

REGULAR MEETING OF MAYOR AND COUNCIL
February 8, 2023

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 NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was published in the Asbury Park Press on January 19, 2023, both newspapers designated by Mayor and Council to receive such notice.

ROLL CALL: Spark, Wellington, absent Alloway, Reynolds, via phone, Foley and Mikuletzky
Also present: Mayor Larson, Terry Brady, Sponge Washburn, Michele Inman and Brenda Kuhn

Discussion:
Councilman Wellington said that the Taxpayers’ Association was still interested in making a donation to the Borough. Their board has made a couple of recommendations such as a good quality defibrillator for pickleball courts or the pavilion, planting cedar trees in the dunes or something for the lifeguard house. Councilman Wellington and the other councilmembers agreed that the defibrillator was a good idea and added that we should also buy one. Bruce Allen suggested honoring Bob Selfridge.

Councilman Alloway discussed the nonmotorized watercraft area, AKA kayak area along our bay. He suggested raising the rates and changing the one-time registration to an annual registration. He said he would have a committee meeting to work out the details.

Mayor Larson brought up the “no hunting” issue. The Borough Attorney read the existing code regulations which did not include hunting. He wanted to ensure that he had the accurate information to prepare an ordinance. The Council agreed to no hunting, trapping or discharging of firearms.

Councilwoman Reynolds, said that Tidelands Resource Council has jurisdiction over the pond area which wouldn’t be covered by our ordinance. She suggested sending them a letter asking them to follow us in banning hunting, trapping and firearms in that area for the safety of all. She also talked about the violations of hunters and what the fines could be.

Mayor Larson announced that the former Borough Clerk, Gail Wetmore passed away from complications of diabetes yesterday. He said there were a lot of good memories of her and she would be remembered.

Mayor Larson said he would be attending a meeting in Brigantine with Congressmen and a State Senator. He said that they were very concerned because the windmills would be right in front of Brigantine beaches. He said that at a meeting with then County Republican Club and the County Commissioner would be composing a letter to oppose windmills. He wanted to emphasize that towns like Whiting and Berkeley don’t realize the effect of the windmills. It’s not the view, it’s the effect of the fishing industry and Sealife. We have been worried about the project for ten years. He said that there have been many unfortunate deaths of the whales and we don’t know why is this happening.

He said that Little Egg Harbor is getting a grant in the amount of \$740,000 from Oceanwind for new bulkheads.

Mayor Larson asked for a motion to close the Caucus. On a motion by Foley, 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 NJ Open Public Meetings Act. Notice of this meeting was posted on the bulletin board in Borough Hall and was published in the Asbury Park Press on January 19, 2023, both newspapers designated by Mayor and Council to receive such notice.

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, Michele Inman and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of January 11, 2023 regular meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of January 11, 2023 Budget Workshop

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

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- No court report this month
- Talked about starting Court sessions in Barnegat Light and not having all of the equipment in place.

WATER/SEWER: Councilwoman Foley reported as follows:

- A letter will be going out soon to explain the new water/sewer rates.
- 14 water main breaks

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Reported on the beach badge revenues which was up over \$2,000 from this time last year
- LIT program information will be sent soon
- Unprecedented number of dead whales washing up on the coast from New York & New Jersey
- Sonar noise in the ocean that the whales are listening to and suffering
- Dog park revenue is up \$450 from this time last year
- Looking for beach badge checker & other summer help

DOCKS AND HARBORS: Councilman Alloway said that he did his report during caucus

PUBLIC WORKS: Councilman Wellington reported as follows:

- Continuation of building corrals for the street ends
- Holiday lights were taken down
- Discussed new beach badge/pickleball booth & restroom
- We received one estimate for replacement of the gutters on Borough Hall
- 8 x 10 shed behind skateboard park for new booth

FINANCE: Councilman Spark reported as follows:

- Municipal bills in the amount of \$1,392,968.16 were reviewed & approved

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 his son did a report on a public official and he chose Gail Wetmore. He said that he had fond memories of Gail. He added that the Post Office had duck stamps.

Mike Bergey, 8 W 3rd Street, said that he would support the ban on hunting by pond. He talked about a vehicle driving up into the dune to the bench on 3rd Street. He asked if that entrance point could be shut down. The mayor responded that the DEP wants it open. He asked about enforcement.

Bruce Allen, 1405 Seaview Avenue, Regarding the duck hunters, he found between 8- 10 unspent shotgun shell bet 27th and 28th Streets on the boulevard. He said that the BOEM asked the National Academy of Sciences to study windfarms. He said they were very impartial. Mr. Allen inquired if there was a resolution to the clear cutting the dune area and he was told that it was under litigation.

Tim Brindley, 1404 Bayview Avenue, talked about 3rd Street. He said that on the opposite side of the road, there was a cedar tree out into the road and the bamboos behind it were out of control. Mayor Larson said that people weren’t maintaining their easements which would be used in the case of an emergency. Sponge said that the easements should be cleared by 20 feet. He said that a letter of advisement would be sent out regarding this dangerous situation.

John Alchus, 8 W 7th Street, was curious about what happened at the Planning Board meeting. He was told that a subcommittee was formed. Sponge said that the Board was waiting for suggestions from the Attorney and Engineer. The suggestions would then go to the subcommittee, they would make recommendation to the Planning Board. Then the Planning Board would make recommendations to the Borough Council.

CLOSE PUBLIC SESSION: Mayor Larson asked for a motion to close the open public session.

Motion: Wellington 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						
Reynolds	X	X				
Foley						
Mikuletzky						

RESOLUTION 2023-046
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 2023. 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 2023-047
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EMPLOYEE EDUCATIONAL EXPENSE REIMBURSEMENT AGREEMENT & STIPEND WITH CECELIA HODGSON.

WHEREAS, Cecelia Hodgson is an employee of the Borough of Barnegat Light; and WHEREAS, it is the policy of the Borough of Barnegat Light to encourage existing employees to obtain state certification to statutory positions in order that they may qualify for promotions to the same if/when available; and WHEREAS, Cecelia Hodgson will be pursuing the course of educational requirements prescribed by the State of New Jersey for certification as a Registered Municipal Clerk, pursuant to NJSA 40A:9-133. 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 the execution of an agreement with Cecelia Hodgson to advance educational expenses and costs related to certification as a Registered Municipal Clerk under NJSA 40A:9-133, and to pay a stipend for each course successfully completed. The Mayor and Borough Clerk are authorized to execute said agreement, a copy of which is attached hereto and incorporated herein by reference.
2. That certified copies of this resolution shall be forwarded to Cecelia Hodgson and the Borough Treasurer.

RESOLUTION NO. 2023-048
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, CALLING FOR AN IMMEDIATE MORATORIUM ON OFFSHORE WIND DEVELOPMENT PENDING A THOROUGH INVESTIGATION INTO THE UNPRECEDENTED DEATHS OF WHALES "

WHEREAS, the Mayor and Borough Council of the Borough of Barnegat Light is calling for immediate suspension of all offshore wind development activity until a comprehensive, thorough investigation is held by federal and state agencies that confidently concludes these activities are not a contributing factor to recent whale deaths. WHEREAS, the marine mammal population has seen seven (7) tragic deaths of whales on the coasts stretching from New York to New Jersey in a brief period of time; and WHEREAS, The Barnegat Light community is heartbroken over the latest young whale to wash ashore in the vicinity of Brigantine on January 12th, 2023. WHEREAS, United States Congressman Jeff Van Drew has expressed his opposition to moving forward with offshore wind projects pending further research of the disclosed impacts of such projects on the environment and fishing industry; and WHEREAS, the Mayor and Council of the Borough of Barnegat Light are of the opinion that offshore activity should be suspended pending further research as to the potential impact such activity has on whales and other marine life; and WHEREAS, the Mayor and Borough Council joins and supports the approach and statements made by United States Congressman Jeff Van Drew NOW, THEREFORE BE IT RESOLVED, that the Mayor and Borough Council affirmatively support the position of United States Congressman Van Drew and endorse and appreciate their efforts in this matter; and BE IT FURTHER RESOLVED, the Mayor and Borough Council shall forward certified copies of this resolution to:

1. Governor Phil Murphy
2. Senator Cory Booker
3. Senator Bob Menendez
4. District 9, Senator Christopher J Connors, Assemblywoman DiAnne C. Gove and Assemblyman Brian E Rumpf

- 5. Ocean County Board of Commissioners, Bobbi Jo Crea, John P. Kelly, Joseph H. Vicari and Virginia E. Haines
- 6. Ocean County Municipalities

RESOLUTION 2023-049
RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$1,392,968.16

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 \$1,392,968.16 authorized to be paid upon verification of the Treasurer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

ORDINANCES:
SECOND READING/PUBLIC HEARING/ADOPTION:

The Clerk said that Ordinance 2023-01 was passed on first reading at the January 11, 2023 meeting and there will be a public hearing. She read the Ordinance by number and title.

ORDINANCE 2023-01
ORDINANCE OF THE BOUROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

OPEN PUBLIC HEARING: Motion: Spark Second: Wellington All in favor
Being no public comment, the mayor asked for a motion to close the public hearing.
CLOSE PUBLIC HEARING: Motion: Reynolds Second: Spark All in favor

Adoption:

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

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriations and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Barnegat Light_in the County of Ocean finds it advisable and necessary to increase its CY 2023 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$23,951.27 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriations in either of the next two succeeding years

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Barnegat Light, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2023 budget year, the final appropriations of the Borough of_Barnegat Light shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$83,829.45, and that the CY 2023 municipal budget for the Borough of Barnegat Light_be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

SECOND READING/PUBLIC HEARING/ADOPTION:

The Clerk said that Ordinance 2023-02 was passed on first reading at the January 11, 2023 meeting and there will be a public hearing. She read the Ordinance by number and title.

ORDINANCE 2023-02

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 94 OF THE BOROUGH CODE, ENTITLED “FLOODPLAIN MANAGEMENT REGULATIONS,” TO REVISE SECTIONS 94.2 & 94.3 OF THE SAME.

OPEN PUBLIC HEARING: Motion: Foley Second: Reynolds All in favor
Being no public comment, the mayor asked for a motion to close the public hearing.

CLOSE PUBLIC HEARING: Motion: Reynolds Second: Spark All in favor
Adoption:

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

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. Sections 94.1 of Chapter 94 of the Borough Code of the Borough of Barnegat Light, entitled "FLOOD DAMAGE PREVENTION," is hereby amended and supplemented to provide revised paragraph 94.2.1 to read as follows:

Chapter 94
FLOODPLAIN MANAGEMENT REGULATIONS

§ 94.2 Applicability.

94.2.1 Establishment of Flood Hazard Areas. The Borough of Barnegat Light was accepted for participation in the National Flood Insurance Program on April 2, 1971. The National Flood Insurance Program (NFIP) floodplain management regulations encourage that all Federal, State, and Local regulations that are more stringent than the minimum NFIP standards take precedence in permitting decisions. The FHACA requires that the effective Flood Insurance Rate Map, most recent preliminary FEMA mapping and flood studies, and Department delineations be compared to determine the most restrictive mapping. The FHACA also regulates unstudied flood hazard areas in watersheds measuring 50 acres or greater in size and most riparian zones in New Jersey. Because of these higher standards, the regulated flood hazard area in New Jersey may be more expansive and more restrictive than the FEMA Special Flood Hazard Area. Maps and studies that establish flood hazard areas are on file at the Borough of Barnegat Light, 10 E 7th St, Barnegat Light, NJ 08006.

The following sources identify flood hazard areas in this jurisdiction and must be considered when determining the Best Available Flood Hazard Data Area:

- 1) Effective Flood Insurance Study. Special Flood Hazard Areas (SFHAs) identified by the Federal Emergency Management Agency in a scientific and engineering report entitled “Flood Insurance Study, Ocean County, New Jersey “All Jurisdictions” dated December 16, 2021, and the accompanying Flood Insurance Rate Maps (FIRM) identified in Table 94.2.2(1) whose effective date is December 16, 2021 are hereby adopted by reference.

Table 94.2.2(1)

Map Panel #	Effective Date	Revision Letter
34029CV001C	12/16/2021	
34029CV002A	09/29/2006	
34029C0438F	09/29/2006	
34029C0439F	09/29/2006	
34029C0526F	09/29/2006	

- 2) Federal Best Available Information. The Borough of Barnegat Light shall utilize Federal flood information as listed in the table below that provides more detailed hazard information, higher flood elevations, larger flood hazard areas, and results in more restrictive regulations. This information may include but is not limited to preliminary flood elevation guidance from FEMA (such as Advisory Flood Hazard Area Maps, Work Maps or Preliminary FIS and FIRM). Additional Federal Best Available studies issued after the date of this ordinance must also be considered. These studies are listed on FEMA’s Map Service Center. This information shall be used for floodplain regulation purposes only.

Table 94.2.2(2)

Map Panel #	Preliminary Date
34029CV001C	01/30/2015
34029CV002B	01/30/2015
34029C0438G	09/29/2006
34029C0439G	09/29/2006

34029C0526G	09/29/2006 SB 01/30/2015
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- 3) Other Best Available Data. The Borough of Barnegat Light shall utilize high water elevations from flood events, groundwater flooding areas, studies by federal or state agencies, or other information deemed appropriate by the Borough of Barnegat Light. Other “best available information” may not be used which results in less restrictive flood elevations, design standards, or smaller flood hazard areas than the sources described in Section 94.2.2 (1) and (2), above. This information shall be used for floodplain regulation purposes only.

SECTION 2. Sections 94.3 of Chapter 94 of the Borough Code of the Borough of Barnegat Light, entitled "FLOOD DAMAGE PREVENTION," is hereby amended and supplemented to provide revised paragraph 94.3.1 to read as follows:

§ 94.3 Duties and Powers of Floodplain Administrator.

94.3.1 Floodplain Administrator Designation. S/B Construction Official is designated the Floodplain Administrator. The Floodplain Administrator shall have the authority to delegate performance of certain duties to other employees.

SECTION 3. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

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

INTRODUCTION-FIRST READING

ORDINANCE 2023-03

ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING ARTICLE I OF CHAPTER 144 THE BOROUGH CODE, ENTITLED “BEACHES,” TO PROHIBIT HUNTING, TRAPPING OR THE DISCHARGE OF FIREARMS ON THE BOROUGH’S BEACHES.

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

CORRESPONDENCE:

Scout Camping on the Beach on May 19-21 Approved for 9th Street contingent on Certificate of Liability insurance and fire permit from County.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Alloway Second: Spark All in Favor X

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK