

MAYOR AND COUNCIL MEETING BARNEGAT LIGHT FEBRUARY 20, 2013

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 4, 2013 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 4, 2013, to receive such notice, and by filing a copy of the notice with the Borough Clerk on January 4, 2013.

**ROLL CALL: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, WARR, BOSSI
ALSO PRESENT: MAYOR LARSON, GAIL WETMORE AND KAT FLANAGAN**

Mayor Larson asked if anyone had anything for caucus. Michael Spark said he did. When people build a brand new house and tear down an old one can they have a termination of their water and sewer bills. Dave said he did not do it on his house. There is a reconnect fee. He said he continued to pay his water and sewer bills. Anyone can order a disconnect and go off the grid. It is one or the other - stay connected if it is less than a year. We need to give Brenda some direction. Dave said this will happen on 6th street. You can do one or the other.

Mayor wanted to talk about the proposed Zoning Ordinance that is on the agenda for this evening. It has to do with removing prohibited items from the GB General Business Zone to allow miniature golf course. Dave asked if we are going to address parking. Gail explained that would be a different ordinance. Dave said the Planning Board came back with a recommendation of 1 parking spot for every 3 holes of a miniature golf course.

Scott Sharpless passed around a thing for the battle of the bands. He wanted council to look at the rules. He went over the nose of the rules. Whoever wins the Battle will have a \$500.00 contract to headline in our events for summer of 2014. Also studio time is being offered as part of the grand prize. He will have Terry draw up some documents. He will be advertising the event everywhere. He has a judging panel in mind. Dottie asked about the rule for no excessive profanity - and asked why there has to be any profanity. Scott said he is thinking of a string of course words as opposed to just one slip. Mayor said they are supposed to send us a CD to be considered. One band will play each event time. Scott would put them between the major concerts. Mayor asked if there could be 2 in one night and Scott said we could do 2 in one night. Hopefully he is looking for more prizes. Mayor asked if June 1 cutoff date is a little too soon. We don't want anyone over the age of 21. We are trying to do something for the younger kids.

On a motion by Mikuletzky, seconded by Scott and carried by all, the caucus ended.

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 4, 2013 and by posting a copy of the notice of this meeting on the bulletin board in the Borough Hall on January 4, 2013 Said news papers were 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 January 4, 2013.

PLEDGE OF ALLEGIANCE

THE CLERK

**ROLL CALL: SPARK, BOSSI, SHARPLESS, MIKULETZKY, REYNOLDS, WARR
ALSO PRESENT: MAYOR LARSON, TERRY F. BRADY, GAIL WETMORE AND
KATHY GUERRERO**

THE MAYOR asked for a motion to approve the minutes of the January 16,

2013 regular meeting. On a motion by Bossi, seconded by Reynolds the minutes were approved.

MOTION: BOSSI

SECOND: REYNOLDS

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

TREASURER'S REPORT: On a motion by Warr, seconded by Spark and carried by all the report was approved.

MOTION: WARR

SECOND: BOSSI

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

BUILDING AND ZONING REPORTS FOR JANUARY: The Mayor asked for a motion to approve the reports. Reynolds so moved, seconded by Warr.

MOTION: REYNOLDS

SECOND: WARR

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

COMMITTEE REPORTS:

WATER/SEWER: Michael Spark asked to make water sewer a part of the minutes. Our sewer bill did not have any spike from the storm. It is even lower than last year. Why we don't know. We are redoing the water tank and will be drinking Harvey Cedars water! This will be for a couple months and will be back on our own water supply by summer.

PUBLIC SAFETY: Frank Mikuletzky asked that the court report be made a part of the minutes. We got \$635 out of a little over \$2000.00 taken in. He spoke with the Chief and all is quiet in town. There is one investigation ongoing.

DOCKS AND HARBORS: Scott Sharpless said the docks have all been rebuilt and will be in on time. Recreations committee has all the concerts set for this year. He mentioned the Battle of the Bands for kids 13 through 20. The winning band will headline a concert next year.

BEACHES AND PARKS: Dottie Reynolds said we are up this year over \$5000.00 so far in Beach Badge sales. Dune grass will be in on March 8th. Scott Sharpless is an expert on how to plant it. 23rd St. to 30th St. the sand has built up very nicely on the pathways. That makes our dune structure a lot better. We are leaving the sand there this year. The permanent walkways are now buried. There are no walkways from 23rd to 30th except for the walkways that people purchased and they will be put back down. The Borough will see what they can do. You can buy an 8 foot stretch of walkway and the borough will more than match that amount. An 8 foot length cost \$275.00. Dune Grass is coming March 8. Scott will not be able to help this year as his new baby is due.

PUBLIC WORKS: Dave Bossi said the DPW Supt. will be making the list at the end of his report as well as projected overtime for the next 60 days.

FINANCE: George Warr said we just had a budget meeting before this meeting and will have the next one right before the March Council meeting. He said he had good and bad news. The bad news is that our assistant treasurer, Jaimie Wirkowski is leaving and the good news is the Paula Bastian has been hired to take her place. He then mentioned that 103 million dollars is going out of this town. That is your County and school taxes.

OPEN PUBLIC SESSION:

On a motion by Sharpless, seconded by Warr and carried by all the public session was opened. Steve Manardi, who informed us he is an attorney asked about what we planned to do with height limits in town. He owns a home at 2 West 24th Street and they recently bought a home on East 24th St. They plan to tear it down and build another one. He does not like the 30 foot height limit. In the course of building his new home it is

really quite a hardship. He understands that most of the towns around have at least a 32 foot height allowance. You cannot get an 8 foot ceiling in his home. He said it is not esthetically appealing and 7 foot 6 is really substandard. He asked if it has been kicked around. Mike said we may be forced to do this because of the FEMA rules. He said his architect is complaining because it doesn't allow a decent pitch on the roof. Dave Bossi explained what he did with his new home. His top floor peaks out to 9. The gentleman wants a roof deck. Dave said do we address something that may or may not need to be addressed. Terry Brady said we have to be consistent with the Master Plan. If you have a hardship you can go to the Zoning Board. Dave Bossi said he would never consider changing it. Mike Spark said architects have been working with our current rules for 20 some years. Vince Roth, President of the Fire Company said he sent us a letter back in September about changing the point system for LOSAP. He thanked everyone for the donations - best year ever. John (no last name) asked about the structure that was just put up by the water tower. It is a temporary place for the cell antennas to go while the tank is being repaired and painted. Steve Rabbit asked about the walkways and whether they were in. They will be by summer. Fran Mears brought up the Fisherman's Memorial.

Warr moved to close, seconded by Sharpless and carried by all. There being no further comment, on a motion by Reynolds, seconded by Bossi and carried by all the public session was closed.

ORDINANCES

SECOND READINGS:

ORDINANCE 2013-001

**ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

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. Spark moved to open public hearing, seconded by Reynolds and carried by all. There were no comments. Bossi moved to close, seconded by Warr and carried by all. Warr moved to adopt, seconded by Spark.

MOTION: WARR

SECOND: SPARK

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

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

FIRST READINGS:

ORDINANCE 2013-002

**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
PROVIDE FOR A REVISION OF THE PROHIBITED USES IN THE G-B
GENERAL BUSINESS ZONE.**

THE CLERK read the above by title and number and the Mayor and asked for a motion to introduce on first reading and publish according to law. Bossi so moved, seconded by Spark and carried by all.

MOTION: BOSSI

SECOND: SPARK

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

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

ORDINANCE 2013-003

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING ORDINANCE NO. 95-151 (BOROUGH CODE SECTION 32-26) REGARDING TENURE FOR THE POSITION OF MUNICIPAL SUPERINTENDENT OF PUBLIC WORKS

THE CLERK read the above by title and number and the Mayor and asked for a motion to introduce on first reading and publish according to law. Bossi so moved, seconded by Warr and carried by all.

MOTION: BOSSI

SECOND: WARR

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

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

ORDINANCE 2013-004

ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 76-14 OF THE BOROUGH CODE, ENTITLED "FEE SCHEDULE," FOR PLUMBING, FIRE & ELECTRICAL SUBCODE FEES TO PROVIDE FOR THE BOROUGH'S LOCAL ADMINISTRATIVE FEES IN ADDITION TO THE FEES ESTABLISHED THROUGH COOPERATIVE INTERLOCAL SERVICE AGREEMENT.

THE CLERK read the above by title and number and the Mayor and asked for a motion to introduce on first reading and publish according to law. Bossi so moved, seconded by Spark and carried by all.

MOTION: BOSSI

SECOND: SPARK

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

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTIONS

RESOLUTION #2013-041

AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT WITH BEACH HAVEN, SURF CITY AND HARVEY CEDARS FOR CONSTRUCTION CODE ENFORCEMENT SERVICES

WHEREAS the State Uniform Construction Code Act, NJSA 52:27D-119 et. seq., requires that each municipality must make provisions for the enforcement and administration of the Uniform Construction Code; and

WHEREAS NJSA 40A:65-1 et. seq., authorizes several municipalities to agree to provide code enforcement services jointly by contract when approved by resolution under NJSA 40A:65-5; and

WHEREAS it is the desire of the Borough of Barnegat Light to contract with the municipalities of Beach Haven, Surf City and Harvey Cedars to jointly employ a Construction Code Officer.

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. The Mayor and Clerk are hereby authorized and directed to enter into and execute a Shared Services Agreement with the municipalities of Beach Haven, Surf City and Harvey Cedars for

the provision of Uniform Construction Code enforcement and administration services.

2. A copy of this agreement shall be kept on file and be available for public inspection at the office of the Borough Clerk.
3. This agreement shall take be effective as of April 12, 2012 and shall take effect upon full execution by the parties and shall remain in full force and effect for a period of four (4) years, expiring on April 11, 2016.
4. A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, Borough of Surf City, Borough of Harvey Cedars and the Construction Code Official.

DATED: FEBRUARY 20, 2013

MOTION: SPARK

SECOND: MIKULETZKY

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 2013-042

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CREATING A PERSONNEL COMMITTEE AND APPOINTING COUNCIL MEMBERS THERETO.

WHEREAS, NJSA 40A:60-3(e) provides that the council may establish for its members such committees of the council as will assist it for the ensuing year; and

WHEREAS, Barnegat Light Borough Code § 28-3 provides that Council members may select any and all standing committees which they deem necessary and appoint members to each committee; and

WHEREAS, the Borough of Barnegat Light is in need of a Personnel Committee, as recommended by labor counsel; and

WHEREAS, it is the desire of the Mayor and Borough Council to create a Personnel Committee, and to appoint members thereto.

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 do hereby create a Personnel Committee as a standing committee of the Borough Council.
2. That for 2013 said Personnel Committee shall consist of Councilmember Michael Spark, Councilmember David Bossi and Councilmember Scott Sharpless.
3. That said Personnel Committee may select a chair from its membership.

DATED: FEBRUARY 20, 2013

MOTION: MIKULETZKY

SECOND: SHARPLESS

VOTE:

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

RESOLUTION 2013-043

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY,
URGING GOVERNMENT OFFICIAL TO INCREASE THE REIMBURSEMENT RATE FROM 75% TO 90% FOR EXPENSES INCURRED TO "RESTORE THE SHORE"**

WHEREAS, on October 29th and 30th, 2012 Ocean County, NJ was dealt a devastating blow by what is now being termed Superstorm Sandy; and

WHEREAS, community after community located within Ocean County suffered damages, with houses being swept off foundations due to surges, streets being undermined, national recreational areas mad unrecognizable, unprecedented flooding and infrastructure so severely damaged that residents cannot return to their homes, and businesses that have been forced to remain closed; and

WHEREAS, with more than 44 miles of oceanfront and 200 miles of bayfront, Ocean County's economic engine, which is tourism, has also suffered severe setbacks as a result of this storm; and

WHEREAS, Ocean County, being one of the most severely affected areas by Superstorm Sandy is calling upon the federal government to increase federal reimbursement for cleanup and storm associated costs from 75 percent to 90 percent allowing towns to recoup on their losses and aide in the rebuilding efforts of the Jersey Shore; and

WHEREAS, Barnegat Light Borough calls upon it Congressional leaders and Senators to pave the way for this funding so Ocean County and its towns are not left financially vulnerable during these ongoing efforts to restore the shore, considered to be a national treasure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey hereby requests its federal government leaders to act expeditiously in approving an increase on the reimbursement rate from 75 percent to 90 percent for towns affected by Superstorm Sandy.

BE IT FURTHER RESOLVED that certified copies of this Resolution shall be forwarded to President Barack Obama, Governor Chris Christie, U.S. Senators Robert Menendez and Frank R. Lautenberg, U.S. Congressmen Jon Runyan and Christopher S. Smith, Members of the 9th, 10th, 12th and 30th Legislative Districts and the Ocean County Mayors.

DATED: FEBRUARY 20, 2013

MOTION: SHARPLESS

SECOND: MIKULETZKY

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

NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 13-044

**RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF A SCHEDULE "C"
AGREEMENT WITH THE COUNTY OF OCEAN FOR 2013**

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8a-1 et seq. authorized the Borough of Barnegat Light to enter into a contract for the provision of certain governmental services with the County of Ocean; and

WHEREAS, N.J.S.A. 40-8 requires such a contract to be authorized by resolution or ordinance; and

WHEREAS, it is the desire of the governing body to authorize the execution of a contract with The County of Ocean for the provision of services, materials and equipment as set forth in Schedule "C" attached hereto.

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

1. That the Mayor and Municipal Clerk are hereby authorized to execute a Schedule "C" agreement with The County of Ocean in accordance with the provisions of the law to include \$3000.00 for the Road Department and \$2500.00 for the Engineering Department AND \$6000.00 FOR major project request West 17th Street end at Bayview Avenue for a total sum not to exceed \$11,500.00. A copy of the said agreement is attached hereto and made part hereof as Schedule "C".
2. This agreement is for the period January 1, 2013 to December 31, 2013.
3. That a copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's office during normal business hours.

DATED: FEBRUARY 20, 2013
MOTION: WARR
SECOND: REYNOLDS
VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR
NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 2013-045

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, SETTING THE LOCAL ADMINISTRATIVE FEES TO BE CHARGED TO PROCESS ELECTRICAL, FIRE AND PLUMBING SUB-CODE PERMITS

WHEREAS, the Borough of Barnegat Light is a party to a Shared Services Agreement with Long Beach Township and Ship Bottom, with Long Beach Township as lead agency for sub-code inspection services; and

WHEREAS, Barnegat Light Borough Code Section 76-14.A.(6) provides that the local administrative fee for the Borough shall be established by Resolution in accordance with the policies and procedures of said Shared Services Agreement and the provisions of the Uniform Construction Code; and

WHEREAS, the Administrative Cost needs to be established by Resolution of the Mayor & Borough Council.

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 Administrative fees to be charged and collected for the Borough of Barnegat Light shall be 105% of the permit fee charged for electrical, fire and plumbing permits.

BE IT FURTHER RESOLVED that this resolution is effective upon adoption.

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded to Long Beach Township, Ship Bottom Borough and the NJ Division of Community Affairs.

DATED: February 20, 2013
MOTION: REYNOLDS
SECOND: BOSSI
VOTE: AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR
NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 13-046

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN
STATE OF NEW JERSEY, PROVIDING FOR AN EMERGENCY TEMPORARY
APPROPRIATION TO PAY CLAIMS UNTIL THE OFFICIAL BUDGET IS ADOPTED

DATED: FEBRUARY 20, 2013
MOTION: WARR
SECOND: REYNOLDS
VOTE: AYES: SPARK, REYNOLDS, SHARPLESS, REYNOLDS, BOSSI, WARR
NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 13-047

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS
IN THE AMOUNT OF \$1,735,398.92

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 \$1,735,398.92 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: February 20, 2013
MOTION: WARR
SECOND: MIKULETZKY
VOTE:
AYES: SPARK, MIKULETZKY, SHARPLESS, REYNOLDS, BOSSI, WARR
NAYS: NONE ABSENT: NONE ABSTAIN: NONE

RESOLUTION 13-048

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,
COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING PAULA
BASTIAN TO THE POSITION OF ASSISTANT TREASURER.

WHEREAS, the Borough of Barnegat Light is in need of an Assistant Treasurer; and

WHEREAS, the position was advertised and Paula Bastian has the necessary qualifications to hold said job; and

WHEREAS, it is the desire of the Mayor and Borough Council to appoint PAULA BASTIAN as Assistant Treasurer; 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, as follows:

1. The salary shall be \$35,000 per annum.
2. There shall be a 60 day probationary period, and if granted permanent status with the Borough at that time, all benefits of permanent employment will be granted.
3. Certified copies of this resolution are to be sent to Paula Bastian,

Borough Auditor and Chief Financial Officer.

DATED: FEBRUARY 20, 2013

MOTION: MIKULETZKY

SECOND: WARR

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

NAYS: NONE

ABSENT: NONE

ABSTAIN: NONE

CORRESPONDENCE:

Letter of resignation was read from Jaimie Wirkowski. Reynolds moved to accept resignation, seconded by Bossi and carried by all.

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

APPROVED: _____

**GAIL J. WETMORE
MUNICIPAL CLERK**