

REGULAR MEETING OF MAYOR AND COUNCIL
June 9, 2021

THE CAUCUS MEETING of the Mayor and Council was called to order by Council President, Michael Spark at 4:30pm at the Borough Hall, on East 7th Street. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was advertised in the Asbury Park Press and Beach Haven Times on January 27, 2021, both newspapers designated by Mayor and Council to receive such notice.

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

Also present: Terry Brady, Stuart McGowan, Sponge Washburn, Michele Inman, and Brenda Kuhn. Mayor Larson was not in attendance.

Discussion: During the Caucus meeting the council discussed topics such as painting the water tower, a possible separate structure for antennas that are currently on the water tower, Piping Plovers, turtles hatching and crossing the road, hatching of the Osprey nest, and the great job that the Garden Club did at the Bay Breeze Park garden.

Council President, Michael Spark asked for a motion to close the Caucus. On a motion by Foley, seconded by Alloway and carried by all the Caucus Meeting was closed.

THE MEETING of the Mayor and Council was called to order by Council President, Michael Spark, at 5:00pm at the Borough Hall, on East 7th Street. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was advertised in the Asbury Park Press on January 27, 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: Council President, Michael Spark, Terry Brady, Stuart McGowan, Sponge Washburn, Michele Inman, and Brenda Kuhn. Mayor Larson was not in attendance.

APPROVE MINUTES: Councilman Spark that Council didn’t have the opportunity to review the meeting minutes from May, therefore, they would be held for approval until the July meeting.

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			
Mikuletzky		X	X			

COMMITTEE REPORTS:

FINANCE: Councilman Spark said that the Finance Committee reviewed the bills for the month and they have been signed and approved. He said that the big bills were the local and regional school tax and the police contract.

PUBLIC WORKS: Councilman Wellington said that fencing was installed at the bay beach, all the mobi mats and rollups were installed at the beach, stone was installed at the DPW yard and the office ramp building was stained. He said that the guard house was up and running, the utilities were installed, the property was graded and it was ready to be occupied this weekend.

DOCKS AND HARBORS: Councilman Alloway said that all of the slips were filled.

BEACHES AND PARKS: Councilwoman Reynolds said the beach badge revenue was \$112,236, which was down, but it didn’t include the sales for Memorial Day weekend. She said that the dog park was busy with the revenue doubled. She talked about the Piping Plovers nest that was on the beach front. She explained that the are should be avoided so the chicks can get to the waters edge for feeding. She said if you come across turtles crossing the road, take them across and face them in the same direction that they were going.

WATER/SEWER: Councilwoman Foley said that thanks to Brenda’s and Stuart’s staffs and we now have 1100 meters activated and reading. She said that well #2 now up and running. She said if you haven’t activated

your meter, the deadline is June 15th and after the deadline fines will be assessed.

PUBLIC SAFETY: Councilman Mikuletzky said he would like to make the court report a part of the meeting minutes. He reported that \$991.58 was taken in by the court.

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

Motion: Wellington Second: Foley All in favor X

Karen Day, 8 West 11th Street, was at the meeting to discuss pickleball. She was representing the round robin group. She asked the Council to reconsider leaving the third court open for recreational play because sometimes it sits empty. She also said that the understanding of the players was that you could use a senior beach badge but the sign says only a regular seasonal badge may be used.

Sarah Lambert, 1609 Seaview Avenue, asked how many properties haven’t been installed and how many are there in total. She was told that there aren’t many left and most of them are under construction or vacant land. Councilman Spark said that everyone has been cooperating and getting the meters in.

Rich Broadman, 4 East 10th Street, announced that the Taxpayers Association will be held on June 19th at 9:30am at the Pavilion. He said that the guest speaker will be Jim Gutowski who will be speaking on the offshore windfarms with respect to the affect on the fishing industry. He added that they would have another meeting at the pavilion on July 24 2021.

Maureen Esposito, 2704 Bayview Avenue, wanted to express her concern with the man living in a sailboat in the bay. She said he was in front of her house for three weeks and now near 11th Street. She said that she understood that it was legal for him to be in the water but did the town have any rules on a beat up van with the windows covered parking. Her biggest concern was his waste. She said that a port-a-potty was delivered to the area behind the recycling bin. She was concerned that more boats would come and they would be abandoned. She said he had a bicycle and a PO Box.

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

Motion: Alloway Second: Wellington All in favor X

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	X			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

RESOLUTION 2021-082

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RENEWING LIQUOR LICENSE FOR KUBEL’S FOR THE YEAR 2021-2022

WHEREAS, Barlight Corp has applied to the Alcoholic Beverage Control Commission for renewal of the Plenary Retail Consumption License #1501-33-003-007 for the year 2021-2022, for the establishment known as Kubel’s at 706 Bayview Avenue; 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 Retail Plenary Consumption License shall be issued to Barlight Corp, Kubel’s for the premises mentioned above and may operate in accordance with ordinances adopted by the Borough.

RESOLUTION 2021-083

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$1,040,955.95

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 \$1,040,955.95 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 2021-084

RESOLUTION OF THE BOROUGH OF BARNEGAT LGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING THE UPDATED 2021 LONG BEACH ISLAND MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION PLAN

WHEREAS, Barnegat Light is enrolled in the National Flood Insurance Program (NFIP) to provide flood

insurance for the residents of Barnegat Light; and
 WHEREAS, Barnegat Light takes part in the Community Rating System (CRS) program that is a voluntary component of the NFIP; and
 WHEREAS, Barnegat Light, effective May 1, 2019, achieved a Class 7 rating, increasing the NFIP discount to 15%, which the Borough staff will strive to maintain; and
 WHEREAS, Barnegat Light's current Class 8 rating provides for \$113,000 in flood insurance discounts for its residents and businesses; and
 WHEREAS, Barnegat Light disseminates flood hazard information that not only is beneficial to the residents through mitigation of the hazardous effects of flooding, but is also beneficial in maximizing credit in the CRS program; and
 NOW, THEREFORE, BE IT RESOLVED, by having completing a flood insurance assessment (FIA), in accordance with the 2017 CRS Coordinator's Manual, it has been determined that 83.7% of the properties in Barnegat Light, a barrier island, are insured through the National Flood Insurance Program, and that by completing the annual Island wide program for Public Information update and executing that program for 2021, minutes of which are attached, marked Exhibit A, this level of coverage will remain high due to the fact that insurance is mandatory for properties that have federally backed mortgages in the special flood hazard area, and furthermore post "Sandy", that flood insurance is a wise investment for all property owners including year round renters.

RESOLUTION 2021-085

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING VARIOUS POSITIONS

WHEREAS, there are vacancies in the positions of Planning and Zoning Board Secretary and Recreation Coordinator for the Borough of Barnegat Light; and
 WHEREAS, it is the desire of the Borough Mayor and Council to appoint Cecile Hodgson to the positions of Planning and Zoning Board Secretary and Recreation Coordinator for 2021; and
 WHEREAS, the stipends for these positions will be prorated and retroactive to May 1, 2021
 NOW, THEREFORE, BE IT RESOLVED by Mayor and Council that Cecile Hodgson is appointed to the positions of Planning and Zoning Board Secretary and Recreation Coordinator for 2021 with the compensation as listed below:

Planning Board Secretary	\$2,000
Zoning Board Secretary	\$1,335
Recreation Coordinator	\$1,000

RESOLUTION 2021-086

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

WHEREAS, Block 52 Lot 19, 16 West 26th Street, was billed \$980.52 for second quarter taxes; and
 WHEREAS, payment was received on April 28, 2021 from Boston National Title; and
 WHEREAS, a payment from Corelogic Tax Services, as part of a bulk payment, was received on May 6, 2021; and
 WHEREAS, Corelogic Tax Services has requested a refund of \$980.52.
 NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Barnegat Light Tax Collector be authorized to reverse the Corelogic payment in the amount of \$980.52
2. That the Barnegat Light CFO be authorized to refund the payment.
3. That certified copies will be forwarded to the Tax Collector and CFO
4. That the check in the amount of \$980.52 will be mailed to: Corelogic Refund Department
3001 Hackberry Road
Irving, TX 75063

RESOLUTION 2021-087

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RENEWING LIQUOR LICENSE FOR THE KEEPERS AT BARNEGAT LIGHT CORP FOR THE YEAR 2021-2022

WHEREAS, The Keepers at Barnegat Light Corporation have applied to the Alcoholic Beverage Control Commission for renewal of the Plenary Retail Distribution License #1501-44-001-004 for the year 2021-2022, for the premises at 608 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 \$1,500.00 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, State of New Jersey, that a Plenary Retail Distribution License will be issued to The Keepers at Barnegat Light Corporation for the premises mentioned above and may operate in accordance with ordinances adopted by the Borough.

RESOLUTION 2021-088

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RENEWING LIQUOR LICENSE FOR DAYMARK FOR THE YEAR 2021-2022

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 2021-2022 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 2021-089

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING LIFEGUARDS FOR SUMMER 2021

WHEREAS, the Borough of Barnegat Light is in need of lifeguards for summer 2021; 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 approve the list of 2021 lifeguards:

Caffrey, Scott	\$910.00		\$910.00	
Schulze, John	\$835.00		\$835.00	
Addiego, Connor	\$440.00		\$440.00	
Anthonsen, Lars	\$440.00		\$440.00	
Balla, Hannah	\$480.00		\$480.00	
Baxter, Andrew	\$605.00		\$605.00	Q
Brown, Lenny	\$460.00		\$460.00	Q
Busch, Sam	\$440.00		\$440.00	
Caffrey, Carson	\$480.00		\$480.00	
Cooke, Madeleine	\$440.00		\$440.00	Q
Crawford, Anthony	\$440.00		\$440.00	
Crawford, Ava	\$440.00		\$440.00	
Crawford, Rowe	\$440.00		\$440.00	
DiAntonio, Christian	\$525.00	\$15.00	\$540.00	
Dunn, Shane	\$440.00		\$440.00	
Dolan, Michael	\$460.00		\$460.00	
Fastenau, James	\$440.00		\$440.00	
Heffernan, Amanda	\$470.00		\$470.00	
Heffernan, James T.	\$450.00		\$450.00	
Humbarger, Grace	\$440.00		\$440.00	
Huo, Samuel	\$480.00		\$480.00	
Janosky, Avery	\$440.00		\$440.00	
Kay, Jennifer	\$520.00		\$520.00	
Lentz, Veronica	\$440.00		\$440.00	
Leonard, Isabella	\$460.00		\$460.00	
Loveland, Connor	\$450.00		\$450.00	
Luckangelo, Jacob	\$460.00		\$460.00	
Luckangelo, Nick	\$460.00		\$460.00	
Mercurio, Samantha	\$440.00		\$440.00	
Mumau, Rachel	\$480.00		\$480.00	
Narleski, Jaclyn	\$470.00		\$470.00	
Naughton, Kaly	\$450.00		\$450.00	
Paglialunga, Michael	\$460.00		\$460.00	
Patterson, Kady	\$480.00		\$480.00	
Pecci, Mara	\$440.00		\$440.00	
Pley, Caroline	\$450.00		\$450.00	
Powell, Ava	\$450.00		\$450.00	
Prescott, Ellis	\$450.00		\$450.00	
Rhatican, Tyler	\$450.00		\$450.00	
Riggs, Hudson	\$440.00		\$440.00	
Rogers, Charles	\$450.00		\$450.00	
Ross, John	\$605.00	\$25.00	\$630.00	

Sadowski, Will	\$440.00		\$440.00	
Schulze, Gavin	\$450.00		\$450.00	
Selfridge, Hobson	\$500.00		\$500.00	
Selfridge, Robert,	\$605.00	\$15.00	\$620.00	
Slahetka, Elizabeth	\$490.00		\$490.00	
Slahetka, Theodore	\$490.00		\$490.00	
Stumpf, Juliana	\$450.00		\$450.00	
Thomas, Ashley	\$460.00	\$15.00	\$475.00	Q
Vigliotta, Mia	\$440.00		\$440.00	
Vrabel, Zach	\$440.00		\$440.00	
Walsh, Stephen	\$470.00		\$470.00	Q
Westerberg, Zakarias	\$540.00		\$540.00	Q
Wierman, Nicholas	\$500.00		\$500.00	

RESOLUTION 2021-090
 RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING SALARY OF CERTAIN EMPLOYEE-DPW

WHEREAS, Stuart McGowan is employed as the Superintendent of DPW and Water/Sewer; and
 WHEREAS, Stuart McGowan has been pursuing the course of education to obtain certification as a Certified Public Works Manager; and
 WHEREAS, Stuart McGowan has completed all required courses and will be taking the State exam in October; and
 WHEREAS, it is the desire of the Mayor and Council of the Borough of Barnegat Light to increase his salary by \$7,500.00.
 NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Barnegat Light as follows:

1. That Stuart McGowan’s salary will be increase by \$7,500 for 2021.
- 2 . That certified copies of this resolution shall be forwarded to the Chief Financial Officer and to the Municipal Clerk to place in Stuart McGowan’s personnel file .

ORDINANCES:
SECOND READING/PUBLIC HEARING /ADOPTION:

Ordinance 2021-10 was read by title and the Clerk said that there would be a public hearing.

Open Public Hearing: **Motion:** Reynolds **Second:** Alloway **All in favor**

Councilman Spark explained the ordinance. Sarah Lambert asked if you had to put a meter in open land. The answer was no.

Close Public Hearing: **Motion:** Alloway **Second:** Wellington **All in favor**

Councilman Spark asked for a motion to adopt. The Clerk recorded the votes.

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

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.

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 a new paragraph I to read 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.

I. In addition to all other penalties set forth herein, there shall be assessed against any person and/or water-sewer account a penalty of \$100 per week or part thereof for the failure to activate a newly installed water meter within the time limitations established by the Borough.

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.

CORRESPONDENCE:

Turn the Town Teal for Ovarian Cancer. The Clerk said that September is Ovarian Cancer Awareness Month. The organization would tie teal ribbons around town for the month. There was an affirmative voice vote.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Alloway **Second:** Foley **All in Favor**

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK