

REGULAR MEETING OF MAYOR AND COUNCIL
August 10, 2022

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson 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 was absent, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

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

Discussion:

Fall garage sale and Trunk or treat were discussed. Boat slip fees/ramp fee increases were discussed. Councilman Alloway suggested raising the slips to \$2,500. Councilman Wellington suggested charging a different price for the larger boat slips that are north of Van's. The ramp fees were also discussed and everyone thought that the current fees were good. Raising the fees for beach badges was also discussed. The Clerk was asked to contact the other island towns to inquire what the current fees are and if they were raising their fees for 2023.

Mayor Larson 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 Mayor Larson 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 was absent, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of July 13, 2022 regular meeting.

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

COMMITTEE REPORTS:

PUBLIC WORKS: Councilman Wellington reported as follows:

- Template for the updated dog signs have been sent to sign maker
- Replaced boards on permanent walkways to the beach
- Refinished an old lifeguard row boat for the playground at bay beach
- Cleared and cut back entrances to the beach
- Roof, soffits, and gutters at the EOC building are finished
- Wind screens have been installed at the tennis courts
- Air conditioning at Borough Hall was replaced
- Parking problem at 3rd Street due to overgrowth

WATER/SEWER: Councilwoman Foley reported as follows:

- Monthly state water samples
- Well #4 motor went down and using a loaner motor. New motor coming next week and since Well #4 is the main source of water getting a backup motor. Getting water from Harvey Cedars
- Working with CFO for water rates
- Gave Stuart's email address to anyone interesting in know their monthly or quarterly water usage
- A leaky toilet could increase usage by 6000 gallons

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Beach erosion 9th & 10th combined
- LIT-Ashley Thomas
- Annual Tournament
- Revenue Beach badges and dog park
- Rusty train removed from bay beach
- Yappy Hour-Mary Ellen Foley and her sisters dog portrait was unveiled
- 21st Annual Dog Show 8/18/22
- Stafford Animal Control dissolving-A-Academy will be fulfilling the remainder of our contract she recommended Popcorn for animal control

DOCKS AND HARBORS: Councilman Alloway said that he already gave his report in caucus.

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- The court took in a total of \$4,373.01 and gave a breakdown of where it was distributed
- Enforcement of dogs on the beach was discussed. New signs will be installed at the beach ends.

FINANCE: Councilman Spark was not present. Councilman Wellington reported on his behalf:

- The bills paid were in the amount of \$1,621,256.35 and reported the amount that went to the County.
- The Tax Collector reported that the tax rate went down for 2022.

AWARDS FOR WATER RESCUE

Mayor Larson asked Sponge Washburn to tell the story of the amazing water rescue.

Sponge said that they were called out on Sunday at 7:09pm for a water rescue. They were alerted that 5-6 people were in the water with no life preservers on and the boat taking on water. They launched two skis with the one of the best crews. Communication was lost. Fred Grimste, Fire Chief, was running command from south jetty and Sponge Washburn was running operations the 10th street dock. They weren't getting any communication from the Coast Guard, so they really didn't know what was going on. Found out that 2 people were entrapped in the bow of the overturned boat. They tried to upright the boat and were unsuccessful. State police tried to put divers in water and the Coast Guard got into the water but cannot be submerged. Luckily, we had an outstanding team out there. Someone had a mask and gave it to Bobby Selfridge. He dove into the cold water and under the boat in total darkness. There was only about 20" of airspace left. He couldn't see anything but found her when he bumped into her and her cellphone lit up. She had been talking to Coast Guard for approx. 19 minutes. Bob Selfridge told the woman that he was going to get her out and she said get my daughter out first, that's when he realized that the 4 year old was in the water too. She was wearing a life vest. He told the little girl that she had to hold her breath and told the mother to follow them out. He took the little girl, protected the little girls head and got them out. Sponge said that it was a remarkable save. Sponge said that this is what the Water Rescue Team trains but Bobby went above and beyond.

Mayor Larson asked Bob Selfridge if he had anything to add. Bob said it was definitely the scariest rescue that he has ever done and he never wants to have to do it again. He said that going in without a light might have been the dumbest thing he ever did. He said that he just followed bubbles in and then bumped into the woman. Once he found the woman, he was surprised that there was also a four-year-old. The Coast Guard Chief said if he hadn't done it, the mother and her four-year-old daughter would have died. The heroic rescue was done while Bob Selfridge was wearing a Superman t-shirt! Go Figure!

Mayor Larson said that the Council put together awards for the fire company, first aid squad, and the water rescue volunteers that were on the skis.

- Award for Lee Major, Captain of the Water Rescue Team-not present
- Award for Hugh Shields, Water Rescue Team, volunteer and lifeguard-not present
- Award for the Volunteer Fire Co. was accepted by Fred Grimste
- Award for First Aid Squad was accepted by Mark Pojednic
- Award for Andrew Baxter, Water Rescue Team, volunteer and Lieutenant Lifeguard
- Award for Robert Selfridge, Water Rescue Team, EMT, First Aid Squad, Lifeguard and HERO!

Mayor Larson went on to talk about a similar situation that occurred about 12 years ago. when a boat capsized and they couldn't get Jimmy Mears out alive. He said what Bob did was very dangerous. He thanked everyone for all the drills and practice that they do.

Councilman Mikuletzky said that there was a lot of volunteers involved in this rescue.

Fred Grimste, Fire Chief, said that it less than 4 minutes from when they got the dispatch for the skis to hit the water.

Andrew Baxter, said that it was a dream scenario seeing Hugh Shields jumping out of his truck. He said that Hugh was the best partner that he could ask for and he said Nicolle already had the ATV on the pad with the ski on the back. Sponge told them to load it up. Nicolle drove them down to the ramp and backed it in perfectly and they were off in 30 seconds.

Fred said that the second ski was only three minutes behind the first.

Mark Pojednic, Captain of the First Aid Squad, said that Nicolle gets the most compliments of all the ambulance drivers from paramedics and patients.

There was thanks to all of the volunteers that were involved.

OPEN PUBLIC SESSION:

Mayor Larson asked for a motion to open the open public session.

Motion: Reynolds Second: Foley All in favor X

Tim Brindley, 1404 Bayview Avenue, said that Sea Isle City is banning shark fishing on the beach.

Tim said at Monday night’s concert he was so proud of our town for having that venue. He said that Shorty Long came on short notice because the singer for Eleven Eleven was sick. He said that there had to be well over 1000 people there. He thanked mayor and council for the open space and pavilion.

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

Motion: Alloway Second: Foley All in favor X

RESOLUTIONS:

The clerk said that the resolution 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 2022-096

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

WHEREAS, Ann Gallagher applied to have a Memorial Service at the Bay Breeze Park Pavilion on July 24, 2022 and paid the \$500 security deposit; 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 check shall be made payable and sent to:

Ann Gallagher
69 Auburn Road
Long Beach Township, NJ 08008

RESOLUTION 2022-097

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2022 BUDGET TO ALLOW FOR THE INSERTION OF A SPECIAL ITEM OF REVENUE AND APPROPRIATION PURSUANT TO N.J.S.A. 40A:4-87 (CHAPTER 159) FOR THE FY 2019 RECYCLING TONAGE GRANT

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any local unit when such item shall have been made available by any public or private funding source and the amount thereof shall not have been determined at the time of the adoption of the budget; and

WHEREAS, N.J.S.A. 40A:4-87 further provides that the Director may approve the insertion of an appropriation item of an amount equal to any such special item of revenue making such item of revenue available for expenditure; and

WHEREAS, the County of Ocean, has approved a grant to the Borough of Barnegat Light in the amount of \$2,822.73; and

WHEREAS, it is the desire of the Borough of Barnegat Light to amend the 2022 municipal budget to provide for the insertion of this grant as a source of revenue and an expenditure appropriation.

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 authorize an amendment to the 2022 Municipal Budget to provide for the insertion of a Chapter 159 (N.J.S.A. 40A:4-87) Special Item of Revenue as follows:

GENERAL REVENUES:

3. Miscellaneous Revenues-Section F: Special Items of General Revenue Anticipated With Prior Written Consent of the Director of Local Government Services – Public & Private Revenues Offset With Appropriations:

FY 2019 RECYCLING TONAGE GRANT \$2,822.73

2. That the Mayor and Borough Council do hereby further authorize an Appropriation of an equal sum under the caption of:

GENERAL APPROPRIATIONS:

(A) OPERATIONS – Excluded from CAPS: Public and Private Programs Offset by Revenues:

FY 2019 RECYCLING TONAGE GRANT \$2,822.73

3. That one certified copy of this resolution shall be forwarded to the Director of the Division of Local Government Services, with one Copy to the Borough Auditor and the Borough Treasurer.

