESOLVED that the Mayor and Governing Body of the Borough of Barnegat Light, find and declare, their opposition to the Atlantic Shores project being submitted to BOEM, and;

BE IT FURTHER RESOLVED that the Mayor and Governing body for the Borough of Barnegat Light to hereby respectfully request that BOEM initiate a constructive public comment opportunity for the communities of Long Beach Island that runs concurrent to and as an integral aspect of the review process of Atlantic Shores COP submission and likewise that the New Jersey Board of Public Utilities and Atlantic Shores engage the people of Long Beach Island in constructive dialogue regarding the concerns, questions and ideas regarding the project and;

BE IT FINALLY RESOLVED that a true and certain copy of this resolution be transmitted forthwith to the following individuals and agencies, The Honorable Phil Murphy, Governor of the State of New Jersey, the Honorable Jeff Van Drew, New Jersey's 2nd Congressional District, the New Jersey 9th Legislative District Delegation, the Board of Commissioners of the County of Ocean, the municipalities of Long Beach Island, the United States Bureau of Ocean and Energy Management, the New Jersey Board of Public Utilities and Atlantic Shores Offshore Wind

RESOLUTION 2021-056

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$805,651.82

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 \$805,651.82 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:

INTRODUCTION:

First Reading:

ORDINANCE 2021-05

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH ZONING CODE TO REVISE THE BUILDING HEIGHT LIMITATIONS IN THE MARINE COMMERCIAL ZONE.

Passage on First Reading:

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

INTRODUCTION:

First Reading:

ORDINANCE 2021-06

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 144 THE BOROUGH CODE, ENTITLED "RECREATION AND PUBLIC RESORT AREAS," TO PROHIBIT THE SMOKING OF CANNABIS ON THE BEACHES

Passage on First Reading:

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

ADOPTION:

Second Reading/ Public Hearing: ORDINANCE 2021-02

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO REVISE THE 4^{TH} , 7^{TH} & 16^{TH} STREET TEMPORARY USE PERMIT FEE.

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 168-24 of Article V of Chapter 168 of the Borough Code of the Borough of Barnegat Light, entitled "Temporary Use of Public Right of Way," is hereby amended and supplemented to provide revised paragraphs (6) & (7) of subsection A to read as follows:

CHAPTER 168. STREETS AND SIDEWALKS ARTICLE V

Temporary Use of Public Right of Way

§ 168-24. Application for temporary street use permit.

A. A person seeking issuance of a temporary street use permit shall file an application with the Borough Clerk, together with an application fee of \$50, setting forth the following information:

. . . .

- (6) A temporary use fee of \$1200 per week, or \$5000 per month, or any part thereof. The \$50 application fee shall be credited toward the permit fee.
- (7) A security deposit of 1.5 times the temporary use fee being charged, which may be refunded upon the removal of all materials from the right-of-way no later than the date of the expiration of the temporary use permit.

All other paragraphs and subsections of Section 168-24 shall remain in full force and effect.

SECTION 2. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

PUBLIC HEARING: The Mayor asked for a motion to open to the public. There was a motion by

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

ADOPTION:

Final Passage:

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

ADOPTION:

Second Reading/ Public Hearing: CAPITAL ORDINANCE NO. 2021-04

CAPITAL ORDINANCE PROVIDING FOR UPGRADES TO THE CHLORINATION SYSTEM, AND APPROPRIATING \$65,000 THEREFOR, AUTHORIZED IN AND BY THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY

WHEREAS, the Borough Council of the Borough of Barnegat Light, in the County of Ocean, New Jersey (the "Borough") has determined to provide for upgrades to the Borough's water chlorination system; andWHEREAS, the Borough has available \$65,000 in the Borough's Water-Sewer Utility Capital Fund.NOW, THEREFORE, BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AS FOLLOWS:Section 1. The improvements described in Section 2 of this ordinance are hereby authorized as water capital improvements to be undertaken for and by the Borough. For the improvements or purposes described in Section 2, there is hereby appropriated \$65,000, said sum being inclusive of \$65,000 from the Borough's Water-Sewer Utility Capital Fund. Section 2. The improvements hereby authorized to be undertaken consist of upgrades to the Borough's water chlorination system, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.Section 3. The 2021 capital budget of the Borough will conform to the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Any grant or similar moneys Borough Clerk and is available there for public inspection. Section 4. from time to time received by the Borough for the improvements or purposes described in Section 2 hereof, shall be applied to direct payment of the cost of the improvements within the appropriation herein authorized. Section 5. The Borough Attorney and other Borough officials and representatives are hereby authorized to do all things necessary to accomplish the purposes of the appropriation made herein. Section This ordinance shall take effect as provided by law.

PUBLIC HEARING: The Mayor asked for a motion to open to the public. There was a motion by Reynolds, seconded by Wellington and carried by all. Being no public comment, the Mayor asked for a motion to close the Public Hearing. On a motion by Reynolds, seconded by Foley and carried by all, the hearing was closed to the public.

ADOPTION:

Final Passage:

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

CORRESPONDENCE:

Mayor Larson asked for an all in favor for the tree trimming request. All were in favor.

He asked for clarification on the Zumba Class. It will be a free class on Wednesdays 10:30-12:00 from mid-May to the end of September. The Mayor asked if all were in favor and they were.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn. On a motion by Foley, seconded by Wellington and carried by all, the Meeting of the Borough Council was closed. The Clerk said that we didn't do committee reports but the meeting was adjourned.

KIRK O. LARSON, MAYOR	BRENDA L. KUHN. RMC