

MAYOR AND COUNCIL MEETING BARNEGAT LIGHT DECEMBER 19, 2012

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson 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 by posting a copy of the notice of this meeting on the bulletin board in the Borough Hall on January 6, 2012 and by mailing a copy of the notice to the Beach Haven Times and Asbury Park Press, newspapers designated by Mayor and Council on January 6, 2012, to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 6, 2012.

ROLL CALL: MIKULETZKY, SHARPLESS, REYNOLDS, WARR AND BOSSI (ON PHONE)

ABSENT: SPARK

ALSO PRESENT: MAYOR LARSON, KATHY GUERRERO AND GAIL WETMORE, RMC

Mayor said he wanted to bring up the court system and also he wanted to discuss a possible miniature golf course in Barnegat Light. He explained the process to everyone. The council would send the ordinance to the Planning Board for their input and then it would come back to the council. Dave Bossi said he was just thinking about that the other night. He had no problem with it. He thinks it is fine. It would be on property at Lighthouse Marina. Mayor asked if we had a consensus. George Warr wanted to lock this in to that area. Mayor said we cannot spot zone. Both Ship Bottom and Long Beach Township want to take our court system to them. It would save us money and save money for the host town for police overtime. Mayor will talk to Joe Mancini. Do we really want to lose our court system? Dave said he is torn either way. Scott Sharpless said as long as we don't lose control. Mayor said we will lose all control. We lose over 50%. Scott said if it will cost the same let's keep it. Dottie mentioned the beaches committee open meeting she had with Frank and Scott. Quite a lot of people came to the meeting. 30th Street has the most fragile dunes and the beach entrance has been widened over the years. The people from 30th street would like to see the entrance be blocked off to vehicular traffic. Captain Adams said they could use other entrances. Loveladies is actually the primary user of it. Public works has already built up the berm to block it off. We should let Township know. Frank said we can use 22nd street. The fire company wants to be able to get the quad and the Jet Ski up there on the trailer. We opened it up because a kid was buried in the sand and died. Mike Spark entered the meeting at 5 of 5. Mayor asked how are we going to build a dine there without a bulldozer. Scott said we can dune grass plant there next year. Next Mayor discussed the garbage and recycling schedule. Do we want the savings for one day a week or do we want to continue with 2 days of garbage year round. Costs were discussed. The last time we tried this it did not work. We had to change the contract. George said the last time we discussed this the audience wanted to keep the 2 days per week. Mayor said it would cost each taxpayer \$17.80 a year per home. Mayor said it is an increase on the first year and then it is smaller each of the other years. Dottie made a motion to take a 5 minute break, seconded by Scott.

THE MEETING of the Mayor and Council was called to order by Mayor Larson 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 by transmitting notice of same to the Beach Haven Times and the Atlantic City Press on January 6, 2012 and by posting a copy of the notice of this meeting on the bulletin board in the Borough Hall on January 6, 2012 Said news papers were designated by Mayor and Council on January 6, 2012, to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 6, 2012.

PLEDGE OF ALLEGIANCE

THE CLERK stated that the minutes of this meeting are being recorded and will be on file in the office of the clerk.

ROLL CALL: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI via telephone.
ALSO PRESENT: MAYOR LARSON, TERRY F. BRADY, GAIL WETMORE

THE MAYOR asked for a motion to approve the minutes of the November 21, 2012 regular meeting. Gail mentioned that per Dottie's instruction she added the name of the cat program to the official minutes but did not make new copies for everyone. On a motion by Sharpless, seconded by Mikuletzky the minutes were approved.

MOTION: SHARPLESS

SECOND: MIKULETZKY

VOTE: AYES: MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI
NAYS: NONE ABSTAIN: NONE ABSENT: NONE

TREASURER'S REPORT: On a motion by Warr seconded by Reynolds the report was approved.

MOTION: WARR

SECOND: REYNOLDS

AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS
NAYS: NONE ABSENT: WARR ABSTAIN: BOSSI

BUILDING AND ZONING REPORTS FOR NOVEMBER: **Mayor Larson** asked for a motion to approve the reports. Reynolds so moved, seconded by Sharpless.

MOTION: REYNOLDS

SECOND: SHARPLESS

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS
NAYS: NONE ABSENT: WARR ABSTAIN: BOSSI

COMMITTEE REPORTS:

WATER/SEWER: Michael Spark made the water sewer report a part of the minutes.

PUBLIC SAFETY: Frank Mikuletzky asked that the Court Report be made a part of the minutes. We did get a bigger piece of the pie this time.

DOCKS AND HARBORS: Scott Sharpless said we are going to have to rebuild all the piers. We still want to fix the ramp where the pot holes are. It has been dead down there - we never got the Bass. Rec Committee meeting the week after Christmas. There are more bands to get due to storms. Mayor said someone wanted to do a decoy show in town. Scott also mentioned a battle of the bands. This could be done on odd weeks. He mentioned a great one man band. Scott hoped to get 5 bands instead of 4.

BEACHES AND PARKS: Dottie Reynolds said our preseason badges are not making up the difference. We are quite behind on our preseason sales. Beaches will open on June 15 through Labor Day and the next two weekends. June 1 and 8 lifeguard tests. LIT program will be held again with 2 sessions. Dottie got a consensus from Council regarding the closing off of 30th street to vehicular traffic. She did not want a barricade. Gail will speak to the Township regarding this. She does not want to see the paths get dug down lower. Let what fills in naturally remain there. Mike said it came over 27th street (the water). Mayor said maybe we don't have walkways down there. Mike said you do not have to trek hundreds of yards to get to the beach. Mike said we are only talking about 4 streets at the south end of town. Mike said let them be covered up.

PUBLIC WORKS: Dave Bossi said we are starting union negotiations in January. He also mentioned contractors debris.

FINANCE: George Warr mentioned how much of our bills are going out of Barnegat Light. He spoke with Jaimie about storm related costs.

OPEN PUBLIC SESSION:

Dick Feehan did not like the idea of not having walkways. He thought they meant all the streets. Mayor Larson mentioned the Fisherman's Memorial and asked Dan Mears to speak about it. They are close to what they need for the statue. They still want to make the area look nice. Gail asked Dan to tell everyone where the area is. Across from Dairy Queen where the Clam Shell lot is. It is to honor fisherman lost at

sea. Mayor said Joe Mancini would like to date also. All the island Mayors. He said he is all for 2 days a week on the garbage. A gentleman thanked the council - he lives on 30th Street on the beach block. Jane Labella said there is a rumor that there is another breakin in town. She said it is 19th Street. Frank said the police have been so busy with the storm, but he will talk to Chief Bradley. Frank said KEEP YOUR DOORS LOCKED. Dick said he favored 2 days for garbage pickup. Leann Oros wanted to keep the court system unless it saved us a lot of money. Spark moved to close the public session seconded by Sharpless.

ORDINANCES:

SECOND READING:

ORDINANCE 2012-021

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RECONSTRUCTION OF 5th STREET AND APPURTENANCES THERETO, AND APPROPRIATING \$165,000.00 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$156,750.00 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE BOROUGH OF BARNEGAT LIGHT TO FINANCE THE SAME.

The Clerk read the above by title and number and the Mayor announced it is time to consider same for passage on second reading according to law. Sharpless moved to open the public hearing, seconded by Reynolds and carried by all. There were no comments. Warr moved to close, seconded by Reynolds and carried by all. Reynolds moved to adopt, seconded by Spark.

MOTION: REYNOLDS

SECOND: SPARK

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, BOSSI, REYNOLDS, WARR

NAYS: NONE ABSTAIN: NONE ABSENT: NONE

RESOLUTIONS:

RESOLUTION 2012-132

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PARTIAL RELEASE OF PERFORMANCE GUARANTEES ON THE LIGHTHOUSE MARINA DEVELOPMENT PROJECT.

WHEREAS, the Planning Board of the Borough of Barnegat Light required the posting of certain performance guarantees for the installation of site improvements in regard to the approval give for the Lighthouse Marina Development Project, located at Block 10.01, Lots 1-30; and

WHEREAS, the Borough/Planning Board Engineer has inspected the site and has determined that some of the bonded site improvements, as required by the approved site plan, have been installed; and

WHEREAS, the Borough/Planning Board Engineer has recommended the partial release of the performance guarantee posted by the developer for the site improvements, upon the condition of the posting of one replacement performance guarantee in the amount of \$78,277.80, and upon the condition of the posting of maintenance guarantees for the released aspects of the performance guarantees to the extent required by resolution of the Planning Board, and upon the condition of full payment of all outstanding fees due the Borough, including but not limited to Planning Board engineering and attorneys fees.

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, in accordance with the Borough Engineer's October 22, 2012 letter, the Mayor and Borough Council do hereby authorize the partial release of the performance guarantees posted by the developer of the Lighthouse Marina Development Project, located at Block 10.01, Lots 1-30, for the specified bonded site improvements, upon the condition of the posting of one

replacement performance guarantee in the amount of \$78,277.80, and upon the condition of the posting of maintenance guarantees for the released aspects of the performance guarantees to the extent required by resolution of the Planning Board, and upon the condition of full payment of all outstanding fees due the Borough, including but not limited to Planning Board engineering and attorneys fees.

2. That certified copies of this resolution shall be forwarded to the developer of Lighthouse Marina, the Borough Engineer, the Borough Planning Board Secretary and the Borough Treasurer.

DATED: DECEMBER 19, 2012

MOTION: WARR

SECOND: REYNOLDS

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 2012-133

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING THE
2013-2017 GARBAGE COLLECTION CONTRACT TO PINTO
BROTHERS DISPOSAL LLC.**

WHEREAS, the Borough of Barnegat Light is in need of garbage collection services; and

WHEREAS, the anticipated cost of said services is expected to exceed \$36,000.00 so as to require public bidding in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for a 5-year contract for garbage collection and disposal services; and

WHEREAS, at the time, place and date set for the receipt of bids, two (2) bids were received by the Borough as follows:

Pinto Brothers Disposal LLC	\$ 971,573.00 (Plus roll-off containers per load)
Waste Management of New Jersey	\$1,021,392.00 (Plus roll-off containers per load)

WHEREAS, said bid was taken under advisement and has been reviewed by the Borough and it has been determined that Pinto Brothers Disposal LLC submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amount of \$971,573.00 (5 yrs) plus roll-off containers (per load); and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a contract for garbage collection and disposal services to Pinto Brothers Disposal LLC, the lowest bidder.

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

1. That the Mayor and Borough Council of the Borough of Barnegat Light do hereby award a 5-year contract for garbage collection and disposal services (Option 1) to Pinto Brothers Disposal LLC at the price of \$971,573.00, plus roll-off containers (per load).

2. That the Mayor and Borough Clerk are hereby authorized to execute an agreement with Pinto Brothers Disposal LLC for said project, said agreement to be in conformance with bid specifications and the bid submitted by Pinto Brothers Disposal LLC.

3. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following line item appropriations or ordinances constitute the availability of funds for this contract:

garbage and trash removal - recycling

4. This resolution and the subject contract are specifically made subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation of the same, as required by N.J.A.C. 5:34-5.3.

5. That a certified copy of this resolution shall be forwarded to the Chief Financial Officer, to the Borough Superintendent of Public Works, the Borough Recycling Coordinator and to Pinto Brothers Disposal LLC.

DATED: DECEMBER 19, 2012

MOTION: WARR

SECOND: REYNOLDS

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 12-134

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE TRANSFER OF APPROPRIATIONS
ACCORDING TO 40A:4-58**

WHEREAS, the Borough of Barnegat Light in the County of Ocean and State of New Jersey finds it necessary to transfer money from certain 2012 budget appropriations to carry on and pay its obligations and that such transfers are permitted by law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light that the Treasurer is hereby authorized to make the following transfers:

CURRENT FUND:

FROM:

Garbage & Trash Removal	OE	2-01-26-305-243	\$ 13,000.00
Administrator	SW	2-01-20-100-111	\$ 1,000.00

TO:

Pub BLDGS & GRNDS	OE	2-01-26-310-219	\$ 11,000.00
Beachfront Maintenance	OE	2-01-28-380-419	\$ 2,000.00
Tax Collector	SW	2-01-20-145-111	\$ 1,000.00

DATED: December 19, 2012

MOTION: WARR

SECOND: REYNOLDS

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR

NAYS: NONE

ABSTAIN: NONE

ABSENT: NONE

RESOLUTION 12-135

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS
IN THE AMOUNT OF \$1,556,290.55**

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 \$1,556,290.55 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.

DATED: DECEMBER 19, 2012

MOTION: WARR

SECOND: SHARPLESS

VOTE:

AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2012-136

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CANCELLING VARIOUS GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES FOR COMPLETED PROJECTS

WHEREAS, various General Capital Improvement appropriation balances remain dedicated to projects which have now been completed; and

WHEREAS, it is necessary to formally cancel said balances in order that the unexpended balances may be returned to the General Capital Improvement Fund or credited to Surplus, and any unused debt authorizations may be cancelled; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to cancel the unused and unexpended General Capital Improvement appropriation balances for projects which have now been completed.

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

1. That the following unexpended and dedicated balances of General Capital Improvement appropriations shall be cancelled:

ORD.NO. / Line Item#	PROJECT DESCRIPTION	ORIG.AMT.	AMT.CANCELLED
98-06 / C-04-55-836-901	Resurface Basketball Court	\$ 6,700.00	\$416.62
01-06 / C-04-55-854-901	Repairs to B B Court	\$ 13,000.00	\$79.48
01-06 / C-04-55-854-951	Repairs to B B Court 2:20	\$ 3,500.00	\$462.58
02-02 / C-04-55-863-901	Coast Guard Bldg-Phase II	\$ 670,000.00	\$68.23
03-09 / C-04-55-873-901	Reconstruction Bulkhead	\$ 410,000.00	\$5,236.80
05-12 / C-04-55-882-901	Reconst W17, 28, & 29 St	\$ 120,000.00	\$52,989.96
05-12 / C-04-55-882-951	Reconst W17, 28, & 29 St 2:20	\$ 30,000.00	\$314.08

2. That any unexpended balances may be returned to the General Capital Improvement Fund or credited to Surplus, and any unused debt authorizations may be cancelled.

3. That a copy of this resolution shall be forwarded to the Borough Treasurer and the Borough Auditor.

DATED: DECEMBER 19, 2012

MOTION: REYNOLDS

SECOND: MIKULETZKY

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2012-137

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY
OF OCEAN, STATE OF NEW JERSEY,
AWARDING A SALARY INCREASE TO KATHY GUERRERO
AND JAIMIE WIRKOWSKI**

WHEREAS, Kathy Guerrero has completed the 5th class required to take the exam for Registered Municipal Clerk; and

WHEREAS, her agreement with the Borough states that she is to receive an addition \$2,000.00 in salary after the successful completion of each course.

WHEREAS, Jaimie Wirkowski has completed the fifth class required to take the exam for Certified Finance Officer.

WHEREAS, her agreement with the Borough states that she is to receive an additional \$1,000.00 in salary after successful completion of each course.

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. Kathy Guerrero will receive an additional \$2,000.00 in her salary effective this pay period.
2. Jaimie Wirkowski will receive an additional \$1,000.00 in her salary effective this pay period.

DATED: DECEMBER 19, 2012

MOTION: REYNOLDS

SECOND: WARR

VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR

NAYS: NONE

ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2012-138

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING
THE EXECUTION OF AN AGREEMENT WITH DYNAMIC
TESTING SERVICE FOR WORKPLACE DRUG AND ALCOHOL
TESTING**

WHEREAS, the Borough of Barnegat Light is in need of workplace drug and alcohol testing services, the cost of which is anticipated to be less than the Borough's bid threshold of \$36,000; and

WHEREAS, Dynamic Testing Services has submitted a proposal for said services on an as-needed basis for a period of four (4) years, which is anticipated to be less than the Borough's price quotation threshold of \$5400; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to authorize the execution of an agreement with Dynamic Testing Service for workplace drug and alcohol testing, in accordance with the proposal submitted by Dynamic Testing Service.

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

1. That the Mayor and Borough Council of the Borough of Barnegat Light do hereby authorize the execution of a four (4) year agreement with Dynamic Testing Service for workplace drug and alcohol testing, in accordance with the proposal submitted by Dynamic Testing Service, a copy of which is attached

hereto and is incorporated herein by reference.

2. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following line item appropriations or ordinances constitute the availability of funds for this contract:

DPW, WS , Office Staff, Lifeguards

3. This resolution and the subject contract are specifically made subject to the availability and appropriation annually of sufficient funds as may be required to meet the extended obligation of the same, as required by N.J.A.C. 5:34-5.3.

4. That a certified copy of this resolution shall be forwarded to the Chief Financial Officer and to Dynamic Testing Service.

DATED: DECEMBER 19, 2012

MOTION: SPARK

SECOND: SHARPLESS

**VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI,
WARR**

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

CORRESPONDENCE: NONE

THERE BEING NO FURTHER BUSINESS BEFORE THE COUNCIL, ON A MOTION BY MR. SPARK THE MEETING WAS ADJOURNED.

APPROVED: _____

**GAIL J. WETMORE, RMC
MUNICIPAL CLERK**