

REGULAR MEETING OF MAYOR AND COUNCIL

July 13, 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, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

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

Discussion:

Dogs on the beach and dog feces were the first topic discussed. New signs, more mutt mitts stations and enforcement were discussed. Mayor Larson suggested cameras near the playground and the pickleball courts. There was talk of possibly hiring someone to monitor the beach for dogs. Mayor Larson brought up the request to make a movie in Barnegat Light.

Mayor Larson asked for a motion to close the Caucus. On a motion by Reynolds, seconded by Spark 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, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

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

APPROVE MINUTES: Council President Spark asked for a motion to approve the minutes of January 12, 2022 regular meeting.

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

COMMITTEE REPORTS:

WATER/SEWER: Councilwoman Foley reported as follows:

- Motor was down on one of the main wells-water pressure may have been low
- Conserve water, gave examples of usage on Mayor and Council accounts
- She gave out the email address for our Superintendent so that people could check their usage
- A leaking toilet could be 6800 gallons

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Beach badge revenue \$178,700 and \$11,500 in Viplly sales-down from last year
- Dog park revenue was down from last year
- No dogs on the beach
- Bay beach-rusty train removed-will be replaced with something else
- Make lifeguard report part of minutes
- Season started 6/18/22 with 13 guarded beaches
- Rescues
- Lifeguards cooperating with bird restrictions
- Cancel Ocean Mile Swim
- LBI Lifeguard tournament-August 5th & 6th between 22nd and 25th Streets
- Restoration area-4 pairs of Piping Plovers, 2 pairs of Oyster Catchers and 10 terns plus chicks
- Rookie school-5 skills to master-Coast Guard assisted

DOCKS AND HARBORS: Councilman Alloway reported as follows:

- Ramp revenue was \$18,000
- All slips rented

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- He wanted to make the Court report part of minutes and said that the court collected \$1203.52
- Bonfires on the dunes in the forest between 5th & 6th
- One big fire on good Friday
- Automatic smoke alarms
- Fire school-handled by county and now it's hard to get volunteers
- The Fire Company Annual Auction is coming up on August 6th

PUBLIC WORKS: Councilman Wellington was absent and Councilman Mikuletzky reported on his behalf as follows:

- Started replacing roof at EOC-red shingles now available
- Built boxes for the beach to store lifeguard equipment
- Replaced fencing on the east & west sides of Public Works
- Repaired pot holes
- Made additional boxes pickleball courts
- Added parking and new stone at the pickleball, basketball and playground area.
- Cut back & cleaned beach entrances
- Removed rust train

FINANCE: Councilman Spark reported as follows:

- The bills were reviewed and approved by the Finance Committee in the amount of \$466,481.02
- Regional school tax paid in amount of \$118,473
- Local school tax paid in amount of \$115291

OPEN PUBLIC SESSION:

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

Motion: Spark Second: Alloway All in favor X

Tim Brindley, 1404 Bayview Avenue, noticed a lot more rabbits. He said that the lifeguards have a little video of the rookies jumping off the Coast Guard boat on Facebook.

Eunice Magos, 1306 Central Avenue, asked about the water usage and rates. mentioned the people walking and biking the wrong way on the roads.

Rich Brodman, 4 East 10th Street, suggested that Maria write an article for the Sandpaper about the

problem of not cleaning up after your dog to reduce the health risk and potential of beach closures, especially around the bay. Mayor Larson said maybe putting signs on the paths saying “NO DOGS BEYOND THIS POINT”.

He also talked about the bicycles riding on the wrong side of the street and asked if it could be put on the signboard coming into town. He said that the Taxpayers Association had placards made with the traffic laws for biking and walking. He said that they were distributed to Borough Hall and the beach badge booth. he suggested giving them to people who purchased beach badges.

Tim Brindley, 1404 Bayview Avenue, had a suggestion about the signs. Maybe we could get some from the Edwin B. Forsythe National Wildlife Refuge.

Dick Feehan, 12 East 15th Street, asked when the new water bills would be going out. Mayor Larson told him that it would be next year and added that we had to do an ordinance.

Pickleball was discussed.

Sarah Lambert, 1609 Seaview Ave., asked if the Borough could come up with a solution to have the Japanese Black Pines trimmed or cut down on the dunes. She said that the Borough should take some responsibility for getting rid of this invasive species.

Tim said he didn’t think the movie was a good thing for Barnegat Light.

John Schulze, Captain of Beach Patrol, said he did not want any interruptions to beach Patrol operations. Allan Canter, 1 West 29th Street, thought it was a bad idea to have a movie filmed here based on his experience.

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

Motion: Spark Second: Alloway 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 | | | |
| Alloway | | X | X | | | |
| Reynolds | X | | X | | | |
| Foley | | | X | | | |
| Mikuletzky | | | X | | | |

RESOLUTION 2022-089

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

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.

Beach Badge Checker (starting \$15.00)

James Stokes \$15.00 (Retro 6-18-22)

RESOLUTION 2022-090

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE 2023 *Road Reconstruction Project-West 21st Street & West 29th Street (Central to Bayview) in the amount of \$483,646.80*

WHEREAS, the Governing Body wishes to submit a grant application and execute a grant agreement with the Department of Transportation for the reconstruction of West 21st & West 29th Streets (Central to Bayview Avenue) in the amount of \$483,646.80.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council, of the Borough of Barnegat Light, County of Ocean, State of New Jersey as follows:

1. That the Council formally approves the grant application for the above stated project.
2. That the Mayor, Municipal Clerk and Borough Engineer are hereby authorized to submit an electronic grant application identified as MA-2023-W. 21st St. & W. 29th St.- 00222 to the New Jersey Department of Transportation on behalf of Borough of Barnegat Light.
3. That the Mayor and Municipal Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Barnegat Light and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

RESOLUTION 2022-091

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, IN SUPPORT OF AMENDMENTS TO THE CAUSEWAY EXPANSION AND REHABILITATION ROAD PROJECT

WHEREAS, the New Jersey Department of Transportation ("NJDOT") continues to work upon the final phase of the multi-year, federally funded Causeway expansion and rehabilitation road project ("Project"); and

WHEREAS, there have been and continue to be significant concerns regarding continuation of the Project pursuant to its existing schedule and format through the peak summer season on Long Beach Island given the significant road closures and alterations to the traffic patterns of the main roadway access to and from the Island; and

WHEREAS, the Mayor and Council of the Borough of Barnegat Light ("Borough"), its officials, and representatives of other Island municipalities have been diligently meeting with the NJDOT in an effort to secure revisions to the Project to minimize the impact upon the traffic patterns and the public health, welfare, and safety; and

WHEREAS, following additional investigation and negotiations the NJDOT has agreed to the following changes to the ongoing Project during the peak 2022 summer season and thereafter; and

WHEREAS, the NJDOT has agreed to postpone the work upon 9th Street until after Labor Day 2022 and instead perform the 8th Street work, and, therefore, the left lane on 9th Street shall be reopened to traffic before Memorial Day 2022 through September 2022; and

WHEREAS, in addition and where feasible, the NJDOT shall install temporary walkways in the 9th Street area in areas where sidewalks and pedestrian access have been impacted and where such is not possible the NJDOT shall install appropriate signage and access will be created to safely detour pedestrians around the closed portion of sidewalk; and

WHEREAS, in order for the NJDOT to commit to providing two (2) travel lanes both on and off the island during the day and address additional concerns raised about potential traffic impacts during the peak summer season weekends, the NJDOT and its contractor shall be required to work extended overnight work hours of 6:00 p.m. through 6:00 a.m., Monday through Thursday and possible 9:00 a.m. through 3:00 p.m., as required; and

WHEREAS, the NJDOT has further agreed to the following changes to address traffic and safety concerns relating to the Project: (i) the traffic cones at Dunkin Donuts will be adjusted to provide easier access to the parking lot; (ii) the State Police shall be present to assist with traffic control during construction; (iii) the traffic control taper indicating lane shifts will be extended further across Route 72; (iv) Circle Drive shall be open in advance of the Memorial Day Weekend holiday; (v) work on Circle Drive will pause and resume after Labor Day; and

WHEREAS, additional requests to add beautification and architectural treatments along Circle Drive are under review; and

WHEREAS, as a result of the foregoing, the NJDOT shall be required to 9th Street to finish the current construction activities after Labor Day 2022, local roadways shall need to be utilized while detouring 8th or 9th Street after Labor Day 2022, similar to those detours utilized by the Borough contractor during the water/sewer replacement project, and the schedule modification shall require a work extension of the 9th Street construction activities through July 1st, 2023; and

WHEREAS, as an express condition of adopting and acting upon the foregoing, the NJDOT has requested a resolution of support from the Borough and Island municipalities setting forth the approval of the revisions to the Project.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Barnegat Light, County of Ocean, State of New Jersey, hereby support and approve of the revisions to the Project as set forth herein

RESOLUTION 2022-092

RESOLUTION AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND
EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF
COMMUNITY AFFAIRS FOR THE AMERICAN RESCUE PLAN FIREFIGHTER GRANT

WHEREAS, the Governing Body wishes to submit a grant application and execute a grant agreement with the New Jersey Department of Community Affairs for the American Rescue Plan Firefighter Grant in the amount of \$75,000.00; and

WHEREAS, the grant money shall be used to replace sixteen (16) expiring Self Contained Breathing Apparatus (SCBA); and

WHEREAS, each SCBA system consists of a backpack and harness, air cylinder assembly, regulator assembly and face mask assembly which prevents the firefighter from inhaling smoke, toxic gases and other harmful particles from the fire: and

WHEREAS, the total cost of the will be approximately \$136,000.00 and the Fire Company shall fund the difference.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council, of the Borough of Barnegat Light, County of Ocean, State of New Jersey as follows:

1. That the Council formally approves the grant application for the above stated project.
2. That the Mayor, Municipal Clerk and Borough Engineer are hereby authorized to submit an electronic grant application.
3. That the Borough recognizes and accepts that the NJ Department of Community Affairs may offer a lesser or greater amount and therefore, upon receipt of the grant agreement, does further authorize the execution of grant agreement; and upon receipt of the fully executed agreement for the NJDCA, does further authorize expenditure of funds pursuant to the terms of the agreement.
4. That the persons whose names, titles, and signatures appear below are authorized to sign the agreement, and any other documents necessary in connection therewith:

Kirk O. Larson, Mayor
Brenda L. Kuhn, Municipal

RESOLUTION 2022-093

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING THE AWARDING OF A PROFESSIONAL SERVICES CONTRACT
WITHOUT COMPETITIVE BIDDING OR FAIR & OPEN ADVERTISING - MUNICIPAL
PROSECUTOR / ALTERNATE MUNICIPAL PROSECUTOR

WHEREAS, there exists a need for the services of an Alternate Municipal Prosecutor for 2022; and
WHEREAS, the Borough of Barnegat Light 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 this contract will not exceed \$17,500; and

WHEREAS, David Casadonte Esq., 202 N Main St, Toms River, NJ 08753, is qualified to hold the position of Alternate Municipal Prosecutor for the Borough of Barnegat Light, in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the NJ Campaign Contributions & Expenditures Reporting Act, NJSA 19:44A-20.5.

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. David Casadonte Esq., is hereby appointed Alternate Municipal Prosecutor for the Borough of Barnegat Light for the year 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 Determination of Value for the prosecutor's position on file for 2022 shall include both the regular prosecutor and the alternate prosecutor positions.
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:

Municipal Prosecutor O and E

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

5. That Resolution 2022-16 is amended to reflect that the Borough Prosecutor is Joseph D. Coronato Sr (not Joseph D. Coronato Jr)
6. That certified copies of this resolution shall be forwarded to David Casadonte Esq. and Joseph D. Coronato Sr., Esq., and the Borough Treasurer.

RESOLUTION 2022-094

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RECEIPT OF BIDS FOR THE LEASING OF CERTAIN MUNICIPAL PROPERTY (SPACE FOR CELL ANTENNA & CONTROL PANEL).

WHEREAS, the Borough of Barnegat Light owns certain property as set forth on the Notice to Bidders attached hereto and made a part hereof by reference; and the Mayor and Borough Council have determined that space upon this property are not needed for public use; and

WHEREAS, N.J.S.A. 40A:12-14 provides that a municipality may lease any lands or buildings or portions thereof not presently needed for public use to the person who will pay the highest rent therefor; and

WHEREAS, the governing body has set a certain price as being the minimum acceptable bid for the leasing of space upon said property, as set forth on the Notice to Bidders attached hereto and made a part hereof.

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 space upon the property set forth on the attached Notice to Bidders shall be offered for a lease term commensurate with the cell antenna leases for water tower space at public auction to the highest bidder thereon. The minimum bid that shall be accepted shall be as set forth on the Notice to Bidders in regard to said lease. The lease auction shall take place at the time, date and place set forth in the published Notice to Bidders. The proposed Lease forms are attached hereto and made a part hereof by reference.
2. That the Mayor and Borough Council of the Borough of Barnegat Light reserve the right to reject any and all bids on said properties.
3. That a notice of said lease auction shall be published in the official newspaper of the municipality by two (2) insertions, at least once a week during two consecutive weeks, the last publication to be not earlier than seven (7) days prior to such auction.

RESOLUTION 2022-095

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$466,481.02

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 \$466,481.02 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.

CORRESPONDENCE:

Block Party request to block party-1 East 11th Street-July 16th @ 5:30pm: All in Favor

Request for the movie from Michael Furno: Spark made a motion to decline and all were in favor.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Wellington Second: Alloway All in Favor X

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK

