

**REGULAR MEETING OF MAYOR AND COUNCIL
NOVEMBER 10, 2021**

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm at the Barnegat Light Fire Hall , 907 Central Avenue, Barnegat Light, NJ. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Original notice of this meeting was advertised in the Asbury Park Press and Beach Haven Times on January 13, 2021. Notice of the change in venue, was published in the Asbury Park Press on October 25, 2021.

ROLL CALL: Spark, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Sponge Washburn, Engineer, Frank Little and Brenda Kuhn

Discussion: The first topic discussed in the Caucus meeting was the temporary outdoor seating that was allowed due to COVID 19. Sponge said that there was an Executive Order that allows indoor seating to returned to normal and he had prepared a letter for the restaurant owners to inform them that the Borough would be rescinding all Temporary Outdoor Seating Agreements. The letter also informed the owners that all tents and other items used for outdoors seating should be removed from the parking areas by December 1st. The Mayor and Council talked about limited parking spaces, a possible ordinance, and future Planning Board decisions. Councilwoman Foley said that Dorothy, the Post Master, was retiring and wanted to know if it would be appropriate to do a Proclamation at the next meeting for her. Councilwoman Reynolds asked if we should invite her to the meeting. Council all agreed that we should do something. The Mayor said that there was a sign that Dorothy always wanted and Councilman Wellington said that he thinks we still have it. Mayor Larson said that there was a meeting in the courtroom to teach the fishermen about the effects that water temperature and acidity have on the development of baby scallops.

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 the Barnegat Light Fire Hall, 907 Central Avenue. He stated that adequate notice of this meeting has been provided in accordance with the NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was published in the Asbury Park Press and the Beach Haven Times on January 13, 2021, both newspapers are designated by Mayor and Council to receive such notice. He stated the that change in venue was published in the Asbury Park Press on October 25, 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: Mayor Larson, Terry Brady, Sponge Washburn, Kathleen Flanagan, Engineer, Frank Little and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the October 13, 2021 regular meeting.

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

COMMITTEE REPORTS:

FINANCE: Councilman Spark said that the bills for the month had been reviewed and approved. He said that the only big item was the \$174,122.67 for the Regional School Tax.

PUBLIC WORKS: Councilman Wellington said that the EOC building is being resided and looks great. He said that the outside water systems were winterized but both bathrooms would remain open but would be

winterized prior to the chance of freezing. He said that debris was washing up on our beaches from the sailboat that hit the rocks a few weeks ago and Public Works continues to clean that up. He said that the Mobi mats and the wooden rollups have been picked up and put away. He added that the parking lots at the liveries had been graded, the normal grass cutting and cleanup continued to get ready for the winter.

DOCKS AND HARBORS: Councilman Alloway said that seven slips have already been renewed for next year and there was about \$1200 in revenue for the boat slips. He said that number probably go up a little because strippers are in.

BEACHES AND PARKS: Councilwoman Reynolds reported \$213,000 in beach badge revenue and \$7800 dog park revenue. She said that 97 holiday badges were sold and if you wanted to get a nice Christmas present the holiday badge has a cute little turtle on it. She said that she would be having a Public Beaches meeting and it would be on the signboard at the Post Office and you could contact her.

WATER/SEWER: Councilwoman Foley said the water rates were being worked on and there were only a few that have not been activated. Mayor Larson said that the meters are State mandated. He said that this would help to conserve water and added that Harvey Cedars saved 30% on water usage when they went to meters.

PUBLIC SAFETY: Councilman Mikuletzky said he did not have a court report this month. He asked when court would be held in Barnegat Light and the CFO it would be virtual until at least the end of the year.

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

Motion: Wellington **Second:** Alloway **All in favor** X

Tim Brindley, 1404 Bayview, said that he was speaking on behalf of a friend and himself regarding the traffic on 10th and 11th Streets, particularly 10th Street. He said there was a lot of traffic going to the post office and the cars are flying. He said that he saw one sign that said “slow down, watch for kids” or something like that but there are no speed limit signs. He requested that the town think about adding signs on both streets.

Barbara Truncellito, 15 West 8th Street, on behalf of the Taxpayers Association, said she had two questions. The first was when would the decision on the water rates be decided and the second had to do with selling water to Long Beach Township for Loveladies and High Bar Harbor. She wanted to know if that helps benefit the new rates for water. The CFO said that it helps offset the charges.

Sarah Lambert, 1609 Seaview Avenue, with regard to water meters, she wanted to find out what happens to the people who are only here for six months of the year. She was told there would be a quarter flat rate and then usage. She also warned about a new scam out there.

Ed Mantie, 24 West 10th Street, also had questions regarding the water meter rates.

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

Motion: Reynolds **Second:** Alloway **All in favor** X

RESOLUTIONS:

The Mayors said that we wer doing the resolutions as consent agenda. The Clerk read all the resolutions by title and recorded the votes as follows.

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

RESOLUTION 2021-119

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

WHEREAS, recreational use permits were issued for a Memorial Service and a wedding at the pavilion; and

WHEREAS, a \$500.00 security deposit was submitted to the Borough for each of these events; and

WHEREAS, the parties involved in these events have requested a refund of the security deposits; and

WHEREAS, the Borough Superintendent has inspected the premises and found no damage or clean-up was 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 deposit in the amount of \$500.00 to each of the requestors.
2. Certified copies of this resolution will be forwarded to the Barnegat Light Finance Department and to the Recreation Use File
3. That the following individuals be refunded \$500.00 each:

Peggy Maskin	William Sabbers
4 Bridlewood Court	470 Ave. E
Tabernacle, NJ 08088	Bayonne, NJ 07002

RESOLUTION 2021-120

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT,COUNTY OF OCEAN, STATE OF NEW

JERSEY, AUTHORIZING THE CANCELLATION OF TAX OR WATER/SEWER BALANCES OF LESS THAN \$3.00

WHEREAS, the Tax & Utility Collector has identified small overpayments on various utility accounts; and **WHEREAS**, resolution #2021-009 provides for the cancellation of delinquencies of \$3.00 or less; **NOW, THEREFORE, BE IT RESOLVED** by the Council of Barnegat Light, that the Tax & Utility Collector be authorized to cancel these small overpayments totaling \$2.42 as indicated below.

Account	Amount	
191-0	.29	W
816-0	1.42	W
1044-0	0.71	W
	2.42	

RESOLUTION 2021-121

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF WATER & SEWER BILLING AND REFUND OF SAME, DUE TO CUT AND CAP FROM THE WATER SUPPLY

WHEREAS, the water and sewer bill for the calendar year 2021 was issued to account No. 510-0 also known as Block 22, Lot 28, with an address of 1104 Bayview Avenue; and **WHEREAS**, the Utility Collector was notified that Permit # 21-008D was issued for a cut & cap from the water supply; and **WHEREAS**, the payment for the whole year was paid in full; and **WHEREAS**, a prorated portion of the second half shall be cancelled and refunded **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 a certified copy will be forwarded to the Utility Collector and the CFO.
2. That the Utility Collector be authorized to cancel a prorated second half billing for both accounts.
3. That the CFO is authorized to refund the prorated second half billing for each account as shown below.

Amount: \$112.20 (45.14 water-67.06 sewer)
Mail to: James and Elizabeth Bauer
PO Box 471
Barnegat Light, NJ 08006-0471

RESOLUTION 2021-122

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING A TAX REFUND DUE TO STATE TAX COURT JUDGEMENT

WHEREAS, the Tax Collector received a State Court Judgment for John & Susan Michel, Block 31, Lot 22; and **WHEREAS**, the Tax Collector has made the adjustments on the account to reflect the new assessed value; and **WHEREAS**, the owner of the property paid the fourth quarter in full prior to the adjustments which caused an overpayment on fourth quarter; and **WHEREAS**, the Attorney for the Plaintiff requested that a refund in the amount of \$1464.94 be sent to her office. **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 Tax Collector shall make the adjustment for refund of overpayment due to State Tax Court Judgment
2. That the CFO is authorized to refund the overpayment in the amount of \$1,464.94 to the following.

Valerie Hofer, Esq. Trust Account
Law Office of Valerie Hofer, Esq.
P.O. Box 787
Montville, NJ 07045

RESOLUTION-2021-123

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARING A CONTRACT FOR THE RECONSTRUCTION OF WEST 13TH STREET TO MATHIS CONSTRUCTION.

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for the West 13th Street Reconstruction Project (Central Ave to Bayview Ave); and **WHEREAS**, at the time, place and date set for the receipt of bids, formal bids were received by the Borough as follows:

Mathis Construction	\$239,069.44
Shore Top Construction	\$241,273.00
Earle Asphalt Co	\$242,713.13
Black Rock Enterprises	\$247,592.64
West Bay Construction	\$261,804.70

Shore Construction	\$264,511.50
Seacoast Const ruction	\$290,101.74
ConstructConnect	no bid

WHEREAS, said bids were taken under advisement and have been reviewed by the Borough Engineer and it has been determined that Mathis Construction submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amount of \$239,069.44; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a contract for the West 13th Street Reconstruction Project to Mathis Construction, the lowest bidder; and

WHEREAS, part of the funding for said project comes from financing awarded by the NJ Department of Transportation, and the award is, therefore, subject to NJDOT review and approval, per their grant rules and regulations.

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 & Borough Council of the Borough of Barnegat Light do hereby award the contract for the West 13th Street Reconstruction Project to Mathis Construction, at the price of \$239,069.44, subject to NJDOT review and approval.

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

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:

Barnegat Light Bond Ordinance 2021-12

4. That a certified copy of this resolution shall be forwarded to Mathis Construction, the NJDOT, the Chief Financial Officer and the Borough Engineer.

5. This contract award is subject to NJDOT review and approval, per their grant rules and regulations.

RESOLUTION 2021-124

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$367,187.64

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 \$367,187.64 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 2021-125

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING the meeting to be closed to the public for the purpose of discussing and/or reviewing matter exempt under the Open Public Meetings Act in executive session, SPECIFICALLY for the purpose of discussing the matters identified below; action may or may or may not be taken upon return to regular open session:

- personal educational or medical matter; specifically:
- collective bargaining agreement or negotiations with:
- tactics for public safety; specifically:
- pending or anticipated litigation; specifically:
- contract negotiations regarding: **SHARED SERVICES CONTRACT – UNIFORM CONSTRUCTION CODE SERVICES**
- matter involving the employment of a specific current or prospective officer or employee; specifically : *unless* (RICE NOTICE) requested to be in public
- OTHER : statutory confidential matter; regarding the right to receive government funds; matter of individual privacy; purchase, lease or acquisition of property; investigations of violations of law; any attorney-client privilege matter; deliberations after a public hearing; specifically :

WHEREAS, the Open Public Meetings Act, NJSA 10:4-12, provides that all meetings of public bodies shall be open to the public at all times, except for certain enumerated exception; and

WHEREAS, according to NJSA 10:4-12(b), a closed executive session of a public body may be convened to discuss matters as noted in the title of this Resolution.

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 Borough of Barnegat Light does hereby authorize a closed executive session to discuss matters identified in the title of this Resolution.

2. That reasonably comprehensible minutes of the closed session shall be taken showing the time and place, the members present, the subjects considered, the actions taken, the vote of each member, and any other information required to be shown in the minutes by law, which shall be promptly available to the public to the extent that making such matters public shall not be inconsistent with NJSA 10:4-12.

RESOLUTION 2021-126

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 2021 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:

Emergency Management	OE	\$10,000.00
Parks & Playgrounds	SW	\$ 2,000.00
Street Lighting	OE	\$10,000.00
Gasoline	OE	\$ 3,500.00

TO:

Construction Code Official	SW	\$ 2,000.00
Telephone	OE	\$ 3,500.00
Electricity	OE	\$20,000.00

ORDINANCES:

ADOPTION: 2021-15

Second Reading/Public Hearing:

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE ACQUISITION OF HEAVY EQUIPMENT AND APPROPRIATING \$75,000 THEREFOR FROM THE BOROUGH'S UTILITY CAPITAL IMPROVEMENT FUND

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The sum of \$75,000 is hereby appropriated from the Borough of Barnegat Light, in the County of Ocean, New Jersey (the "Borough") Utility Capital Improvement Fund for the for the acquisition of heavy equipment, including all work and materials necessary therefore or incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable, and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by law.

Public Hearing: The Mayor asked for a motion to open to the public. On was a motion by Reynolds, seconded by Alloway and carried by all. The Open Public Session was open.

There were no comments from the Public. The Mayor asked for a motion to close the Open Public Hearing. On a motion by Foley, seconded by Alloway and carried by all, the Public Session was closed.

The Mayor asked for a motion to adopt.

Final Passage: Date: November 10, 2021

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

ADOPTION: 2021-16

Second Reading/Public Hearing:

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY PROVIDING FOR THE REHABILITATION OF WELL #2 AND APPROPRIATING \$75,000 THEREFOR FROM THE BOROUGH'S UTILITY CAPITAL SURPLUS FUND

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The sum of \$75,000 is hereby appropriated from the Borough of Barnegat Light, in the County of Ocean, New Jersey (the "Borough") Utility Capital Surplus Fund for the for the rehabilitation of Well #2 located in the Borough, including all work and materials necessary therefore or incidental thereto.

Section 2. The capital budget or temporary capital budget, as applicable, of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or temporary capital budget, as applicable,

and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 3. This ordinance shall take effect as provided by law.

Public Hearing: The Mayor asked for a motion to open to the public. On was a motion by Foley, seconded by Alloway and carried by all. The Open Public Session was open.

There were no comments from the Public. The Mayor asked for a motion to close the Open Public Hearing. On a motion by Reynolds, seconded by Alloway and carried by all, the Public Session was closed.

The Mayor asked for a motion to adopt.

Final Passage: Date: November 10, 2021

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

ADOPTION: 2021-17

Second Reading/Public Hearing:

BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, BOND ORDINANCE NO. 2021-17 BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO WEST 23RD STREET AND WEST 27TH STREET, APPROPRIATING \$575,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$290,225 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

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Barnegat Light, in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$575,000, said sum being inclusive of all appropriations heretofore made therefor, including \$269,500 grant funds expected to be received from the New Jersey Department of Transportation (NJDOT), and the sum of \$15,275 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$290,225, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of various improvements to West 23rd Street and West 27th Street located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$290,225, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$575,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$575,000 over the estimated maximum amount of bonds or notes to be issued therefor being the amount of said \$15,275 down payment for said purposes, and the \$269,500 grant funds expected to be received from the NJDOT.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is ten (10) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$290,225 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$75,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Public Hearing: The Mayor asked for a motion to open to the public. On was a motion by Wellington, seconded by Alloway and carried by all. The Open Public Session was open.

There were no comments from the Public. The Mayor asked for a motion to close the Open Public Hearing. On a motion by Mikuletzky, seconded by Foley and carried by all, the Public Session was closed. The Mayor asked for a motion to adopt.

Final Passage: **Date:** November 10, 2021

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

ADOPTION: 2021-18

Second Reading/Public Hearing:

BOND ORDINANCE PROVIDING FOR INFRASTRUCTURE UPGRADES TO 23RD STREET LOCATED IN THE BOROUGH, APPROPRIATING \$650,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$650,000 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

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF BARNEGAT LIGHT, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as utility improvements to be undertaken in and by the Borough of Barnegat Light, in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$650,000, said sum being inclusive of all appropriations heretofore made therefor. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$650,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the infrastructure upgrades to 23rd Street located in the Borough, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$650,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$650,000, which is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as Water/Sewer Utility improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is twenty (20) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is not increased by the authorization of the \$650,000 bonds and notes provided in this bond ordinance because the purposes authorized herein are self-liquidating and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$50,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto.

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-46 of said Law.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations

issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Public Hearing: The Mayor asked for a motion to open to the public. On was a motion by Wellington, seconded by Alloway and carried by all. The Open Public Session was open.

There were no comments from the Public. The Mayor asked for a motion to close the Open Public Hearing. On a motion by Reynolds, seconded by Wellington and carried by all, the Public Session was closed. The Mayor asked for a motion to adopt.

Final Passage: **Date:** November 10, 2021

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

ADOPTION: 2021-19 Second Reading/Public Hearing:

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE FILL OF LOTS, RETAINING WALLS AND DRAINAGE REQUIREMENTS, FOR NEW CONSTRUCTION SITES, AND PROVIDING FOR THE MEASURE OF BUILDING HEIGHT LIMITS FROM NEWLY ESTABLISHED GRADE HEIGHTS.

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. Chapter 88 of the Borough Code of the Borough of Barnegat Light, entitled “Filling and Grading,” is hereby amended and supplemented to provide new sections to read as follows:

**CHAPTER 88
FILLING AND GRADING**

§ 88-6. Filling of lots.

- A. No building permits shall be issued for new construction on any lands west of Central Avenue unless said land is raised to elevation 5.0 in NAVD 1988 Datum or a maximum of 20 inches above the edge of pavement street grade, measured at the midpoint of the lot. Should the property be above elevation 5.0, the fill required will be 8 inches above the edge of pavement street grade. All applications for a building permit shall include a plot plan showing the existing and proposed grades in conformance with this subsection. The use of retaining walls will be required in order to contain the drainage and/or fill on the property, as directed by the code enforcement/zoning officer.
- B. In the case of additions, alterations or repairs to existing structures, the above requirements shall apply when:
 - (1) In the case of additions, alterations or repairs to existing structures west of Central Avenue, the above requirements shall apply when the size of additions, alterations or repairs exceed 75% of the square footage of the existing structure.
 - (2) When any structure, on a building lot, is moved from its existing foundation for the purpose of installing piling or to raise the structure to a higher elevation.

§ 88-7. Drainage.

- A. In order to ensure proper drainage and to avoid impacts to neighboring properties, all residential construction is required to maintain proper drainage. In lots that require fill, a drainage system of perforated and/or solid piping shall be installed to provide positive drainage and discharge to the municipal street. The developer of any lot may install a drainage system on one or both sides of the structure and all roof leaders shall be tied into the system for positive discharge at the roadway. Typical layout details are provided at the end of this chapter.
- B. The following details and diagrams are hereby inserted at the end of this chapter and are attached and incorporated herein as part of this chapter, and are on file in the Borough Clerk’s office:
 - Detail A, a typical layout diagram of lot grading with 20 inches of fill.

§ 88-8. Fees.

In the event the Building Department determines that the plot plan must be reviewed by the Municipal Engineer, then the cost of said review shall be borne by the applicant.

All other sections, subsections, paragraphs, subparagraphs and provisions of Chapter 88 shall remain in full force and effect.

SECTION 2. Section 215-4 of the Borough Code of the Borough of Barnegat Light, entitled "General regulations," is hereby amended and supplemented to provide a revised subsection (1) of Paragraph G. to read as follows:

ORDINANCE 2021-19
Chapter 215
ZONING

§ 215-4. General regulations.

....

G. Height limits. The following shall apply:

(1) No building or structure shall be erected or enlarged to exceed 30 feet in height; except that for lots westward of Central Avenue that have been filled as required by Chapter 88, the building height shall be measured from the top of the grade level slab at the front of the structure.

All other sections, subsections, paragraphs, subparagraphs and provisions of Section 215-4 shall remain in full force and effect.

SECTION 3. This zoning regulation amendment shall be referred to the Barnegat Light Planning Board, in accordance with its referral powers provided by N.J.S.A. 40:55D-26 & -64.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 5. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

Public Hearing: The Mayor asked for a motion to open to the public. On was a motion by Spark, seconded by Reynolds and carried by all. The Open Public Session was open.

Councilman Spark said that the ordinance was not clear enough. Rich Brodman asked if the measurement would be from the crown of Central Ave. Frank Little told him that is was actually elevation 5 based on the datum, a physical elevation. Barry Mescollotto, 11 West 19 Street, suggested passing the ordinance and then amending it with another ordinance. The Council, Engineer and Attorney discussed this option and Council decided to adopt the ordinance as it was and they would introduce another ordinance to amend it. Audrey Maest, 12 West 20th Street, had a few question because she wanted to find out how this would affect her project, which was getting rid of sand, adding 3 courses blocks to raise her home. She said that she was at 5'. She said if this ordinance would require her to take out all of the vegetation and put in a retaining wall, she would just stop. Sponge told her that if she was at 5', she would have to add 8" in the back of the property and slope it to the street. Sarah Lambert said that in her opinion, the council should wait on the ordinance and do it right without amendments. The Mayor asked for a motion to close the Open Public Hearing. On a motion by Wellington, seconded by Alloway and carried by all, the Public Session was closed.

The Mayor asked Council if they wanted to adopt the ordinance as written and then do another ordinance to amend. Council agreed that they wanted to adopt and amend. Mayor Larson asked for a motion to adopt.

Final Passage: **Date:** November 10, 2021

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

ORDINANCES:

First Reading:

ORDINANCE 2021-20

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE LEASING OF REAL PROPERTY TO THE UNITED STATES POSTAL SERVICE.

INTRODUCTION:

Passage on First Reading: **Date:** November 10, 2021

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

Reynolds			X			
Foley			X			
Mikuletzky			X			

First Reading: Terry Brady, Municipal Attorney, read Ordinance 2021-21 by Title and Mayor Larson asked for a motion to approve the introduction.

ORDINANCE 2021-21

AN ORDINANCE AMENDING ORDINANCE 2021-19 OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROVIDING FOR THE FILLING OF LOTS, RETAINING WALLS AND DRAINAGE REQUIREMENTS FOR NEW CONSTRUCTION SITES.

Passage on First Reading: Date: November 10, 2021

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

CORRESPONDENCE:

Long Beach Township
Police Department
6805 Long Beach Boulevard
Brant Beach, New Jersey
08008



Emergency 9-1-1
Non-Emergency
609-494-3322
Fax Number
609-494-6594

November 2, 2021
Mayor Kirk Larson
18 E. 7th Street
P.O. Box 576
Barnegat Light, NJ 08008

Dear Mayor Larson,

On behalf of the Long Beach Township Police Department and Department of Parks and Recreation, we would like to extend our deepest thanks and gratitude for the use of your trailer in our 5th Harvest Hayride and More event. As you know our Harvest Hayride was a completely free event open to the public where we provided a fun afternoon for families and their children to celebrate the fall season here on Long Beach Island. Without assistance like yours we would not be able to hold such a wonderful event. Thank you again and we look forward to working with you on our next event.

Sincerely,

Megan E. Keller
Police Officer
Long Beach Township Police Department

Joni Bakum
Director, Bayview Park
Long Beach Township Parks and Recreation

Mayor and Council went into Closed Executive session.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

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

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK