

**REGULAR MEETING OF MAYOR AND COUNCIL**  
**September 14, 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 7<sup>th</sup> 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 was absent, Reynolds, Foley, and Mikuletzky

**Also present:** Mayor Larson, Terry Brady, John Schulze, Cece Hodgson, Michele Inman and Brenda Kuhn. Kathleen Flanagan and Sponge Washburn arrived at 4:36.

**Discussion:** The overly crowded, messy, non-motorized water craft area on the bay was discussed. Having the dock attendants monitoring the area, putting notices on violators, increasing the fees and possibly changing a onetime registration fee to an annual fee were some of the things that were discussed. The Council agreed to come up with an ordinance over the winter.

Cece Hodgson discussed Trunk or Treat that was going to debut this Halloween.

One councilmember said that the new signs regarding dogs do not match our code.

Mayor Larson asked for a motion to close the Caucus. On a motion by Spark, seconded by Wellington 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 7<sup>th</sup> 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 absent, Reynolds, Foley, and Mikuletzky

**Also present:** Mayor Larson. Terry Brady, Cece Hodgson, Sponge Washburn, Kathleen Flanagan, Michele Inman, John Schuzle and Brenda Kuhn

**APPROVE MINUTES:** Mayor Larson asked for a motion to approve the minutes of August 10, 2022 regular meeting.

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

**APPROVE MINUTES:** Mayor Larson asked for a motion to approve the minutes of August 19, 2022 Special 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			
Alloway						X
Reynolds	X		X			
Foley			X			
Mikuletzky		X	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:

**FINANCE:** Councilman Spark reported as follows:

- All bills were reviewed and approved by the Finance Committee in the amount of \$998,219.04.
- He said that the big-ticket items were the Local School tax, Regional School tax and the Police contract.

Review of the annual audit and the signing of the group affidavit was also discussed.

**PUBLIC WORKS:** Councilman Wellington reported as follows:

- Removed the lifeguard stands with the exception of the remaining guarded beaches.
- Building shelving for beach wheels
- Bay beach fencing take down
- Painted graffiti at the skate park
- Basic maintenance

**BEACHES AND PARKS:** Councilwoman Reynolds reported as follows:

- Beach and dog park revenue
- Ordinance to raise holiday, preseason and season badges
- Gave the beach patrol report
- Talked about pickleball, said it was better this year with attendants

**WATER/SEWER:** Councilwoman Foley reported as follows:

- Minor water main break, DPW will fix-East 10<sup>th</sup> will be out of water for a couple of hours
- She will be working with Stuart, Kat and Brenda on the water rates-running sample homes to find a reasonable rate

**PUBLIC SAFETY:** Councilman Mikuletzky reported as follows:

- Reported on the revenue collected by the court. \$3980.
- Lights are back off

**DOCKS AND HARBORS:** Councilman Alloway was not present and no report was given.

## OPEN PUBLIC SESSION:

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

Motion: Reynolds Second: Mikuletzky All in favor X

Tim Brindley, 1404 Bayview Avenue, said that kayak and sailboat owners should be warned that they should be out. Maybe if could be on the sign coming Fee next year. Tim said that his dog park friends were very upset because they couldn't bring dogs to the beach due to the new signs. The dog owners were under the impression that it was September 5<sup>th</sup> but Borough Code says September 30<sup>th</sup>.

Mary Ellen Foley said that she received a complaint to a dog park pass holder, that a couple have been seen a few times jumping the fence and throwing the dog over the fence on the 10<sup>th</sup> street side

Rich Brodman, 4 East 10<sup>th</sup> Street, announced the last general meeting of the Taxpayers' Association this Saturday. The speakers will be Mark Pojednic, Captain of First Aid Squad and Mayor Larson. He said that a beach cleanup was being planned for October 22<sup>nd</sup> and all are invited to participate. Dr. Brodman said that if we wanted to get in touch with the owners of the kayaks, it would be in the first two weeks of April. He said it was popular for people put the kayaks in and just leave them there.

Mayor Larson said that there was a townwide picnic, sponsored by the Republican Club, coming up on September 24<sup>th</sup> at 5:00pm at the pavilion.

Sponge Washburn, said that there was an EOC meeting today. He said that we were half way through hurricane season and not to let your guard down. He urged everyone to be prepared, have supplies ready and an evacuation plan ready. He also said that the Health Department has the booster vaccine and you can sign up online. He said that the flu vaccines will be available on September 27<sup>th</sup> at St. Francis.

Allan Canter, 1 West 29<sup>th</sup> Street, thanked the DPW for the repairs on 29<sup>th</sup> Street due to the damage that was caused by the garbage truck. He said they did a great job. He also talked about the kayak are and said it was totally out of control. He suggested that the Sunfish, Hobie Cats, and Catamarans should be further south. He said he would volunteer to put violation stickers on the ones that don't belong there and also, he would volunteer if a committee was formed. He talked to the council regarding the potential use of jet skis by the lifeguards. Sponge Washburn said that the water rescue team has two that would be use in the event of a rescue.

Nancy Manookian, 14 East 10<sup>th</sup> Street, requested a small dog area in the dog park. Mayor Larson asked where would we put it. She asked if dogs were allowed on the bay beach beginning October 1<sup>st</sup>.

John Alchus, 8 West 7<sup>th</sup> Street, asked if there was going to be a fall townwide garage sale. Mayor Larson said we decided against it.

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

Motion: Spark Second: Foley All in favor X

The CFO talked about the three findings in the 2021 Annual Audit. She talked about the Corrective Action Plan.

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		X			
Wellington			X			
Alloway						X
Reynolds			X			
Foley			X			
Mikuletzky		X	X			

RESOLUTION 2022-104

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

WHEREAS, Michael Furno paid the \$500 security deposit for a recreational use application to film a documentary on the beach; and  
WHEREAS, Richard Regan paid the \$500 security deposit for a recreational use application for a beach wedding; and  
WHEREAS, Donald Mann paid the \$500 security deposit for a recreational use application for a beach activity; 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 deposits in the amount of \$500.00 each.
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:

Digital Inc.  
Attention: Michael Furno  
326 West Passaic Avenue  
Rutherford, NJ 07070

Annette Regan  
4 Polonia Ave.  
Lawrenceville, NJ 08648

Donald Mann  
PO Box 797  
Barnegat Light, NJ 08006

Sara & Chris Candio  
9118 Maple Grove Drive  
Summerville, SC 29485

Steven Gelber  
31 Martin Terrace  
Hackensack, NJ 07601

RESOLUTION 2022-105

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING RESOLUTION 2022-100 TO CORRECT THE SALARY OF CERTAIN SEASONAL EMPLOYEE

WHEREAS, Resolution 2022-100, employing a seasonal employee, was adopted at the August 10, 2022 meeting of Mayor and Council; and  
WHEREAS, the incorrect compensation was listed on said resolution; 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 Jennifer Kay shall be compensated in the amount of \$682.50 per week.
2. That a copy of this resolution shall be forwarded to the Barnegat Light CFO.

RESOLUTION 2022-106

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and  
  
WHEREAS, the Annual Report of Audit for the year 2021 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and  
WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and  
WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, at a minimum, the sections of the annual audit entitled “Comments and Recommendations; and

WHEREAS, the members of the governing body have personally reviewed, at a minimum, the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Barnegat Light, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

#### RESOLUTION 2022-107

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

WHEREAS, the water and sewer bill for the calendar year 2022 was issued to account No. 882-0 also known as Block 40, Lot 20, with an address of 2002 Bayview Avenue; and

WHEREAS, the Utility Collector was notified that Permit # 22-005D was issued on September 9, 2022 for a cut & cap from the water supply; and

WHEREAS, the payment for the whole year has been paid; and

WHEREAS, a prorated portion of the 2<sup>nd</sup> half, in the amount of \$208.74, shall be cancelled and refunded.

WHEREAS, the water and sewer bill for the calendar year 2022 was issued to account No. 1074-0 also known as Block 49, Lot 4, with an address of 2508 Central Avenue; and

WHEREAS, the Utility Collector was notified that Permit # 22-006D was issued on September 9, 2022 for a cut & cap from the water supply; and

WHEREAS, the payment for the whole year has been paid; and

WHEREAS, a prorated portion of the 2<sup>nd</sup> half, in the amount of \$183.30, shall be cancelled and refunded.

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

1. That a certified copy will be forwarded to the Utility Collector and the CFO.
2. That the Utility Collector be authorized to cancel the prorated 1<sup>st</sup> half and the entire 2<sup>nd</sup> half billing.
3. That the CFO is authorized to refund a prorated portion of the paid 2022, 2<sup>nd</sup> half billing to the following:

Michael W. Sullivan     \$208.74  
PO Box 354  
Barnegat Light, NJ 08006

Joann Miller & Christina Trinh     \$183.30  
PO Box 845  
Barnegat Light, NJ 08006-0845

#### RESOLUTION 2022-108

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE REFUND OF A WATER OVERPAYMENT

WHEREAS, the owner of 508 Central Avenue, water/sewer account #123-0, paid for the year 2022; and

WHEREAS, the Utility Collector has identified a water overpayment on the account in the amount of \$20.00; and

NOW, THEREFORE, BE IT RESOLVED, as follows:

1. That the Utility Collector be authorized to make the adjustments on the account.
2. That the Finance Department shall be authorized to refund \$20.00.
3. Send refund to: Richard A. White Sr. & T. A. Abby

7 Hilton Road  
Atlantic Highlands, NJ 07716

#### RESOLUTION 2022-109

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$998,219.04

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 \$998,219.04 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 2022-110**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, ADOPTING A CORRECTIVE ACTION PLAN TO IMPLEMENT RECOMMENDATIONS IN THE 2021 ANNUAL AUDIT REPORT.

WHEREAS, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Borough Auditor has conducted an Annual Audit of the 2021 finances of the Borough of Barnegat Light; and

WHEREAS, said Audit Report found interfund receivables and payables appear on the balance sheets of the various funds as of December 31, 2021 which has an effect on cash flow and with respect to the current fund. Interfund receivables impact upon the amount of fund balance that can be utilized in the budget cycle; and

WHEREAS, said Audit Report recommends that all interfunds, where practicable, be liquidated prior to year-end; and

WHEREAS, said Audit Report recommends that grant appropriated reserve balances be reviewed for possible cancellation; and

WHEREAS, said Audit Report recommends that stale dated items in the Court be cleared from the bank reconciliation timely

WHEREAS, the Borough Chief Financial Officer has developed a corrective action plan, implementing said recommendations; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to approve and adopt the corrective action plan submitted by the Chief Financial Officer, a copy of which is attached hereto.

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 approve and adopt the corrective action plan submitted by the Chief Financial Officer, a copy of which is attached hereto.
2. That a copy of this resolution and said corrective action plan shall be filed with the NJ Division of Local Government Services.

**ORDINANCES:**

**Second Reading/Public Hearing: 2022-10**

The Clerk said that Ordinance 2022-10 was passed on first reading at the August 10, 2022 meeting and there will be a public hearing. She read the Ordinance by number and title.

**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.

Public Hearing: Motion: Wellington Second: Foley

There was no public comment.

Close Public Hearing: Motion: Reynolds Second: Foley

Mayor Larson asked for a motion to adopt.

**ADOPTION:**

**Final Passage: 2022-10 September 14, 2022**

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

**First Reading/Introduction: ORDINANCE 2022-11**

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 64-4 OF THE BOROUGH CODE, ENTITLED “BOAT SLIP PERMIT FEES,” TO REVISE THE BOAT SLIP PERMIT FEES.

**Passage on First Reading: Date: September 14, 2022**

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

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE BOROUGH CODE TO PROVIDE FOR REVISED BEACH BADGE FEES.

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

**BRENDA L. KUHN, MUNICIPAL CLERK**