

REGULAR MEETING OF MAYOR AND COUNCIL
July 14, 2021

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Borough Hall, 10 East 7th Street, Barnegat Light, NJ. 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, Foley, and Mikuletzky

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

Discussion: Mayor Larson brought up the topic of height restrictions and the issue with flooding on the east side of Bay Avenue. Councilman Wellington said there was a meeting to discuss the flooding issue and to come up with a plan that would be in the best interest of the community for the long term. He said that elevation points were taken and it revealed that there was a 4’ difference between Central Ave. and Bayview Avenue at the crown of the road. He said that they would be proposing to allow new construction to on east Bayview to raise the property 2’ and keep the same 30’ building height. He said that there would also be a requirement to have a retaining wall to protect water runoff on the adjoining properties and to have drainage to the street. Another issue is the high water table. There was a lot of discussion about this topic. Mayor Larson said they would work with the engineer to come up with an ordinance to address this problem.

Councilwoman Reynolds said that the children’s playground equipment will be arriving next Tuesday. She said that it would take a maximum of 2 weeks to complete. She asked Council if it should be installed now or wait until September. Everyone agreed to start it now so that it could be enjoyed for the rest of the summer.

Mayor Larson had tips for saving water. He said that when we start billing from the meters people will be surprised at how much water they use, especially if they have a leaky toilet, leaky faucets or sprinklers. He said their bill could double or triple. He said when Harvey Cedars put in meters, after a year they saw a 30% reduction in water usage. Councilwoman Foley said that she had Stuart look at the usage last month for her and two of her neighbors. She said the two with watering systems used 98,000 and 128,000 gallons and the neighbor without the watering system used 14,000 gallons. She said that cutting the time for watering from 20 minutes to 5 minutes would be beneficial.

Mayor Larson brought up the cardboard drop off. He said that people just drop off boxes without breaking them down and trash. He said that the cardboard for recycling is just corrugated, not pizza boxes or any other trash. Sponge suggested that we put up a sign that says, “boxes must be broken down”. There was more discussion about recycling in general.

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

THE MEETING of the Mayor and Council was called to order by Mayor Larson at 5:00pm at Borough Hall, 10 East 7th Street, Barnegat Light, NJ. 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.

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, Michele Inman, and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of May 12, 2021 regular meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of June 9, 2021 regular meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of June 22, 2021 special meeting.

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

TREASURER’S REPORT: Mayor Larson asked for a motion to approve the Treasurer’s Report.

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

PUBLIC SAFETY: Councilman Mikuletzky said he would like to make the court report a part of the minutes. He said that the court brought in \$1750.08. He said that \$1140.00 was for Fish & Game and Barnegat Light would keep \$374.00. He said that there was a problem in Beach Haven with a large group of out of control kids. He heard that fifty were arrested. He said that all the Island Police responded and Stafford Township Police assisted. Mayor Larson said that Avalon just closed their beaches earlier due to the same problem. Councilman Mikuletzky said that the concert and parade were good and the weather held out.

WATER/SEWER: Councilwoman Foley said there were approximately 30 meters left to activate. She said that the training has been done. She said that if there is any leaks the guys will be able to tell.

BEACHES AND PARKS: Councilwoman Reynolds said reported on the Beach Patrol report that was submitted by Captain Schulze. The report included promotions to the position of Lieutenant for Andrew Baxter and Zak Westerberg, the preseason requirements that included swimming tryouts, rookie school, pre-employment screenings and certifications for first aid and CPR. The report also included the NJDEP restrictions due to the nesting Piping Plovers, the guarded beaches and the upcoming 12th annual Barnegat Light Ocean Mile Swim that will be held on July 31st and the Long Beach Island Lifeguard August 6th & 7th. The report also accounted for the number of beach rescues and first aid. Councilwoman Reynolds said that the beach badge and dog park revenues were both up from this time last year. She said that there were 6 Piping Plover nest this year but all but one were lost to the storm and coyotes. She added that one American Oyster Catcher fledged from the restoration area.

DOCKS AND HARBORS: Councilman Alloway said that he did not have anything to report.

PUBLIC WORKS: Councilman Wellington said that DPW did all the basic maintenance of the parks, properties and beach entrances. He said that the overgrowth on the trails leading to the beaches were cut back, the tram trail was graded, stone was installed at the lifeguard house, about 50% of the cedar shakes were installed at the lifeguard house, the Borough owned catch basins were cleaned, the grass was moved and memorial pavers were installed at the pavilion. The Council said that the grass at the pavilion looks great! Mayor Larson said that the ribbon cutting for the new butterfly garden will be on July 28th.

FINANCE: Councilman Spark said that the Finance Committee approved the bills that were submitted. He said the big tickets were to the County at almost \$1,000,000 and \$55,000 for 3rd quarter sewer. He said that the tax rate for 2021 was .89, down a penny from last year.

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

Motion: Spark Second: Alloway All in favor X

Rich Brodman, on behalf of the BL Taxpayers Association, said there would be a Taxpayers Association Meeting at the pavilion on July 24th. He said that the meeting would be devoted to the potential implications of wind farms regarding economic and environmental impact. There was more discussion on this topic.

Sarah Lambert, 1609 Seaview Avenue, asked when the tax bills would be going out. The clerks said in within two weeks. Ms. Lambert said that the water pressure at the dog park was terrible. The Mayor responded that it has been like that since we purchased the property.

Connie Higgins, 10 East 11th Street, asked what the new rates for water billing would be. Mayor Larson told her that they have not been set yet but it should be similar to what they are paying now. He said that

if you have leaking faucets or toilets, you should get them repaired before we start billing from the meter readings. He also warned about running irrigation systems for long periods of time.

Katie Esposito, 1004 Central Avenue, asked why the agenda wasn't posted on the website or posted in the newspaper. The Attorney told her that we are not required to advertise those things in the newspaper. He told her that we advertise the list of all of the meetings in the paper. She also wanted to know why the minutes were not on the website for three meeting. She was told that they do not get post until they are approved at a meeting and the May minutes were not provided to Council in time for their review and there were two meetings in June. All of them would be approved at this meeting.

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

Motion: Alloway Second: Foley All in favor X

The clerk said that 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			
Foley	X		X			
Mikuletzky			X			

RESOLUTION 2021-93

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF A BOAT SLIP LEASE

WHEREAS, Bill Dwyer leased boat slip #36 in the amount of \$2100.00; and
WHEREAS, Mr. Dwyer asked the Borough to re-lease the boat slip and requested a prorated refund; and
WHEREAS, boat slip #36 has been leased to another individual; 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 the CFO is authorized to refund the prorated boat slip lease fee of \$1,429.26.
2. That the check should be mailed to: Bill Dwyer
 9 Holly Lane
 Lawrenceville, NJ 08648

RESOLUTION 2021-094

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING SECURITY DEPOSIT REFUNDS FOR RECREATIONAL USE APPLICATIONS

WHEREAS, there have been various applications for recreational use permits; and
WHEREAS, the Borough collects a \$500.00 security deposit for each application; and
WHEREAS, we have two requests for refunds for the security deposits; and
WHEREAS, the Borough Superintendent has inspected the premises and found no damage or clean-up is needed.
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 deposits in the amount of \$500.00 each.
2. Certified copies of this resolution will be forwarded to the Barnegat Light Finance Department and to the Recreation Use File
3. That the checks shall be made payable and sent to:

Greg Carr
210 Edison Road
Barnegat, NJ 08005

Heather Zazycki
PO Box 290
Conyngham, PA 18219

RESOLUTION 2021-095

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE *2022 Road Improvement Project-West 8th Street*

WHEREAS, the Governing Body wishes to submit a grant application and execute a grant agreement with the Department of Transportation for the improvement of West 8th Street in the amount of \$425,706.00.
NOW, THEREFORE, BE IT RESOLVED that the Borough Council, of the Borough of Barnegat Light, County of Ocean, State of New Jersey as follows:

1. That the Council formally approves the grant application for the above stated project.
2. That the Mayor, Municipal Clerk and the Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2022-8th St. Broadway to Bayview-00055 to the New Jersey Department of Transportation on behalf of the Borough of Barnegat Light.

3. That the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Barnegat Light and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2021-096

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

WHEREAS, Block 43 Lot 1, 2202 Central Avenue and Block 6 Lot 4, 5 West 4th Street, were paid by Corelogic Tax Service and by Surety Title; and

WHEREAS, Corelogic Tax Services has requested refunds for both properties.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Barnegat Light Tax Collector is authorized to reverse the Corelogic payments.
2. That the Barnegat Light CFO is authorized to refund the payments as follows:
 - a. Block 43 Lot 1 2202 Central Avenue \$1,957.48
 - b. Block 6 Lot 4 5 West 4th Street \$1,470.08
3. That certified copies will be forwarded to the Tax Collector and CFO
4. That the checks will be mailed to:

Corelogic Refund Department
3001 Hackberry Road
Irving, TX 75063

RESOLUTION 2021-097

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, OPPOSING SENATE BILL NO. 3926 AMENDING THE “OFFSHORE WIND ECONOMIC DEVELOPMENT ACT” AND GRANTING THE BOARD OF PUBLIC UTILITIES AUTHORITY TO SUPERSEDE CERTAIN LOCAL GOVERNMENTAL POWERS UPON PETITION FROM OFFSHORE WIND PROJECTS

WHEREAS, the New Jersey Legislature is currently considering legislation that would fast-track offshore wind energy projects by removing the ability of local governments to control power lines and other onshore components of offshore wind farms; and

WHEREAS, the bill would amend the “Offshore Wind Economic Development Act,” to authorize a qualified offshore wind project or an open access offshore wind transmission facility approved by the Board of Public Utilities (“Board”) to place, replace, construct, reconstruct, install, reinstall, add to, extend, use, operate, inspect, and maintain wires, conduits, lines, and associated infrastructure, whether underground or overhead, or within, under, or upon the public streets, thoroughfares, rights-of-way, or any other public property of any municipality, county or other instrumentality of the state; and

WHEREAS, the bill also authorizes a qualified offshore wind project or an open access offshore wind transmission facility approved by the Board to file a petition with the Board seeking a determination that all municipal or county approvals, consents, or affirmative filings with other public entities required to construct the qualified offshore wind project are preempted and superseded, upon a finding by the Board that such municipal or county approvals, consents, or affirmative filings are reasonably necessary for the construction of the qualified offshore wind project; and

WHEREAS, if the Board makes a determination preempting municipal or county action that is a condition of a permit or other approval of the Department of Environmental Protection or any other department or agency of the state, the department or agency may proceed to act without prior municipal or county approval, consent, or affirmative filing; and

WHEREAS, the bill provides that a qualified offshore wind project approved by the Board is to be deemed an electric power generator for the purposes of the “Municipal Land Use Law,” which would allow for an appeal of a Local Land Use Board decision to the Board; and

WHEREAS, the bill further provides that a municipality, county or other instrumentality of the state may not prohibit, or charge a fee for, the use of public streets, thoroughfares, or rights-of-way for the aforementioned purposes, other than a fee for a road opening permit; and

WHEREAS, the proposed development of offshore wind power projects has resulted in significant and growing concern throughout New Jersey’s coastal communities due to the potential negative environmental impact on New Jersey’s most pristine natural resource, as well as the detrimental impact on tourism, the recreational and commercial fishing industries and local property values; and

WHEREAS, in spite of the economic and environmental concerns raised by a number of citizen groups and local governmental leaders, which have advocated for greater and more meaningful input in the review process, the legislature is considering Senate Bill No. 3926 which fast-tracks wind energy projects and preempts local government control; and

WHEREAS, the governing body of the Borough of Barnegat Light wishes to go on record as opposing Senate Bill No. 3926.

NOW, THEREFORE BE IT RESOLVED, this 14th day of July, 2021, by the governing body of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

That the governing body does hereby oppose Senate Bill No. 3926 amending the “Offshore Wind Economic Development Act” and granting the Board of Public Utilities Authority to supersede certain local governmental powers upon petition from offshore wind projects.

That a certified copy of this resolution shall be forwarded by the Municipal Clerk to the Governor, 9th District State Legislators, Ocean County Board of Commissioners, and all Long Beach Island Mayors.

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF
\$1,304,708.11

NOW, THEREFORE, BE IT RESOLVED, that the approved vouchers amounting to \$1,304,708.11 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.

INTRODUCTION:

AN ORDINANCE AMENDING AN ORDINANCE ENTITLED, "AN ORDINANCE FIXING AND DETERMINING THE ANNUAL SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY"

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

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WEST 13TH STREET,
APPROPRIATING \$450,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$142,500
BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN
AND BY THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY

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

Approval of Barnegat Light Social Affairs Application Kites on the Beach approval

Mayor Larson asked for a motion to adjourn.

Motion: Spark **Second:** Wellington **All in Favor**

BRENDA L. KUHN, MUNICIPAL CLERK