

REGULAR MEETING OF MAYOR AND COUNCIL
November 9, 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, Michele Inman and Brenda Kuhn

Discussion:

Mayor Larson said that Councilwoman Reynolds wanted to talk about banning multi-family housing. He asked Terry Brady, Municipal Attorney, to explain the process. He said that from a legal stand point, NJ requires low and moderate housing in required in every municipality. He said the Barnegat Light may be 99.9% - 100% developed. He said that Barnegat Light does provide for multi-family housing. He advised that removing multi-family housing from Barnegat Light may create an issue with the Council on Affordable Housing or developers that want to build low or moderate housing. He said that this should be initiated by the Planning Board and then reviewed by Council or vice versa and this would require updating of the Master Plan. There was more discussion about this topic. Mayor Larson asked Council to consider if they wanted to put something together for the Planning Board for the December meeting or

Mayor Larson asked for a motion to close the Caucus. On a motion by Alloway, seconded by Mikuletzky 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: Mayor Larson, Terry Brady, Sponge Washburn, John Schulze and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of October 12, 2022 regular meeting.

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

COMMITTEE REPORTS:

FINANCE: Councilman Spark reported as follows:

- All bills were reviewed and approved by the Finance Committee in the amount of \$298,005.13.
- Not as much money going out this month.

PUBLIC WORKS: Councilman Wellington reported as follows:

- That most of the activities are preparing the town for the winter season.
- Replacing the fence behind Public Works, 4 sections are done and should be completed in 7-10 days
- New trash can containers were built.
- Winterized the pavilion bathroom and the lifeguard house.
- Sprinklers winterized.

- Wind screens at the courts and Mobi mats were removed and put away.

DOCKS AND HARBORS: Councilman Alloway reported as follows:

- Done for the year

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Dog park revenue was \$8,745, which was up over \$900 from last year
- A John Deere Gator with a medical skid behind it, will be purchased for use on the beach. this will replace a truck. Price: \$23,000.
- At the National Conference on EMS held in Atlantic City, Robert Selfridge, Super Hero, was awarded EMS of the Year!

WATER/SEWER: Councilwoman Foley reported as follows:

- The hydrant flushing was completed for the year
- Replacing the water main for West 23rd Street is scheduled for spring
- Replacing storm drains on West 23rd and West 27th Streets is scheduled for spring

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- He wants to make the Court report a part of the minutes
- Court brought in \$4,367.66. Criminal fines were \$3,440, Fish & Game fines were \$3,360 and Barnegat Light kept \$592.50
- Ocean County Clerk’s Office has Property Alert Service. You can register online and you will receive email alerts when documents are filed related to your property. He explained that there was a recent incident in Barnegat Light where someone was trying to sell a property that belonged to someone else. He urged everyone to protect their property. Flyers were available.

OPEN PUBLIC SESSION:

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

Motion: Spark Second: Foley All in favor X

Rich Brodman, 4 E 10th Street, thanked Public Works for their help after the Taxpayers Clean-up event, He said that 40-45 people attended the event. He added that the Sandpaper published an article about the event. He said that the Taxpayers’ Association had a big year and would like to donate playground equipment for the bay beach. Councilman Wellington said that when they purchased the playground equipment, under state contract, a sales representative gave Barnegat Light drawings of what could be done there. He said he would ask Stuart to come up with a price.

Connie Higgins, 10 East 11th Street, suggested that the Borough send out letters to the homeowners to inform them of the new water/sewer rates and tell them the reason for the increase and when it will be effective.

Rich Brodman said that he saw in our code book that there was supposed to be a \$200 surcharge for sprinkler systems.

Mayor Larson talked about Long Beach Township dredging at High Bar Harbor and that they wanted to use our street end to unload the spoils. There was a discussion about this matter.

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

Motion: Reynolds Second: Foley All in favor X

RESOLUTIONS:

The clerk said that the resolution would be done by consent agenda. She read each resolution, excluding 2022-119, 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		X			
Mikuletzky			X			

RESOLUTION 2022-118

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING THE 2022 ADDENDUM OF THE 2017 MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION WHICH IS PART OF THE NATIONAL FLOOD INSURANCE COMMUNITY RATING SYSTEM

WHEREAS, the Borough of Barnegat Light is enrolled in the National Flood Insurance Program (NFIP) to provide flood insurance for the residents of Barnegat Light; and

WHEREAS, the NFIP provides for insurance premium discounts for communities that voluntarily takes part the Community Rating System (CRS) program that is a component of the NFIP; and

WHEREAS, the Borough of Barnegat Light takes part in the Community Rating System and presently holds a Class 7 Rating, which the Borough’s Office of Emergency Management (OEM) strives to maintain or possibly improve; and

WHEREAS, the Borough disseminates flood hazard information that not only is beneficial to the residents through mitigation of the hazardous effects of flooding, but is also beneficial in maximizing credit in the, CRS program by conforming to the Program for Public Information standard outlined in the 2017 CRS Coordinator’s Manual; and

WHEREAS, all the other municipalities on Long Beach Island also participate in the CRS program and are trying to maintain their flood insurance discounts for their residents; and

WHEREAS, a Multijurisdictional Program for Public Information was formulated including all six municipalities on Long Beach Island to deliver consistent outreach messages to all island residents; and
WHEREAS, the OEM has determined that it was necessary to Program for Public Information (PPI) in order to maintain the present Class 7 Rating; and
WHEREAS, the OEM recommends the Borough approve the Program for Public Information Amendment; and
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Barnegat Light, that the Borough supports the adoption of the 2022 addendum of the 2017 MULTI-JURISDICTIONAL PROGRAM FOR PUBLIC INFORMATION WHICH IS PART OF THE NATIONAL FLOOD INSURANCE COMMUNITY RATING SYSTEM, a copy of which is available for review at the office of the Municipal Clerk, 10 East 7th Street, Barnegat Light, NJ 08006.

RESOLUTION 2022-119

NOT ADOPTED-GOING OUT TO BID

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

Terry Brady, Municipal Attorney, said that the Local Public Contract Laws does not allow to privately negotiate an amount to increase the contract for a one-year extension. The increase would have to be in the original agreement.

RESOLUTION 2022-120

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A CONTRACT FOR THE WEST 23rd & WEST 27th STREETS RECONSTRUCTION & WEST 23rd STREET UTILITY REPLACEMENT PROJECT TO MATHIS CONSTRUCTION COMPANY.

WHEREAS, the Borough of Barnegat Light duly advertised for the receipt of bids for the West 23rd & West 27th Streets Reconstruction & West 23rd Street Utility Replacement Project; 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	\$605,518.61
Shore Top Construction	no bid
Earle Asphalt Co	\$683,113.13
Hesse	\$997,019.62
West Bay Construction	\$1,222,479.48
Shore Connection	no bid
ConstructConnect	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 Company submitted the lowest responsible bid in accordance with the bid specifications, said bid being in the amount of \$605,518.61; and

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Barnegat Light to award a contract for the West 23rd & West 27th Streets Reconstruction & West 23rd Street Utility Replacement Project to Mathis Construction Company, the lowest bidder; and

WHEREAS, part of the funding for said project comes from financing awarded by the NJ Department of Transportation, and the award is, therefore, subject to NJDOT review and approval, per their grant rules and regulations.

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 the contract for the West 23rd & West 27th Streets Reconstruction & West 23rd Street Utility Replacement Project to Mathis Construction Company, at the price of \$605,518.61, subject to NJDOT review and approval.

2. That the Mayor and Borough Clerk are hereby authorized to execute an agreement with Mathis Construction Company 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:

Barnegat Light Bond Ordinance 2021-17

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

5. This contract award is subject to NJDOT review and approval, per their grant rules and regulations.

RESOLUTION 2022-121

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$298,005.13

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 \$298,005.13 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 2022-122

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, 2023 and shall continue in full force and effect for one (1) year, expiring on December 31, 2023.
4. A certified copy of this resolution shall be forwarded to the Borough of Beach Haven, Borough of Surf City, Borough of Harvey Cedars and the Construction Code/Building Subcode Official.

RESOLUTION 2022-123

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING REFUND OFF APPLICATION FEE FOR RECREATIONAL USE APPLICATIONS

WHEREAS, Steve Pogoda applied to have an event at the gazebo and paid the \$50 application fee; and

WHEREAS, Steve Pogoda paid this fee in error, he wanted to use the gazebo at the State Park; and

WHEREAS, Steve Pogoda has requested in writing that the \$50 application fee be refunded.

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 application fee in the amount of \$50.00.
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:
Steve Pogoda
37 Oakwood Drive
Medford, NJ 08055

ORDINANCES: 2022-13

Second Reading/Public hearing:

Public Hearing: Motion: Foley Second: Reynolds

John Tennyson, compared his old water/sewer billing with the new rates. He said it would be a 33% increase. He said the consumption is \$82.00. He urged the council to reconsider the rates. Councilwoman Foley explained some of the reasons that were taken in to consideration for the increases. Rich Brodman agreed that letters to the property owners, explaining the rates, was a good idea. He said in addition to putting out the rates, increased expenses. Mayor Larson said the big usage would be in the summer. Connie Higgins said she just wanted to be informed.

Close Public Hearing: Motion: Reynolds Second: Foley

ORDINANCE 2022-13

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH WATER/SEWER ORDINANCE TO PROVIDE FOR REVISED WATER & SEWER RATES, FEES AND CHARGES.

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. Section 153-17 of Article I of Chapter 153 of the Borough Code of the Borough of Barnegat Light, entitled "Water rates and charges," is hereby amended and supplemented to provide as follows:

Chapter 153 SEWERS AND WATER

Article I Operation and Supervision of Systems

§ 153-17. Water rates, fees and charges.

The following rates, fees and charges shall be made and collected for the services and facilities of the comprehensive water system, commencing the service year of 2023:

As of January 1, 2023, all commercial and residential establishments shall be metered and the owner must bear the cost of meter, installation, and any and all repairs and maintenance of such meter or meters.

Commercial properties.

The following water rates shall apply to commercial properties/users:

Commercial property/user flat fee = \$350 per year (\$87.50 per quarter)

For each additional commercial unit, whether contained in a multi-unit structure or mixed-use project, there shall be an additional commercial user flat fee of \$350 per year (\$87.50 per quarter).

Commercial property/user gallonage use fee: In addition to the flat fee noted above, commercial properties/users shall be charged for gallonage use at the rate of \$0.00268 per gallon of water used in excess of 14,000 gallons.

Residential properties.

The following water rates shall apply to residential properties/users:

Residential property/user flat fee = \$300 per year (\$75 per quarter)

For each additional dwelling unit, whether contained in a duplex, apartment, condominium or other multifamily structure or mixed-use project, there shall be an additional residential user flat fee of \$300 per year (\$75 per quarter).

Residential property/user gallonage use fee: In addition to the flat fee noted above, each residential dwelling unit user shall be charged for gallonage use at the following rates, calculated quarterly:

0 - 14,000 @ \$0.00100/gallon

14,001 - 25,000 @ \$0.00180/gallon

25,001 - 50,000 @ \$0.00268/gallon

50,001 - 150,000 @ \$0.00550/gallon

150,001 – 300,000 @ \$0.00810/gallon

Over 300,000 @ \$0.00950/gallon

Notwithstanding any provision to the contrary, effective January 1, 2023 all new residential construction, and major renovations to any structure, including residential dwelling units, shall install remote-read water service connection meters and meter pits, in accordance with the specifications adopted by the Borough Superintendent. No Certificate of Occupancy for any such new construction or renovation shall be issued until a certification of the installation of the appropriate water meter is provided by the Borough Superintendent to the Construction Code Official. For the purpose of this subsection, major renovation shall mean any repair, reconstruction, rehabilitation addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the assessed value of the structure either before the improvement is started or if the structure has been damaged and is being restored before the damage occurred. Substantial improvement is commenced when the first alteration of any structural part of the building is begun.

All water service connection meters and equipment shall be obtained from a vendor with specifications provided by the water/sewer department.

Water connection activation/reinspection fee: \$50 (per occurrence)

Turn Off Fee: \$175 (for the first hour or part thereof), plus \$200 per hour for each hour or part thereof after the first hour

Water service charges for all commercial and residential properties shall be billed and payable quarterly.

Payment shall be due on the 15th of the month following the quarter. All quarters shall have a 10-day grace period before interest charges begin to accrue. Interest charged on late payments shall be calculated from the due date. In the event of unforeseen circumstances, the Mayor and Borough Council may adjust the due dates and grace periods as determined by Resolution of the governing body.

1ST quarter (January-March) shall be due on April 15th

2nd quarter (April-June) shall be due on July 15th

3rd quarter (July -September) shall be due on October 15th

4th quarter (October-December) shall be due on January 15th

SECTION 2. Section 153-29 of Article II of Chapter 153 of the Borough Code of the Borough of Barnegat Light, entitled "Sewer rates and charges," is hereby amended and supplemented to provide as follows:

Chapter 153
SEWERS AND WATER

Article II
Sewer Use

§ 153-29. Sewer rates, fees and charges.

The following rates, fees and charges shall be made and collected for the services and facilities of the comprehensive sewerage system commencing the 2023 service year:

Residential properties.

The following sewer rates shall apply to residential properties/users:

Flat fee for each single dwelling unit, whether contained in single-family residence, duplex, apartment, condominium or other multi-family structure or mixed-use project: \$475 annually (118.75 per quarter)

In addition to all the above pertaining to a multifamily structure and project, all metered use attributable to the multifamily structure or project, without regard to form of ownership, and not attributable separately to each dwelling unit, shall be charged to the owner, occupant or association as the case may be, according to the commercial establishment schedule set forth below.

1ST quarter (January-March) shall be due on April 15th

3rd quarter (July -September) shall be due on October 15th

4th quarter October-December) shall be due on January 15th

Commercial property/user flat fee = \$475 annually (118.75 per quarter)

When a property requires a disconnect from the sewer system, the owner and plumber shall be responsible for disconnecting the sewer and capping the sewer lateral. The water and sewer department will require 48 hours notice prior to installation/disconnection in order to schedule an inspection. An inspection fee of \$50 will be required for each sewer service lateral.

Turn Off Fee: \$175 (for the first hour or part thereof), plus \$200 per hour for each hour or part thereof after the first hour

SECTION 4. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

Passage on First Reading: Date: October 12, 2022

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

Final Passage: Date: November 9, 2022

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

Mayor Larson asked for a motion to adjourn. Motion: Alloway Second: Foley All in Favor X

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK