REGULAR MEETING OF MAYOR AND COUNCIL May 11, 2022

THE CAUCUS MEETING of the Mayor and Council was called to order by Councilman Spark at 4:30pm at the at the Barnegat Light Borough Hall, 10 East 7th Street, Barnegat Light, NJ. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was advertised in the Asbury Park Press on January 24, 2022.

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

Also present: Terry Brady, Brian Logan, Auditor, Sponge Washburn, John Schuzle, Michele Inman and Brenda Kuhn

Discussion: Councilwoman Reynolds said that there was a public Beaches & Parks meeting yesterday with some of the pickleball players where she talked about the forthcoming pickleball ordinance and listened to the players comments. She went on to say that a pickleball attendant would be hired at this meeting and she felt that it would make things run much smoother at the courts. She talked about the fees for daily, weekly and annual badges for non-residents. She said that the residents, veterans, active military and their families, and Goldstar families would be free. She said that the badges would be personalized and asked Councilwoman Foley to speak about that. Councilwoman Foley said the machine is about the size of her iPad, it sits on the desk and you take a picture of the person. She said it was a simple process and it only takes about 30 second to make a personalize badge. She added that it would be coming in next week. Councilwoman Reynolds went on to talk about the courts. She explained the use of the three courts. She also mentioned that the attendant would be able to remove any player that was displaying unsportsmanlike behavior or not following the rule. She said that the courts would be available from 8:00am to dusk. The Councilwoman told the audience that there was still a need for booth attendants and badge checkers. Councilwoman Foley said that the weather has delayed the 13th Street project. She said the tides were too. High. Sponge Washburn, on behalf of the Barnegat Light Volunteer Fire Company, said thank you to the Borough for graciously letting them use Chris Foster and the bobcat in the back of the house. It saved the firemen hours of time that it would have taken to find the owners safe. Councilwoman Foley, on behalf of the family, thanked the fire Company for the fabulous job that they did. Councilwoman Reynolds said she could talk about the birds. John Schuzle said that he heard from Kashi, Christina Davis, and she told him that the piping Plover nest between 19th and 20th had been lost over the weekend. There were high winds and fox activity. Councilwoman Reynolds said that they can renest. She said that the there was vey little beach erosion and the benches were still in place. Councilman Spark said he saw the big white bird along Bayview Avenue and it had a mouse in its mouth. Tim Brindley said also saw the big white bird with something in its mouth. He said that he also saw glossy ibis around 29th Street. He added that there were six to eight of them together.

Councilman Spark asked for a motion to close the Caucus. On a motion by Foley, seconded by Alloway and carried by all the Caucus Meeting was closed.

THE MEETING of the Mayor and Council was called to order by Councilman Spark at 5:00pm at Borough Hall, 10 East 7th Street, Barnegat Light, NJ. He stated that adequate notice of this meeting has been provided in accordance with the New Jersey Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was advertised in the Asbury Park Press and the Beach Haven Times on Thursday, January 24, 2022

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: Terry Brady, Brian Logan, Auditor, Sponge Washburn, John Schuzle, Kathleen Flanagan, Michele Inman and Brenda Kuhn

APPROVE MINUTES: Council President Spark asked for a motion to approve the minutes of April 13, 2022 regular meeting.

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

COMMITTEE REPORTS:

PUBLIC WORKS: Councilman reported as follows:

- The gazebo located in the playground is being rebuilt
- Red asphalt shingles are not available
- Created additional parking 10th Street side
- Sprinklers
- Fix grad
- Trails for summer
- Grass cutting
- Building bike racks
- Redwood and red cedar

DOCKS AND HARBORS: Councilman Alloway reported that there wasn't a lot to report due to the weather. All the boat slips were rented.

FINANCE: Councilman Spark reported as follows:

- All bills were reviewed and approved by the Finance Committee
- Two of the largest bills were the county tax and the regional schools
- Budget second reading, public hearing and adoption

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Beach badge sales were slightly up
- Beaches open and will be guarded beginning June 18th.
- Buy beach badge by June 5th because the price goes up
- Not much erosion from storms
- Piping Plover nest was lost between 19th & 20th Streets
- Met with pickleball players
- Hiring a pickleball attendant
- Reported on the new pickleball fees

WATER/SEWER: Councilwoman Foley reported as follows:

- Hydrant flushing was completed
- Passed all of the annual inspections
- 13th Street project pushed back due to the weather
- Sewer pump station was vacuumed

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- He want to make the Court report a part of the meeting minutes
- The court brought in \$553.58
- The speed limit was lowered
- The traffic lights would be coming back on soon

OPEN PUBLIC SESSION:

Council President Spark asked for a motion to open the open public session.

Motion: Reynolds Second: Alloway All in favor X

Tim Brindley from 1404 Bayview Avenue:

- Mast still standing
- Seal in town, he named it Barney
- Two loons were in town. He said they could only take flight when in water.
- 6-8 Glossy ibis on 29th Street. He said they were purplish and had a curved bill.
- White egret was seen with something flailing out of its mouth

Rich Brodman from 4 East 10, on behalf of the Taxpayers Association

- Taxpayers Association hosting a Wine and cheese at the Firehouse on May 29th
- Thank you to Volunteer Fire Company and Rescue Squad
- Lipman's are comfortable in a rental
- Town clean-up cancelled due to the weather, try to do it in the fall

Bruce Allen, 1405 Seaview Avenue, said that he and John Alchus, 8 West 7th Street, had bee working on the Jerry Walnut Nature Trail which is like a horseshoe into the dunes at 12th and 13th Streets. He said they went up and cleaned all of the signs. He said most of them were fine but three of them that are in the windswept area, were being buried and only 2' remained. He said the dune are was a disaster with dune fencing and wires scattered about and there was still one post and rails left. He requested that the three signs be pulled up to a better height and the fencing

Tim Brindley

CLOSE PUBLIC SESSION: Councilman Spark asked for a motion to close the open public session.

Motion: Wellington Second: Alloway All in favor X

BUDGET

RESOLUTIONS:

RESOLUTION 2021-069

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE 2022 BUDGET TO BE READ BY TITLE ONLY AT THE TIME OF THE PUBLIC HEARING

WHEREAS, N.J.S.A. 40A:4-8 provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing a complete copy of the approved budget as advertised has been posted in the Borough Hall and copies have been made available by the Clerk to persons requiring them; 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, that the conditions have been met therefore the budget shall be read by title only at the time of the public hearing.

DATED: May 11, 2022

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

RESOLUTION 2022-070

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING SELF-EXAMINATION OF BUDGET

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Borough of Barnegat Light has been declared eligible to participate in the program by the Division of Local government Services, and the Chief Financial officer has determined that the local government meets the necessary conditions to participate in the program for the 2022 budget year.

NOW THEREFORE BE IT RESOLVED by the governing body of the Borough of Barnegat Light that in accordance with N.J.A.C. 5:30-7.6a & 7.6b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

- 1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes.
- 2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq., are fully met (complies with CAP law).
- 3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
 - 4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated,
 - b. Items of appropriation are properly set forth
 - In itemization, form, arrangement and content, the budget will
 permit the exercise of the comptroller function within the municipality.

- 5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
 - 6. That all other applicable statutory requirements have been fulfilled.

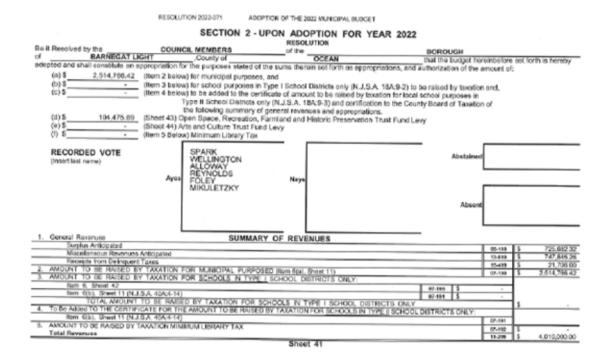
BE IT FURTHER RESOLVED that a copy of this resolution will be forwarded to the Director of the Division of Local Government Services upon adoption.

DATED: May 11, 2022

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

PUBLIC HEARING:

There was no public comment



SUMMARY OF APPROPRIATIONS

GENERAL APPROPRIATIONS:	X000000X	XX	000000000000000000000000000000000000000
Within "CAPS"	X00000X	xx	000000000000000000000000000000000000000
(a & b) Operations Including Contingent	84-201	5	2,258,675.00
(e) Deferred Charges and Statutory Expanditures - Municipal	54-200	\$	136,452.00
(g) Cash Defice	44.815	\$	
Excluded from "CAPS"	XXXXXXX	XX	000000000000000000000000000000000000000
(a) Operations - Total Operations Excluded from "CAP5"	34-305	5	835,263.66
(c) Capital Improvements	44-900	s	320,000.00
(d) Municipal Debt Service	45-900	s	109,250.00
(e) Deferred Charges - Municipal	45-910	5	290,225.00
(f) Judgments	37-460	\$	
(n) Transferred to Beard of Education for Use of Local Schools (N.J.S.A. 40:48-17.1 & 17.3)	29-405	\$	
(g) Cash Deficit	46-866	\$	
(h) For Local District School Purposes	29-410	\$	
(m) Reserve for Uncollected Taxes	53-890	\$	60,134.34
SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICT ONLY (N.J.S.A. 48A:4-13)	67-196	L	
Total Appropriations	54-490	5	4,010,000.00

The clerk said that resolutions 2022-072 through 2022-077 would be done by consent agenda. She read each resolution by title and then recorded the votes as follows:

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

RESOLUTION 2022-072

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH THE OCEAN COUNTY BOARD OF HEALTH FOR ANIMAL FACILITY SERVICES

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq. authorizes 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. 40:8A-4 requires such a contract to be authorized by resolution; and

WHEREAS, it is the desire of the Mayor and Council of the Borough of Barnegat Light to authorize the execution of a contract with the Ocean County Board of Health for Animal Facility Services for 2022.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, that the agreement entitled "CONTRACT FOR ANIMAL FACILITY SERVICES", be executed by the Mayor and Borough Clerk in accordance with the provisions of law.

RESOLUTION 2022-073

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF WATER & SEWER BILLING, DUE TO A FIRE WHEREAS, the water and sewer bill for the calendar year 2022 was issued to account No. 135-0 also known as Block 10. Lot 4, with an address of 507 Central Avenue; and

WHEREAS, the Utility Collector was notified that the water was turned off at the property due to a fire on April 15, 2022; and

WHEREAS, a prorated portion of the first half and the full second half billing shall be cancelled.

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:

- That a certified copy will be forwarded to the Utility Collector and the CFO.
 That the Utility Collector be authorized to cancel a prorated portion of the 1st half and the second half billing in the amount of \$575.05.

RESOLUTION 2022-074

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

WHEREAS, Brian Reeves applied to have a wedding ceremony at the Bay Breeze Park Pavilion on April 24, 2022 and paid the \$500 security deposit; and

WHEREAS, Kevin Zaun applied to have a wedding ceremony at the Bay Breeze Park Pavilion on May 6, 2022 and paid the \$500 security deposit; and

WHEREAS, Brian Reeves and Kevin Zaun have requested, in writing, that the \$500 security deposits be refunded, and

WHEREAS, the Barnegat Light Superintendent has signed off on the post event inspections; and

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 for each of the applicants.
- 2. Certified copies of this resolution will be forwarded to the Barnegat Light Finance Department and to the Recreation Use File
- 3. That the checks shall be made payable and sent to:

Brian Reeves Kevin Zaun 25 North Navajo Drive 124 Swordfish Rd. Waretown, NJ 08758 Manahawkin, NJ 08050

RESOLUTION 2022 -075

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN SUPPORT OF THE PROVISION OF FUNDING TO THE U.S. ARMY CORPS OF ENGINEERS PHILADELPHIA FOR BEACH RENOURISHMENT IN 2023

WHEREAS, the residents of Barnegat Light and the visitors from around the State of New Jersey nation and the world who travel to Barnegat Light to the Borough's beaches and family atmosphere and; WHEREAS, in 2016 the U.S. Army Corps of Engineers (USACE) completed the Long Beach Island Coastal Storm Risk Management Project, which included the Borough of Barnegat Light and; WHEREAS, the project is designed to receive re-nourishment at 7-year intervals. The first renourishment of the project is due to commence in the year 2023. The first step in the process of bringing the 7-year renourishment to fruition is for Congress to appropriate the necessary funds for the USACE to successfully undertake the renourishment from start to finish and,

WHEREAS, the importance of implementing the 7-year renourishment as designed is paramount. First, as evidenced in Barnegat Light following Superstorm Sandy, the Coastal Storm Risk Management Project works – to deviate from the designed 7-year re-nourishment only serves to undermine the long-term effectiveness of the project's design and;

WHEREAS, periodic re-nourishment keeps the beaches healthy and attractive. Healthy and attractive beaches are the fuel which powers the economic engine of tourism in Barnegat Light, Long Beach Island, Ocean County and the State of New Jersey. Ocean County generates over \$5 billion annually in tourism dollars, a significant portion of which comes from the Long Beach Island region and;

WHEREAS, failure to accomplish the designed and agreed upon 7-year re-nourishment has the real possibility of a detrimental economic impact on the Island, the Region and the State of New Jersey. Therefore, funding of the 2023 re-nourishment will be a regional job creator which will provides the entire Island with an economic stimulus during the doldrums of the offseason, and;

WHEREAS, funding of the re-nourishment project will serve to help address the imbalance which exists between the out-flow of from the region and the State of New Jersey to the Federal Government and the in-flow of Federal dollars to the region and State, and;

WHEREAS, Congress is currently deliberating on a Fiscal Year 2023 federal spending package and Congressman Van Drew will be requesting that the Appropriations Committee provide \$32 million to Army Corps Philadelphia District to conduct the LBI beach renourishment. This special funding is likely the only way to move this project forward for FY23.

THEREFORE, BE IT RESOLVED that the Mayor and Governing body of the Borough of Barnegat Light respectfully request the Appropriations Committee of the United Sates House of Representatives provide immediate and due consideration to Congressman Van Drew's request of the inclusion of \$32 million in FY 2023 appropriations and;

BE IT FURTHER RESOLVED that the Mayor and Governing body of the Borough of Barnegat Light provided the entirety of our support and encouragement the provision of funding to the U.S. Army Corps of Engineers Philadelphia for the purposes of conducting a beach renourishment in the FY23 cycle in the amount of \$32 million

BE IT FURTHER RESOLVED that a certified, true copy of this resolution be provided to the municipalities of Long Beach Island, the County of Ocean, the 9th Legislative District and to the office of Congressman Jeff Van Drew.

RESOLUTION 2022-076

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$1,430,822.36

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 \$1,430,822.36 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 2022-077

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING SEASONAL WORKERS

WHEREAS, the Borough of Barnegat Light is in need of seasonal employees for the 2022 season; and WHEREAS, the following people are employed as noted with the compensation listed below:

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Barnegat Light approves the list of seasonal employees.

Tram Driver	Douglas Sirotiak	\$15.00
Booth Attendant	Geraldine Sheehan	\$13.50
Pickleball Attendant	William DeMio	\$15.00

ORDINANCES:

Introduction:

The Clerk said that there would be five (5) introductions of ordinances. She read each number and title and recorded the votes

ORDINANCE 2022-05

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 21-46 OF THE BOROUGH CODE, ENTITLED "ZONING FEES," TO REVISE THE SAME

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

ORDINANCE 2022-06

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 215-16 OF CHAPTER 215 OF THE BOROUGH CODE, ENTITLED "ZONING," TO INCREASE THE ZONING OFFICER'S ENFORCEMENT POWERS.

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

ORDINANCE 2022-07

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE XIV OF CHAPTER 32 OF THE BOROUGH CODE, ENTITLED "CODE ENFORCEMENT OFFICER," TO INCREASE THE CODE ENFORCEMENT OFFICER'S ENFORCEMENT POWERS.

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

ORDINANCE 2022-08

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 180 OF THE BOROUGH CODE, ENTITLED "SWIMMING POOLS," TO REVISE THE REGULATIONS PERTAINING TO THE SAME.

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

ORDINANCE 2022-09

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 144 OF THE BOROUGH CODE, ENTITLED "RECREATION AND PUBLIC RESORT AREAS," TO CREATE A NEW ARTICLE VI TO BE ENTITLED "MUNICIPAL PICKLEBALL COURTS."

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

CORRESPONDENCE:

MOTION TO AD Mayor Larson aske	JOURN: d for a motion to adjourn.		
Motion: Wellingto	n Second: Alloway	All in Fav	vor <u>X</u>
APPROVED:	VIDV O I ADSON MAYO		DDENIDA I ZUMNI MUNICUDAL CUEDZ
	KIRK O. LARSON, MAYO	OR	BRENDA L. KUHN, MUNICIPAL CLERK