RESOLUTION 2022-098

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING BARNEGAT LIGHT BEACH PATROL LIGHTNING EMERGENCY ACTION PLAN

WHEREAS, the Public Employees' Occupational Safety & Health, within the New Jersey Department of Labor and Workforce Development requires beach patrols to have a Lightning Emergency Action Plan; and WHEREAS, the Beach Patrol Captain has complied with this requirement; and WHEREAS, the "Barnegat Light Beach Patrol Lightning Emergency Action Plan" is set forth in Attachment A; 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. The Barnegat Light Beach Patrol Lightning Emergency Action Plan is approved.
2. A certified copy of this resolution shall be forwarded to Captain John Schulze and to the PEOSH, Department of Labor and Workforce Development.

RESOLUTION 2022-099

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

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

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

WHEREAS, the Borough Chief Financial Officer has determined and certified in writing that the value of the Labor Attorney contract will not exceed \$17,500 for 2022; and

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

WHEREAS, Bruce W. Padula of Cleary, Giacobbe, Alfieri and Jacobs LLC is appointed as labor attorney for the Borough beginning on this day and terminating on December 31, 2022; and

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 Bruce W. Padula is hereby appointed Borough Labor Attorney for the Borough of Barnegat Light for the remainder of 2022, to expire on December 31, 2022. This contract for professional services is awarded without competitive bidding or advertising under the provisions of the Local Public Contracts Law and the NJ Campaign Contributions & Expenditures Reporting Act.

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

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

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

5. That certified copies of this resolution shall be forwarded to Bruce W. Padula and the Borough Treasurer.

6. That the Labor Attorney shall perform all legal services only as determined and authorized by the Borough Council or other authorized official of the Borough in accordance with the terms hereof. The

total amount charged by the Labor Attorney shall not exceed the amount appropriated in the municipal budget.

RESOLUTION 2022-100

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING AN ADDITIONAL LIFEGUARD FOR THE 2022 BEACH PATROL

WHEREAS, the Borough of Barnegat Light desires to hire an additional lifeguard for summer 2022; and
WHEREAS, the following person is employed as noted with the compensation listed below:
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 Jennifer Kay is hired as a lifeguard for 2022.
2. That Jennifer Kay shall be compensated in the amount of \$1225.00 per week.
3. That a copy of this resolution shall be forwarded to the Barnegat Light CFO.

RESOLUTION 2022-101

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$1,621,256.35

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 \$1,621,256.35 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 2022-102

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ALTERNATE #2 TO THE PLANNING BOARD.

WHEREAS, NJSA 40:55D-23 provides for the creation of municipal Planning Boards and for the appointment members thereto; and
WHEREAS, Chapter 21 Article 1 of the Borough Code further provides for the establishment of a Planning Board in the Borough of Barnegat Light; and
WHEREAS, the Planning Board consists of seven members consisting of the following four classes & 2 alternate members; and
WHEREAS, the Alternate #2 position is vacant; and
WHEREAS, it is the desire of Mayor and Council to appoint Peter Snieckus to fill the vacancy.
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light as follows:

1. The terms of the alternate membership of the Barnegat Light Planning Board as follows:
Alternate #2 Peter Snieckus 2 years 12/31/23
2. That a certified copy of this resolution be forwarded to the Secretary of the Barnegat Light Planning Board.

ORDINANCES:

FIRST READING/INTRODUCTION: The Clerk read Ordinance 2022-10 by title and recorded the votes.

ORDINANCE 2022-10

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REPEALING AND REPLACING CHAPTER 94 OF THE BOROUGH CODE, TO BE ENTITLED “FLOODPLAIN MANAGEMENT REGULATIONS,” TO REVISE THE REGULATIONS PERTAINING TO THE SAME.

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

CORRESPONDENCE:

Chris Scaturo requested to have a block party August 27th on East 17th Street-All were in favor
Mayor Larson asked for a motion to approve the Kubel’s Catering permit for NJ PBA event at Jen’s Links.

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

Mayor Larson discussed LOSAP and raising the contributions that are made into qualified volunteers accounts. He said it had to be Island wide and would need to be done by referendum. He said we need to get something together.

Councilwoman Reynolds also mentioned the passing of Jen Lackland.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Foley Second: Alloway All in Favor X

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK