

REGULAR MEETING OF MAYOR AND COUNCIL
DECEMBER 8, 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 November 18, 2021.

ROLL CALL: Spark, Wellington (via phone), Alloway, Reynolds, Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Sponge Washburn, Michele Inman, John Schulze and Brenda Kuhn

Discussion: The Governing Body talked about the CDBG. They said that there would be two meetings, one in January and one in February. They said that they would probably put in for more Mobi mats for beach access. Councilman Wellington mentioned a lean too for the beach wheels and the Mayor said that we would budget for that. There was some discussion on the fill ordinance changes. Councilwoman Foley said there were only 5 meters left to install. There was some talk about the new water rates that were still being worked on. Councilwoman Reynolds talked about the windfarms and the energy crisis in Europe due to not enough wind. There was some discussion regarding electric car charging stations.

Mayor Larson asked for a motion to close the Caucus. On a motion by Foley, 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. Notice of the change in venue, was published in the Asbury Park Press on November 18, 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 (via phone), Alloway, Reynolds, Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Sponge Washburn, Michele Inman, John Schulze, Kathleen Flanagan and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the November 10, 2021 regular meeting.

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

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

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of the November 10, 2021 regular meeting.

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

PROCLAMATION: Dorothy Mathis Retirement. Michael Spark, Council President, read the proclamation and Dorothy was presented with the proclamation and photos that were nicely framed.

Proclamation
Recognizing the Career and Contributions of Dorothy M. Mathis
USPS Postmaster, Barnegat Light, NJ 08006

WHEREAS, the Mayor and Council of the Borough of Barnegat Light are pleased to honor Dorothy M. Mathis, a highly esteemed member of the Barnegat Light community; and,
WHEREAS, Dorothy became the admired and beloved USPS Postmaster in Barnegat Light on March 22, 2003 where she has served with distinction, and she is now retiring from this leadership position; and,
WHEREAS, Dorothy has been a valued employee of the USPS since September 26, 1987 when she began as a letter carrier in Manahawkin NJ, and joined the Barnegat Light branch as Officer in Charge on November 3, 2002; and,
WHEREAS, Dorothy greets all patrons with a friendly hello and smile, and knows all patrons by name and mailbox number, and greets all visiting pets with a special hello and treat; and,
WHEREAS, it is rumored that Dorothy serves the North Pole as one of Santa's Elves to make sure that Santa responds to all "Letters to Santa" from the Barnegat Light Post Office; and,
WHEREAS, Dorothy is knowledgeable and helpful with mailing and packaging advice, and everyone considers Dorothy to be their good friend, and Dorothy conscientiously contacts a family member or friend when a regular patron hasn't been seen for few days; and,
WHEREAS, Dorothy has compiled an impressive record of achievements as USPS ambassador, including joining the Friends of Southern Ocean County Animal Shelter at PetSmart to introduce the "Adopt a Shelter Pet" stamp; and,
WHEREAS, we wish to express our sincere appreciation to Dorothy for her professionalism, dedication, and kindness while generously giving her time and energies to serve Barnegat Light and our surrounding communities; and,
NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby join in honoring Dorothy M. Mathis, and pay tribute to her meritorious history of service, leadership, and dedication, and extend sincere best wishes for her continued success, health, and happiness in her retirement; and,
NOW, THEREFORE, BE IT FURTHER RESOLVED that a duly authenticated copy of this resolution, signed by the Mayor Kirk O. Larson and Borough President Michael W. Spark, be transmitted to Dorothy Mathis.

Rich Broadman, on behalf of the Barnegat Light Taxpayers Association, said that he was there to honor Dorothy. He said a few words and presented her with gifts. Marie Stone, on behalf of the Women's Auxiliary, wished Dorothy a happy, healthy and fun retirement, she added that she would be missed. Mayor Larson said that it has been a pleasure to have her in Barnegat Light. He said that she was one of the nicest people that he ever met. The Mayor wished her good luck. The clerk said that she printed a list of all of the Barnegat Light Postmasters all the way back to 1882. Dorothy said it has been her honor and pleasure to serve Barnegat Light and that she is really going to miss this town. She took a picture of the crowd and said she wanted to remember the faces. More pictures were taken.

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

Motion: Alloway Second: Foley All in favor X

Wendy Baker, 5 West 19th Street, said that Dorothy's sister was the architect for her home so Dorothy had been in her home. She said it's been a pleasure to have Dorothy in town. Dorothy said that they were also birthday buddies. Mary Ellen Foley said that another home Dorothy had been in was hers. She said that a year ago she and her Mother were both very sick and Dorothy was so kind to hand deliver the mail to their family. She thanked Dorothy. Melinda Cunningham, 20 West 22nd Street, thanked Dorothy for the person that she is and that it was a pleasure to see her smiling face. Bob Cunningham told a little story about a package that they were expecting and told of how Dorothy went out of her way to check on the package by driving to their home and even checking the outside shower. Betsy Aras, 14 West 6th Street, said that when they first became full time residents, they had to pick up a package, Dorothy said don't tell me your name because she wanted to remember everyone. Mary Buzby, 20 West 4th Street, thanked Dorothy and said that she would be missed. She said that they had grandchildren that would visit and Dorothy knew their names too. Mark Thomas, PO Box 101, said that his dad retired from the Post Office after 35 years of service. He said that he would come home with interesting stories but nothing would compare to what Dorothy has done for us. Mary Jane Saia, 11 East 12th Street, said beside your graciousness and the joy that you bring to people, you are the model of what it means to be a good person. She said that Dorothy was a model of what it means to be a good human being. There was an announcement that there would be an open house at the Old Borough Hall on Friday, 11-4. Dorothy would be there the whole time. Mary Ellen

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

Motion: Foley Second: Mikuletzky All in favor X

COMMITTEE REPORTS:

FINANCE: Councilman Spark said that over \$1,200,000 was collected for taxes in the month of November. He said that the two big bills were the local and regional schools.

DOCKS AND HARBORS: Councilman Alloway gave his report on the revenue for the docks and the slips. He said that 17 slips had been rented for 2022.

BEACHES AND PARKS: Councilwoman Reynolds said that Public Works was going to try to leave the benches out for the winter due to request from residents. She talked about the new toy box at the dog park which was built because the park is also used as a heliport landing site. She said that the toys become flying missiles when the helicopter lands. She said that a box was being made for the pickleball paddles. Councilwoman Reynolds also reported the revenue for the beach badges and the dog park.

WATER/SEWER: Councilwoman Foley said that thanks to reports by residents, a couple of leaking hydrants were fixed. She added that one was unable to be fixed and that will be replaced. She said that the yearly water samples were completed and a report will be given in the beginning of the year. Councilwoman Foley said the water tower has been inspected and a report will be forthcoming. We want to see the condition of the tower, inside and out to find out if any repairs need to be made.

PUBLIC SAFETY: Councilman Mikuletzky said he wanted to make October and November Court reports a part of the minutes. He reported on the revenue that was collected. He said it was an increase to what is usually collected but we are still in the hole.

PUBLIC WORKS: Councilman Wellington said the Christmas lights and snowflakes are up. He said that some of the other things that were completed were the pavilion bathrooms were winterized, the EOC building was about 50% completed, the walking trails to the beach were cut back, the rot at the museum was still being worked on and at Dottie's request they built a toy box for the dog park. He said that they were waiting for one more boat to come out of the slips and then the ramps would be removed for the season.

OPEN 2nd PUBLIC SESSION:

Motion: Spark Second: Alloway All in favor X

Rich Brodman he was speaking for Jo Stott, who had to leave. She wants Mayor and Council to consider putting in a memorial area to honor veterans. Perhaps a sitting area with plaque or something of that nature at the Bay Breeze Park. He said she would contact the Borough. Mayor Larson said that's why he put the bell there and maybe we can do something with bricks.

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

Motion: Foley Second: Spark All in favor X

RESOLUTIONS:

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

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

RESOLUTION 2021-127

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF A TAX OVERPAYMENT TO AMERICAN ABSTRACT AGENCY

WHEREAS, Block 28 Lot 20, 1402 Bayview Avenue, was sold on May 14, 2021; and
 WHEREAS, American Abstract Agency made a payment in the amount of \$11,157.06; and
 WHEREAS, the payment should have been in the amount of \$5,568.23
 WHEREAS, American Abstract Agency has requested a refund of \$5,588.83; and
 NOW, THEREFORE, BE IT RESOLVED as follows:

1. That the Barnegat Light Tax Collector be authorized to make the necessary adjustments for refund.
2. That the Barnegat Light CFO is authorized to refund the payment.
3. That the check in the amount of \$5,588.83 will be mailed to: American Abstract Agency
 513 Central Avenue
 Ship Bottom, NJ 08008

RESOLUTION 2021-128

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A STAND-BY CONTRACT FOR EMERGENCY WATER & SEWER REPAIRS TO MATHIS CONSTRUCTION.

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for a stand-by contract for any necessary emergency water & sewer repairs; 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 Co.	\$121,706.00
Crest Construction Group	\$123,827.00
Shore Connection	\$142,506.00
Earle Asphalt	\$185,113.11
Construction Connect	no bid
Dodge Data	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 \$121,706.00; and WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a stand-by contract for any necessary emergency repairs to Mathis Construction Group, 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 & Borough Council of the Borough of Barnegat Light do hereby award a stand-by contract for any necessary emergency repairs to Mathis Construction at the price of \$121,706.00.
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:

Dedicated Water-Sewer Utility Budget
Other Expenses

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

RESOLUTION 2021-129

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, 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 Official/Building Subcode Official, and a Building Inspector.

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 January 1, 2022 and shall continue in full force and effect for one (1) year, expiring on December 31, 2022.

A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, Borough of

RESOLUTION 2021-130

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

WHEREAS, various General Capital and Utility 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 and Utility Capital Improvement Fund or credited to Surplus, and any unused debt authorizations may be canceled; 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 and Utility 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 and Utility Capital Improvement appropriations shall be cancelled:

PROJECT DESCRIPTION	AMT.CANCELED
Skate Park Upgrades	\$50.10
2017 Road Project West 10 th Street	\$70,225.64
Pavilion Restroom	\$26,500.00
Generator Well #4	\$100,000.00
Water Meters & Upgrades	\$1,522.28

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

3. That a copy of this resolution shall be forwarded to the Borough Treasurer and the Borough Auditor. Surf City, Borough of Harvey Cedars and the Construction Code/Building Subcode Official.

RESOLUTION 2021-131

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: Beach Operations SW \$17,000.00
TO: Beach Operations OE \$17,000.00

RESOLUTION 2021-132

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$568,806.87

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 \$508,806.87 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 2021-133

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING AN UPDATE TO THE EMPLOYEE HANDBOOK/PERSONNEL POLICY TO INCLUDE OCEAN COUNTY JIF/MEL INSURANCE MANDATES: DOMESTIC VIOLENCE ABUSE LEAVE POLICY & POLICY ADDRESSING THE PROTECTION AND SAFE TREATMENT OF MINORS

WHEREAS, as part of the requirements to be eligible for Insurance Coverage as a member of the Ocean County Municipal Joint Insurance Fund and the Municipal Excess Liability Joint Insurance Fund, it is necessary for the Borough of Barnegat Light to review and/or update its Personnel Policy annually; and WHEREAS, various changes to the EMPLOYEE HANDBOOK/PERSONNEL POLICY are needed as a result of changes in the OCMJIF/MEL requirements.

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 adopt the attached amendment/supplement to the BOROUGH OF BARNEGAT LIGHT EMPLOYEE HANDBOOKPERSONNEL POLICY, copies of which are on file in the Borough Clerk's Office.
2. That copies of this resolution and the attached amendment/supplement shall be supplied to all officers and employees of the Borough of Barnegat Light.

ORDINANCES:

Second Reading/Public Hearing/Adoption

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.

OPEN PUBLIC HEARING: Mayor Larson asked for a motion to open the open public hearing.

Motion: Spark Second: Alloway All in favor X

CLOSE PUBLIC HEARING: Being no comment on the ordinance, Mayor Larson asked for a motion to close the public.

Motion: Spark Second: Alloway All in favor X

ADOPTION: Mayor Larson asked for a motion to adopt.

Final Passage: Date: December 8, 2021

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

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.

WHEREAS, the Borough of Barnegat Light owns certain real property known and designated as 10 West 10th Street, Barnegat Light Block 20.02, Lot 6; and

WHEREAS, the United State Postal Service rents a portion (approximately 979sf) of the building located at 10 West 10th Street for the purposes of providing a Post Office for the Borough of Barnegat Light; and WHEREAS, N.J.S.A. 40A:12-14 provides that a municipality may lease any real property not needed for public use to any public body for a public purpose, upon terms as set forth in an ordinance authorizing the lease; and

WHEREAS, N.J.S.A. 40A:12-15 further provides that any such lease for public purposes may be for a term not in excess of 50 years and extended for an additional 25 years by ordinance; and
 WHEREAS, the United States Postal Services has requested a new lease on the subject building for a period of 5 years, beginning on May 1, 2022 and ending on April 30, 2027, with options to renew for four 5-year additional terms (2027-2032, 2032-2037, 2037-2042 & 2042-2047, respectively); and
 WHEREAS, it is the desire of the Borough of Barnegat Light to authorize the leasing of a portion of its building on the property located at 10 West 10th Street, Barnegat Light Block 20.02, Lot 6, to the United State Postal Service, upon the terms and conditions of the Lease Agreement which is attached hereto and is incorporated herein by reference.

NOW, THEREFOR, 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. The Borough of Barnegat Light does hereby authorize the leasing of a portion (approximately 979sf) of the building located at 10 West 10th Street to the United States Postal Service for the purposes of providing a Post Office for the Borough of Barnegat Light.

SECTION 2. A copy of the aforementioned Lease is on file in the Office of the Borough Clerk, available for inspection during normal business hours, and is incorporated herein by reference. The Mayor and Borough Clerk are hereby authorized to execute the same.

SECTION 3. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

Second Reading/Public Hearing/Adoption

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.

OPEN PUBLIC HEARING: Mayor Larson asked for a motion to open the open public hearing.

Motion: Reynolds Second: Alloway All in favor X

CLOSE PUBLIC HEARING: Being no comment on the ordinance, Mayor Larson asked for a motion to close the public.

Motion: Spark Second: Alloway All in favor X

ADOPTION: Mayor Larson asked for a motion to adopt.

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

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.

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. Sections 88-6 and 88-7 of Chapter 88 of the Borough Code of the Borough of Barnegat Light, entitled "Filling and Grading," are hereby amended and supplemented to provide 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 either elevation 5.0 in NAVD 1988 Datum or a minimum of 8" above the edge of pavement street grade, measured at the rear of the lot. Should the property be above elevation 5.0, the fill required shall be 8 inches above the edge of pavement street grade, measured at the midpoint of the lot. 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. Retaining walls on corner lots shall be required on adjoining property lines. Retaining walls shall be installed prior to the placement of fill.
- 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 or structures.
 - (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.

- (3) 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.

§ 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 shall 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. The drainage system will be required in order to contain the drainage and/or fill on the property, as directed by the code enforcement/zoning officer.
- 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.

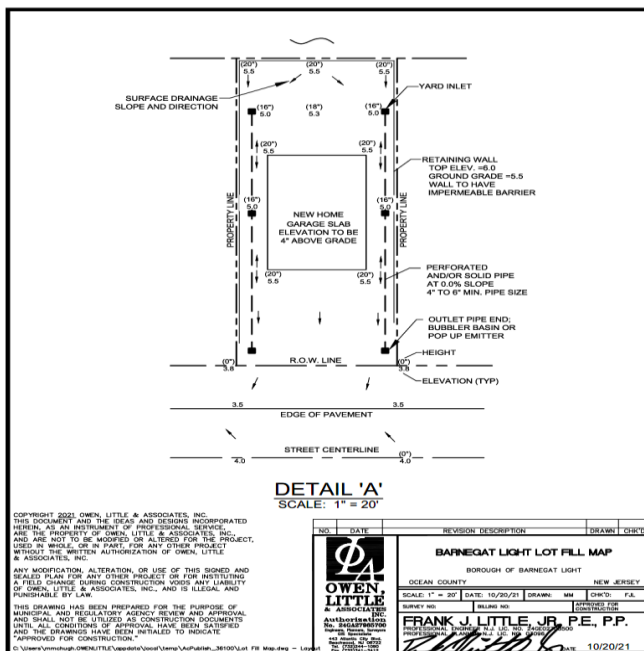
All other sections, subsections, paragraphs, subparagraphs and provisions of Chapter 88 shall remain in full force and effect.

SECTION 2. 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 3. 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 4. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.



MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Foley Second: Alloway All in Favor

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK