

REGULAR MEETING OF MAYOR AND COUNCIL
May 12, 2021

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Barnegat Light Fire Hall , 907 Central Avenue, Barnegat Light, NJ. 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. Notice of the change in venue, was published in the Asbury Park Press on April 21, 2021.

ROLL CALL: Spark, Wellington, Alloway, Reynolds was not present, Foley, and Mikuletzky

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

Discussion:

Councilwoman Reynolds talked about the piping plovers in Barnegat Light. She said there were twice as many as last year and most were in the restoration area. She said that dogs are not allowed on the beach and that they disturb the piping plovers. She said that it would be very bad for the piping plover and all of sea life if the turbines were put in the ocean. The Councilwoman also talked about the topic of pickleball and the decisions that were made regarding the rules and regulations.

Mayor Larson talked to council about introducing an ordinance to impose a penalty of \$100.00 per week for anyone who did not activate their meter by the deadline. There was discussion.

Councilman Alloway said we should hold off on the stone for the parking area from the ramp to Van’s. He said the price went up \$6,000. Councilman Wellington said that we could put down I9 and we will put stone over it when the price of the stone goes down. Mayor Larson asked Councilman Mikuletzky about the resolution regarding the New Jersey Fireman’s

Mayor Larson said that Earle did a great job on 6th Street.

Kathleen Flanagan, CFO, arrived at 4:47p.

Mayor Larson asked for a motion to close the Caucus. On a motion by Foley, 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 5:00pm at the Barnegat Light Fire Hall, 907 Central Avenue, Barnegat Light, NJ. 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. Notice of the change in venue, was published in the Asbury Park Press on April 21, 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, Reynolds, Foley, and Mikuletzky

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of April 14, 2021 regular meeting.

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

FINANCE: Councilman Spark talked about the budget. He said that there would be a second reading, public hearing and adoption. He added that there were no great expenses on the bill list this month.

PUBLIC WORKS: Councilman Wellington said they were working on the lifeguard house. He said that double showers were completed, railings were installed around the deck, the plumbing was finish and the electric would be finished in 1-2 days. The Councilman said that Stuart would be connecting it to water and sewer to the street soon. Other accomplishments included: planters were installed around the light poles at the Post Office, all the handicap spots were painted, flower beds were put in by the fence and restrooms at the pavilion, all the catch basins were cleaned, wind screens for the tennis courts were install and all the regular maintenance. He also said that mats and walkways would be put down next week,

DOCKS AND HARBORS: Councilman Alloway said that the floating dock came in.

BEACHES AND PARKS: Councilwoman Reynolds said that Barnegat Light had the coveted title of having the first nest of piping plovers in New Jersey this year. She reported that beach badge revenue was up over \$21,000 from this time last year and that the dog park revenue was a little more than double. She announced that we still were in need of seasonal workers. She said that the rollups and mobi mats would be put down next week. Then she explained the pickleball rules and regulations.

WATER/SEWER: Councilwoman Foley said that we are activating a lot of meters. She said that there were only 257 left to activate and 6 left to pick up, most of those are new construction. She said the hydrants were flushed and that the road construction of West 6th Street was completed and well #2 was getting a new pump next week. Mayor Larson said that it was important to activate the meters so we can figure out the billing. He said that we needed to see what the town is really using.

PUBLIC SAFETY: Councilman Mikuletzky said he would like to make the court report a part of the meeting minutes. He said that April was a slow month, bringing in a mere \$208.06. He added that Barnegat Light kept \$98.63. He reported that there was a new Chief of Police and he and Kirk would be meeting with him before the holiday.

OPEN PUBLIC SESSION: Mayor Larson asked for a motion to open the open public session.

Motion: Foley Second: Reynolds All in favor X

Susan Tatto, 2702 Central Avenue, was at the meeting on behalf of Rebel, the dog that was banned from the dog park. She said that she feels he should get a second chance.

Carl Mendell, 6 Starboard Rd. North Beach, also the owner of Rebel, pleaded his case. He also read a letter from the owner of Lucky's Bed and Biscuit that indicated that Rebel is fine in group play. The Mayor said that the problem was not just with the dog, but also the complaints were about the owner. Terry Brady, Borough Attorney, said that it was impossible for the Borough Council to make a decision with only one side of the story. Mayor Larson said he would refer this issue to a committee. Mr. Mendell would not stop interrupting and objecting to all that the Mayor and Terry Brady was saying.

Barbara Truncellito, 15 West 8th Street, was representing the Taxpayers Association. She said that the whole town looks beautiful. Someone from the group asked how fireworks would be handled this year. She said it was concerning to people with children and pets.

Allan Canter, 1 West 29th Street, said that he lives here full time and sees things through a different lense. He said that Barnegat Light was the last small town community on the island and he had some suggestions. He suggested the Mayor and Council to change recycling to every week for the whole year and also to only allow people to put out trash and recycling cans that have tight lids and fit into the racks, no extra cans outside of the racks. He wanted to know what people spray on the rocks to kill weeds. He said that there was major litigation regarding round-up because it causes cancer. He was concerned that it would get into the aquifer. Mr. Cantor suggested that we change the electronic sign coming into town to "NO DOGS ON THE BEACH". He said we should put signs and bags on every street end. Councilwoman Reynolds said that it is hard to enforce.

Sarah Lambert, 1609 Seaview Avenue, suggested removing dead trees because they could become a fire hazard. She also said it was hard to hear people speaking in the meeting with masks on and suggested getting a public address system.

CLOSE PUBLIC SESSION: Mayor Larson asked for a motion to close the open public session.

Motion: Alloway Second: Foley All in favor X

MUNICIPAL BUDGET RESOLUTIONS/PUBLIC HEARING/ADOPTION

2021-072

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE 2021 BUDGET TO BE READ BY TITLE ONLY AT THE TIME OF THE PUBLIC HEARING

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been

posted in the Borough Hall and copies have been made available by the Clerk to persons requiring them; 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, that the conditions have been met therefore the budget shall be read by title only at the time of the public hearing.

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

PUBLIC HEARING-OPEN

Motion: Spark Second: Reynolds All in favor X

Brian Logan, Auditor, said that the Borough was under self-review and the CFO had to certify the approved budget to the State.

CLOSE PUBLIC HEARING

Motion: Spark Second: Foley All in favor X

2021-073

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Barnegat Light has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2021 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Barnegat Light that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - c. In itemization, form, arrangement and content, the budget willpermit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

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

BOROUGH OF BARNEGAT LIGHTCOUNTY OF OCEAN, STATE OF NEW JERSEY
CERTIFICATION OF APPROVED BUDGET

It is hereby certified that the Approved Budget complies with the requirements of law and approval is given pursuant to N.J.S.A. 40A:4-78(b) and N.J.A.C. 5:30-7.

It is further certified that the municipality has met the eligibility requirements of N.J.A.C. 5:30-7.4 and 7.5, and that I, as Chief Financial Officer, have completed the local examination in compliance with N.J.A.C. 5:30-7.6.

Dated: May 12, 2021 By: Kathleen Flanagan, Chief Financial Officer

2021-074
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTION of the 2021 MUNICIPAL BUDGET

SECTION 2 - UPON ADOPTION FOR YEAR 2021

Be it Resolved by the COUNCIL MEMBERS of the BOROUGH of BARNEGAT LIGHT, County of OCEAN, that the budget hereinbefore set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) \$ 2,412,549.18 (Item 2 below) for municipal purposes, and

(b) \$ - (Item 3 below) for school purposes in Type I School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,

(c) \$ - (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S.A. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.

(d) \$ 102,226.66 (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

(e) \$ - (Sheet 44) Arts and Culture Trust Fund Levy

(f) \$ - (Item 5 Below) Minimum Library Tax

RECORDED VOTE

(Insert last name)

Ayes

SPARK
WELLINGTON
ALLOWAY
REYNOLDS
FOLEY
MIKULETZKY

Nays

Abstained

Absent

SUMMARY OF REVENUES

1. General Revenues		
Surplus Anticipated	06-190	\$ 629,732.02
Miscellaneous Revenues Anticipated	13-099	\$ 703,781.21
Receipts from Delinquent Taxes	14-099	\$ 22,925.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)	07-190	\$ 2,412,549.18
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		
Item 6, Sheet 42	07-191	\$ -
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$ -
TOTAL AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY		\$ -
4. To Be Added to the Certificate for the Amount to be Raised by Taxation for Schools in Type II School Districts Only		
Item 6(b), Sheet 11 (N.J.S.A. 40A:4-14)	07-191	\$ -
5. AMOUNT TO BE RAISED BY TAXATION MINIMUM LIBRARY TAX	07-192	\$ -
Total Revenues	15-299	\$ 3,759,068.08

Sheet 41

SUMMARY OF APPROPRIATIONS		
5. GENERAL APPROPRIATIONS:	000000	00000000000000
Within "CAPS"	000000	00000000000000
(a & b) Operations Including Contingent	04-001	\$ 2,152,126.00
(c) Deferred Charges and Statutory Expenditures - Municipal	04-209	\$ 132,661.00
(g) Cash Deficit	06-005	\$ -
Excluded from "CAPS"	000000	00000000000000
(a) Operations - Total Operations Excluded from "CAPS"	04-304	\$ 867,136.29
(c) Capital Improvements	04-610	\$ 320,000.00
(d) Municipal Debt Service	05-008	\$ 106,197.50
(e) Deferred Charges - Municipal	06-008	\$ 121,805.29
(f) Judgments	07-400	\$ -
(n) Transferred to Board of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	04-405	\$ -
(g) Cash Deficit	06-005	\$ -
(k) For Local District School Purposes	04-410	\$ -
(m) Reserve for Uncollected Taxes	02-003	\$ 60,060.00
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 40A:4-13)	07-105	
Total Appropriations	04-400	\$ 3,759,068.08

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 12th day of May, 2021. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2021 approved budget and all amendments thereto, if any, which have been previously approved by the Director of Local Government Services.

Certified by me this 12th day of May, 2021, Brenda Kuhn@BarnegatLight.org, Clerk

.....

The clerk said that the remainder of the resolutions would be done by consent agenda. She read each resolution by title and then recorded the votes as follows:

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

2021-075
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$189,707.04

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 \$189,707.04 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.

2021-076
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN INTEROCAL/SHARED SERVICE AGREEMENT WITH THE COUNTY OF OCEAN FOR FIRE INSPECTION SERVICES.

WHEREAS, the Borough of Barnegat Light is in need of fire inspection/code services; and
WHEREAS, it is the desire of the Borough of Barnegat Light to enter into an interlocal/shared service agreement to provide for fire inspections, permits, approvals and certificates to be performed under by the County of Ocean; and
WHEREAS, The Interlocal Services Act, N.J.S.A. 40A:8A-1, repealed, now the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-4, 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 the execution of a interlocal/shared services agreement with the County of Ocean for fire inspection/code services, in accordance with the attached Shared Services Agreement For Fire Inspection Services, and do further authorize the Fee Schedule attached as Schedule A thereto.
2. A certified copy of this resolution shall be forwarded to the County of Ocean and the NJ Department of Community Affairs.

2021-077
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A SECURITY DEPOSIT REFUND FOR A RECREATIONAL USE APPLICATION

WHEREAS, Stephanie Miller and Louis Wialec applied to have a wedding ceremony at the Bay Breeze Park Pavilion on April 10, 2021; and
WHEREAS, Stephanie Miller has requested, in writing, that the \$500 security deposit be refunded.
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: Louis Witalec
2159 Astoria circle, Apt 304
Herndon, VA 20170

2021-078
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING EXECUTION OF OCCARES AGREEMENT ADDENDUM

WHEREAS, the Borough of Barnegat Light entered into an agreement with County of Ocean Districts for the distribution of U.S. Treasury CARES Act — CRF in calendar year 2020; and
WHEREAS, on December 30, 2020 the President signed the extension of CARES Act CRF through December 31, 2021; and
WHEREAS, the agreements with the fifty (50) different agencies was scheduled to end on December 30, 2020; and
WHEREAS, it is the desire of the County to extend the OCCARES Grant agreements with the fifty (50) entities through December 31, 2021.

WHEREAS, the County of Ocean has extended a one-time extension of the OCCARES Grant Agreements with the Borough of Barnegat Light to terminate December 31, 2021.

NOW, THEREFORE, BE IT RESOLVED, this 12th day of May, 2021 by the Governing Body of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follow:

1. The governing body does hereby authorize the Mayor to execute and the Borough Clerk to attest the OCCARES Grant Agreement Addendum for extension of the original agreement and any additional addendums.
2. A fully executed copy of said Addendum or future Addendums shall be kept on file and be available for public inspection in the Office of the Clerk during normal working hours.
3. A certified copy of this resolution shall be forwarded by the Municipal Clerk to the County of Ocean and to the Chief Financial Officer of the Borough of Barnegat Light.

2021-079

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 FOR THE LONG BEACH ISLAND MUNICIPAL TRANSPORTATION SYSTEM. *Correction of date from last meeting*

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, 2021 to April 30, 2022 on or before May 1, 2021.

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.

2021-080

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RECOGNIZING THE BARNEGAT LIGHT VOLUNTEER FIRE COMPANY FOR PURPOSE OF ADMISSION TO THE NEW JERSEY STATE FIREMANS'S ASSOCIATION

WHEREAS, Barnegat Light Volunteer Fire Company located at 907 Central Ave, in the Borough of Barnegat Light has been duly organized in accordance with the laws of the State of New Jersey; and

WHEREAS, Barnegat Light Volunteer Fire Company has in the past and is continuing to provide fire protection services to the residents of the Borough of Barnegat Light.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, does hereby recognized Barnegat Light Volunteer Fire Company as a duly organized volunteer fire company that has been and continues to perform public fire protection services in and for the Borough of Barnegat Light and for the purpose of their admission into the New Jersey State Fireman's Association.

2021-081

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING SEASONAL WORKERS

WHEREAS, the Borough of Barnegat Light is in need of seasonal employees for the 2021 season; and

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

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Barnegat Light approves the list of seasonal employees.

Stefanie Estabrook	Booth Attendant	\$12.00
--------------------	-----------------	---------

Lindsay Baker	Badge Checker	\$12.00
Sydney Steere	Badge Checker	\$12.00

ORDINANCES:

Second Reading/Public hearing:

Ordinance 2021-07 was read by title and the Clerk said that there would be a public hearing.

Public Hearing: **Motion:** Alloway **Second:** Reynolds

Hugh Giordano, 57 Argyle, Blackwood NJ was at the meeting on behalf of the UFCW Local 152. He said this is a nation labor union that represents cannabis workers that has 1.3 million members of many industries. He was at the meeting to oppose this ordinance because it attacks jobs. NJ has best Cannabis laws in the country. He had two suggestions. The first was to table the ordinance and the second was to visit the Garden State Dispensary. He said that it was one of the original six under the Christie administration and it is unionized. He said that they were very transparent. He urged Council to reconsider.

Close Public Hearing: **Motion:** Spark **Second:** Alloway

ADOPTION:

ORDINANCE 2021-07

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 215 OF THE BOROUGH CODE, ENTITLED “ZONING,” TO PROHIBIT THE SALE, PURCHASE, DISPENSING OR CULTIVATION OF CANNABIS WITHIN THE BOROUGH.

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis items;
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, the Mayor & Borough Council of the Borough of Barnegat Light have determined that the Borough zoning regulations should be amended to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough.

NOW, THEREFORE, BE IT ORDAINED by the Mayor & Borough Council of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, as follows:

SECTION 1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere within the Borough of Barnegat Light, except for the delivery of cannabis items and related supplies by a delivery service. This prohibition shall also apply in those part of the Borough of Barnegat Light under the jurisdiction and authority of the State of New Jersey, notwithstanding any State law to the contrary.

SECTION 2. Chapter 215 of the Borough Code of the Borough of Barnegat Light, entitled “Zoning,” is hereby amended and supplemented to provide a new paragraph (3) of subsection A of Section 215-4, entitled “General regulations,” to read as follows:

Chapter 215

ZONING

§ 215-4. General regulations.

A. Zoning affects every use and structure.

(1) Except as previously or hereinafter provided, it shall be unlawful to locate, relocate, erect, construct, reconstruct, enlarge or structurally alter any building or structure except in conformity with the regulations of the district in which such building or structure is located.

(2) Except as previously or hereinafter provided, it shall be unlawful to use any land or building for any purpose other than is permitted in the district in which such land or building is located.

(3) Without in any way limiting the foregoing restrictions, the use of any lands or buildings for the sale, purchase, dispensing or cultivation of marijuana shall be unlawful and strictly prohibited throughout the Borough of Barnegat Light. All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service, are prohibited.

All other paragraphs, subsection and sections of Barnegat Light Borough Code Section 215-4 shall remain in full force and effect.

SECTION 3. This zoning regulation amendment shall be referred to the Barnegat Light Planning Board, as required by N.J.S.A. 40:55D-26.

SECTION 4. This ordinance shall be filed in the office of Ocean County Planning Board.

SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

Final Passage

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

Second Reading/Public hearing:

Ordinance 2021-08 was read by title and the Clerk said that there would be a public hearing.

Public Hearing: **Motion:** Reynolds **Second:** Mikuletzky

Being no public comment, the Mayor asked for a motion to close the public hearing.

Close Public Hearing: **Motion:** Wellington **Second:** Reynolds

ORDINANCE 2021-08

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 144-31 OF THE BOROUGH CODE, ENTITLED "SPECIAL EVENT PERMIT APPLICATION FEE," TO PROVIDE FOR BEACH TRAM FEES.

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 144-31 of Chapter 144 of the Borough Code of the Borough of Barnegat Light, entitled " Special event permit application fee; fee waiver," is hereby amended and supplemented to provide as follows:

CHAPTER 144
RECREATION AND PUBLIC RESORT AREAS

ARTICLE IV

USE OF RECREATION AREAS BY PERMIT

§ 144-31. Special event permit application fee; fee waivers; tram fee.

- A. An applicant for a special event permit shall include the special event permit fee of \$250. In the event that the permit application is denied, the Borough shall refund \$200 of said application fee.
- B. The Mayor and Borough Council may grant special event permit fee waivers or partial waivers by resolution, as permitted by law.
- C. In the event that an applicant wishes to include in the special event the use of the Borough Tram for beach access, the fee for the same, if the Tram and the Tram operator are available, shall be \$250 for up to 2 hours of Tram service (minimum), plus an additional \$60 per hour for each additional hour or part thereof that the Tram is needed. The Borough Tram will be available for use in connection with special event permit activities only after normal beach business hours.

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.

Final Passage:

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

Second Reading/Public hearing:

Ordinance 2021-09 was read by title and the Clerk said that there would be a public hearing.

Public Hearing: **Motion:** Wellington **Second:** Alloway

Being no public comment, the Mayor asked for a motion to close the public hearing.

Close Public Hearing: **Motion:** Reynolds **Second:** Alloway

ORDINANCE-09

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING THE USE OF PERSONAL ROLLING EQUIPMENT ON BOROUGH FACILITIES.

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 131-2 of Chapter 131 of the Borough Code of the Borough of Barnegat Light, entitled " Unlawful conduct of persons," is hereby amended and supplemented to provide a new paragraph D to provide as follows:

CHAPTER 131
PEACE AND GOOD ORDER

§ 131-2. Unlawful conduct of persons.

....

D. It shall be unlawful for any person to operate any personal rolling equipment, such as a skateboard, rollerblade, scooter, bicycle, or similar vehicle operating on wheels, whether or not motorized, on any of the Borough improvements or facilities, including but not limited to the Borough pavilion, gazebo, ramps, or similar facilities. This restriction shall not apply to the Borough skatepark, nor shall it apply to the use of handicap assistance equipment (walkers or wheelchairs for handicapped individuals).

All other paragraphs of Section 131-2 shall remain in full force and effect.

SECTION 2. All ordinances or 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.

Final Passage:

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

ORDINANCES:

INTRODUCTION:

Ordinance 2021-10 was read by title and the Municipal Attorney, Terry Brady and the Clerk recorded the votes.

ORDINANCE 2021-10

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH WATER/SEWER ORDINANCE TO PROVIDE FOR A PENALTY OF \$100 PER WEEK FOR FAILURE TO ACTIVATE A NEW WATER METER.

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

CORRESPONDENCE:

1. Taxpayers Association \$500 Donation-Folding Chairs for Pavilion

The Clerk said that the check was already received and read the letter.

- ## 2. Request for Mats on 12th Street Dunes

The Mayor said we could take care of that and Councilwoman Reynolds

- ### 3. Letter from Anthony Dandola

Mayor Larson said that would be discussed later.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Spark

Second: Alloway

All in Favor

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK