

MAYOR AND COUNCIL MEETING BARNEGAT LIGHT OCTOBER 28, 2013

THE SPECIAL MEETING of the Mayor and Council was called to order by Mayor Larson at 9:00am at the Borough Hall, on 10 East 7th Street. The Clerk 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 October 25, 2013 days ago and by transmitting a copy of the notice to the Beach Haven Times and Asbury Park Press, newspapers designated by Mayor and Council on January 4, 2013 to receive such notice, and by filing a copy of the notice with the Borough Clerk on October 25, 2013.

ROLL CALL: SPARK, REYNOLDS, MIKULETZKY, WARR
ABSENT: SHARPLESS, WELLINGTON
ALSO PRESENT: MAYOR LARSON AND GAIL WETMORE

PLEDGE OF ALLEGIANCE

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

ORDINANCE 2013-011

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CONSTRUCTION OF THE 29TH STREET HANDICAP-COMPLIANT RAMP, AND APPROPRIATING \$100,000.00 THEREFOR FROM COMMUNITY DEVELOPMENT BLOCK GRANT MONEY AND THE GENERAL CAPITAL IMPROVEMENT FUND.

The clerk read the above by title and number and the Mayor asked for a motion to introduce same on first reading according to law. Reynolds moved to do so, seconded by Spark.

MOTION: REYNOLDS

SECOND: SPARK

VOTE: AYES: SPARK, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE ABSENT: WELLINGTON AND SHARPLESS

ABSTAIN: NONE

RESOLUTION 2013-116

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EXTENDING A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING OR FAIR & OPEN ADVERTISING

- **LABOR ATTORNEY**
- **ARMANDO RICCIO ESQ.**

WHEREAS, there exists within the Borough of Barnegat Light a need for the services of a Labor Attorney; and

WHEREAS, the Borough has determined that its professional services contractors do not make reportable political contributions to municipal candidates so as to otherwise require fair and open contract advertising pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Borough Chief Financial Officer has determined and certified in writing that the value of the Labor Attorney contract will not exceed \$17,500 for 2013; and

WHEREAS, ARMANDO RICCIO ESQ. has completed and submitted a Business Entity

Disclosure Certification which certifies that his firm has not made any reportable contributions to a political or candidate committee in the Borough of Barnegat Light in the previous one year, and that the contract will prohibit the making of any reportable contributions throughout the term thereof; and

WHEREAS, ARMANDO RICCIO ESQ. was appointed as labor attorney for the Borough for one year, beginning on October 18, 2012 and terminating on October 17, 2013; and

WHEREAS, it is the desire of the Borough of Barnegat Light to extend the appointment and contract of ARMANDO RICCIO ESQ. as labor attorney through the end of the 2013 calendar year.

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 ARMANDO RICCIO ESQ. is hereby appointed Borough Labor Attorney for the Borough of Barnegat Light for the remainder of the 2013 calendar year, to expire on December 31, 2013. This contract for professional services is awarded without competitive bidding or advertising under the provisions of the Local Public Contracts Law and the NJ Campaign Contributions & Expenditures Reporting Act.

2. That the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution.

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

LABOR LEGAL SERVICES

4. That a Notice of Contract Award shall be published in accordance with NJSA 40A:11-5(1)(a).

5. That certified copies of this resolution shall be forwarded to ARMANDO RICCIO ESQ., and the Borough Treasurer.

6. That the Labor Attorney shall perform all legal services only as determined and authorized by the Borough Council or other authorized official of the Borough in accordance with the terms hereof. The total amount charged by the Labor Attorney shall not exceed the amount appropriated in the municipal budget.

DATED: OCTOBER 28, 2013

MOTION: SPARK

SECOND: REYNOLDS

VOTE: AYES: SPARK, REYNOLDS, MIKULETZKY, WARR

NAYS: NONE

ABSENT: SHARPLESS AND WELLINGTON ABSTAIN: NONE

Ed Wellington arrived at 9:15am.

DISCUSSION BEST PRACTICES

Kat said there are a few items she wants to discuss at an open public meeting. We are not losing any funding from the state. # 2 was discussed # 5 she answered no too. We do not have a pay to play ordinance. This is a big issue with the Best Practices. They do not want your professionals making financial contributions to the council. She said Terry said we couldn't do a Pay to Play Ordinance. Mike asked why? Kat will check with Terry again. Mike said it is a simple piece of paper why not get it done so we don't get involved with the state and deal with the hassle. Dottie said this way it looks like maybe we are taking things. Is Terry waiting for a bump up before we

pass it? Kat said she discussed it with him last year and he said no we don't do that. Mike said this is applicable for everybody. Kat said pay to pay is a big deal and it could be he's making a donation to the Republican Club or someone on the municipal level that would affect his pay to play here.

6 maintain an up to date website she said yes. The hardest part she was having was having the auditor to give her the stuff she needs. That will not happen anymore as we are changing auditors.

7 we will require a council person to attend one instructional course. We will do something about this. We will have a resolution. The council should look into attending a course on the new health rules. We have to consider this now. Mike said Armondo is going to come and talk about it – particularly the Lifeguards. Rich Bethea from Ship Bottom went to a seminar. The IRS said one thing and the labor attorney another. Kat will reach out to our payroll system and see if they can calculate it for us. We must be ready by 1/15. We have a lot to do right now. We may need someone to help us with this. # 9 has to do with PERC. # 12 she put prospective. This has to do with our Ban's. We don't have to worry on that until May. # 13 yes for energy. #17 has to do with procurement cards. She is adamant against this. It is like giving someone a credit card. We have discussed this. We don't want to do this. # 20 was changed from no to prospective regarding surplus. She does give the surplus when we do the budget. We will need Brian's help with this. They want the governing body to be aware of how we are using the surplus and where it will be down the road. So you can see we are going to have a problem in three years if we don't do this now. George said we have done this for years. Mike said when is Brian the # 1 man? We have written a letter to Bill Antonides telling them we are getting out of our contract. It is a 30 day notice either way. If for some reason Brian does not get appointed in January – we will owe him for work is going to do to help us with year end. # 23 yes we get them at each meeting. # 26 was a no because we do not budget for snowfall. It talked about a trust fund. This came up on the best practices because of Sandy. This was left with a question mark. Even on years when we do get enough snow there is money in the budget to cover it. Because it is a trust fund the money stays there. # 27 is yes. We exclude all new part time people elected and appointed from health benefits. This is because of Chapter 78. Obama care is 30 hours. Mike said share with Harvey Cedars. He said that's what Kirk said. He was talking about Lifeguards and health insurance. There are a lot of questions about this. Scott Sharpless came in at this point in the meeting. All the rest she answered yes to. # 41 she originally said no but has changed it because we do that through the JIF. We are at 44 point so we will not lose any state monies. Mayor asked what was the percentage. You have to have over 41 and we had 44. Next year she will be able to make those few corrections and revisit some of the things we discussed at budget time and see what we can do for next year.

Mayor had a question on the health insurance .Do we pay their insurance the entire year or just when they are working. Kat said it is not that we are paying their insurance at all its that the town will get charged for the number of full time employees we have. Kat said if we keep our fingers crossed the way it's going it may fall apart. Kat said Ship Bottom got their figures of how much it is going up and it is 10 and a half percent. They do not have the State Plan. 7.5% of that is due to Obama Care. We haven't received our figures from the state yet. If we have to raise the budget due to health care we want the public to be fully aware it is not due to what you all did. Gail asked Kat if she thought that people here understand that they do not get their \$1200.00 any more for not talking health benefits. Due to Chapter 78 that is not allowed. They do not qualify if they took prescription or dental. Mayor asked why would they do that? Kat said because they do not want elected officials getting health benefits of any kind. Kat said the hardest part is getting the state to consider what is part time. It is a push and will continue a push until they get it to where no elected official will qualify for health benefits. There is so much more we have to find out before going ahead with anything. Kathy Guerrero said Council and Mayor are considered full time. They also recommended we go on 12 month cycle to get our figures ready for 2015.

There was a brief dialogue on same sex marriages and how the state said they were ready but they are not. A lot of the forms that were changes are still not correct. Then we look like idiots. Dottie asked if we are looking into another Engineer. Could we ask the County if they have any suggestions. Mayor said we did this last time and the other engineer was worse. Mayor and Mike will bring Frank Little in and speak with him. He is so overwhelmed with beach replenishment and all this other nonsense he things sometimes he forgets about us said the Mayor. Gail said what was thought was his fault with the water tower turned out not to be. Our water tower was in such bad shape there were 500 miniscule holes. Frank said he understood there was some welding that they were supposed to do that was never done. Mike asked how everything worked out with the neighbors and the insurance claims. It is all being taken care of. Gail said to Dottie if she knows someone who is interested have them send in something. Kat said Frank's fees are reasonable. Mike said it doesn't hurt us to bring him in and have a little fear of God talk. Gail said she is sure

he is going to be calling to ask to be reappointed. Mayor said the good thing with Frank is that you get Frank. Mike said we just have to tell him we are a little bit disappointed and to sharpen his act just a little – that’s all. Just don’t take us for granted. Mayor said he saw Mel the other day and he was all mad they were paving a road on 14th Street and did not get in touch with him so he could be there. We have to remember this outfit. Kat said Frank is the engineer for every island town and he knows the island. Just like auditors. Mayor said we will remind Frank that he is our engineer and don’t forget about us because you are making millions down there. Mayor said we may be building a garage on the property we own on 10th Street across from the side of the Firehouse. Frank Mikuletzky said we have discussed it a little bit and the borough is going to need more storage and the Fire Company is going to need it and it doesn’t look like the FC is going to get the property next door to them as one of the family members wants it. Dottie said she thinks they have to come up with the money. Some of the members of the FC were against having a joint garage because if we had a different Mayor and Council they might throw them out. Scott said it is as simple as a contract.

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

APPROVED: _____

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