

REGULAR MEETING OF MAYOR AND COUNCIL
August 9, 2023

THE CAUCUS MEETING of the Mayor and Council was called to order by Mayor Larson at 4:30pm 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 and Beach Haven Times on January 19, 2023, both newspapers designated by Mayor and Council to receive such notice.

ROLL CALL: Spark was absent, Wellington, absent Alloway, Reynolds, via phone, Foley and Mikuletzky

Also present: Mayor Larson, Terry Brady, Sponge, Michele Inman, John Schulze and Brenda Kuhn

Discussion:

The mayor said that we received a letter from Isabelle Latimer regarding the use of the wooden walkways for the release of the terrapins. There was discussion about this.

The next topic was the bamboo ordinance that was going to presented for a public hearing and final adoption. The mayor looked to the Attorney for clarification. The mayor, council and attorney discussed this at length.

Easement/public access on Seaview Avenue was discussed next. Apparently, a new owner doesn't like anyone walking through her easement. Councilman Wellington asked the attorney to get the deeds to research this topic.

Mayor Larson asked for a motion to close the Caucus. On a motion by Reynolds, 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 4:30pm 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 and Beach Haven Times 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 was absent, Wellington, Alloway, Reynolds, Foley, and Mikuletzky

Also present: Mayor Larson, Terry Brady, Sponge Washburn, Michele Inman, John Schulze and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of July 12, 2023 regular meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of July 17, 2023 Special Meeting.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of July 31, 2023 Special Meeting.

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

COMMITTEE REPORTS:

PUBLIC WORKS: Councilman Wellington reported as follows:

- Basic maintenance; such as grass cutting and keeping the brush cut back at the street ends
- Stained exterior of the dock and pavilion restrooms
- Now in the process of staining the pavilion
- Work continues on the new booth-waiting for electrical
- New steps for the boat docks are being built

DOCKS AND HARBORS: Councilman Alloway reported as follows:

- 20 kayaks were confiscated and only 2 have been claimed
- Ramp is busy

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Reported on the beach badge revenue, \$21,000 more than last year
- Safe Beach Day website gives information to users such as, which beaches are guarded, hazard level and water temperature
- Reported on the rescues, EMT call/First Aid, and a lost person
- LBI Lifeguard races, Barnegat Light placed 3rd
- Reported the dog park and pickleball revenue
- She said there was talk regarding a small dog park
- Wildflowers Dog Show is tomorrow

Councilman Wellington discussed the construction of a small dog area inside of the existing dog park.

Include the installation of a contained area to bring small dogs into the area separately from the big dogs

- Replacement of the existing batting cage fencing
- Upgrade the existing batting cage located inside of the dog park
- Re-grading the batting cage ground surface
- Installation of a proper home plate and pitcher's mound
- Creation of a back stop against the east wall of the batting cage area to allow for the use of the town property east of the dog park for La cross, soccer, and other general practice
- This motion includes the option and provision to use any unused grant money recently received for the equipment requested for the bay beach upgrade
- Provide for an increase of the non-resident dog fee to \$100 per season to help offset the cost of construction
- Estimates for the complete fencing are approximately \$16,000.
- New key fob entry system

Motion to proceed with small dog park was made by Wellington, seconded by Alloway and carried by all.

WATER/SEWER: Councilwoman Foley reported as follows:

- Not much activity
- Broken water main repaired by DPW
- Getting quotes to clean the exterior of the water tower

FINANCE: Councilwoman reported on behalf of Councilman Spark in his absence as follows:

- Expenditures

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- Make the court report a part of the meeting minutes
- Reported on the revenue from the court
- There was talk about dogs on the beach and bay areas.
- He was disappointed LBTPD not giving tickets for dogs on the beach.

Sponge Washburn said dog waste was much better this year than the past and added that a lot of people steal the doggie bags.

Councilman Wellington said he would like to comment on the small dog park as requested by Councilwoman Reynolds.

Councilman Wellington said that he would like to make a motion to construct a small dog area inside of the existing dog park as follows:

- Installation of a contained area to bring small dogs into the area separately from the big dogs
- Replacement of the existing batting cage fencing and upgrade of the existing batting cage located inside of the dog park to include re-grading the batting cage ground surface

- Installation of a proper home plate and pitcher's mound
- Creation of a back stop against the east wall of the batting cage area to allow for the use of the town property east of the dog park for lacrosse, soccer, etc.
- Option and provision to use any unused Recreational Grant money recently received for the equipment requested for the bay beach upgrade
- Provide for an increase of the non-resident dog fee to \$100 per season to help offset the cost of construction.
- Estimates for the complete fencing are approximately \$16,000.

There was a discussion about the key fob system.

Motion to proceed with small dog park was made by Wellington, seconded by Alloway and carried by all.

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

Motion: Foley Second: Reynolds All in favor X

Tim Brindley, 1404 Bayview Avenue, said there was a lot of seaweed at the bay beach and it may be contributing to water quality. The mayor said it wasn't seaweed but rather it would be directly due to dog waste.

Emma Lapansky, was at the meeting to talk about her proposal to open a bed and breakfast. The mayor told her that would be a planning board issue.

Bruce Allen, 1405 Seaview Avenue, questioned the fees/fines that were collected by the court. He said he didn't think the police weren't giving out enough tickets. He added that he read the contract. The mayor asked for clarification on what he actually wanted the police to do. Sponge Washburn said that he felt that they could give more tickets but when there's an emergency, they are there and we couldn't ask for better response in these situations.

Rich Brodman, 4 E 10th Street, said that the Barnegat Light Taxpayers' Assoc. in conjunction with the Joint Council would be doing a beach clean-up on September 9th and their last general meeting would be on September 23rd. He said they would be showing the movie, Drift, at the pavilion on September 30, 2023 at sundown, he added that Harvey Cedars, High Bar Harbor and Loveladies would also be invited.

Mayor Larson said that Barbra Schumann, 16 E 26th Street, is getting a speaker to talk to a group of people about the wind mills at the pavilion on the 27th of August.

Tim Brindley saw that the police had a sting operation at 6th Street due to many people not stopping. He said that its dangerous because people just roll right through.

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

Motion: Mikuletzky Second: Wellington 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			
Reynolds	X		X			
Foley			X			
Mikuletzky			X			

RESOLUTION 2023-079

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN AMENDMENT TO THE 2023 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 2020 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 \$3,492.66; and

WHEREAS, it is the desire of the Borough of Barnegat Light to amend the 2023 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 2020 RECYCLING TONAGE GRANT \$3,492.66

- 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 2020 RECYCLING TONAGE GRANT \$3,492.66

- 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 2023-80

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$876,540.28

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 \$876,540.28 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 2023-081

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REFUNDING PRORATED BOAT SLIP FEE

WHEREAS, Keith Konzelmann rented boat slip #3 for the 2023 season in the amount of \$2,500; and

WHEREAS, Mr. Konzelmann has requested a refund of a prorated portion of the boat slip due to a mechanical problem with his boat; and

WHEREAS, the slip has been leased for the remainder of season to someone on the waiting list; and

WHEREAS, payment has been received from the new lessee.

NOW, THEREFORE, BE IT RESOLVED that the prorated portion of the Boat Slip Fee, in the amount of \$1,332.50 should be refunded to: Keith Konzelmann, 29 South Prospect St., Verona, NJ 07044

RESOLUTION 2023-082

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDING A STIPEND TO CERTAIN EMPLOYEE

WHEREAS, Cecile U, Hodgson has entered into an agreement with the Borough of Barnegat Light to pursue the course of education required for Certification as a Registered Municipal Clerk; and

WHEREAS, her agreement with the Borough states that she shall receive a \$1,000.00 stipend after the successful completion of each course; and

WHEREAS, Cecile has successfully completed Records Management.

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 Cecile shall receive a stipend of \$1,000.00
- 2. Certified copies of this resolution shall be forward to Cecile U. Hodgson and the Finance Department.
- 3. A certified copy shall be place in Cecile U. Hodgson’s file.

RESOLUTION 2023-083

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

WHEREAS, Gary Moll, Jersey Shore Unlimited, Inc, paid the \$500 security deposit for a recreational use permit for use of the pavilion; and

WHEREAS, Gary Moll has requested, in writing, a refund of the paid security deposit.

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.
- 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:

Jersey Shore United Inc
1563 Old Freehold Road
Toms River, NJ 08755

ORDINANCES:

Second Reading/Public Hearing: 2023-10

The Clerk read ordinance 2023-10 by title and stated that there would be a public hearing.

ORDINANCE 2023-10

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 66 OF THE BOROUGH CODE, ENTITLED "BRUSH, WEEDS & GRASS" TO PROVIDE FOR THE REGULATION OF INVASIVE BAMBOO PLANTS.

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. Chapter 66 of the Borough Code of the Borough of Barnegat Light is hereby amended and supplemented to provide a new Section 66-6, to be entitled "No Maintaining or Planting of Bamboo Plants," to read as follows:

Chapter 66
BRUSH, WEEDS & GRASS

§ 66-6. No Maintaining or Planting of Bamboo Plants.

a. The in-ground planting of bamboo plants is prohibited in the Borough of Barnegat Light.

b. Regulation of and limitations on existing bamboo plants.

1. All property owners must control the growth of bamboo plants on their property. Failure to control and/or prevent the spread of such vegetation beyond the boundaries of any property within the Borough is a violation of this section.

2. All existing bamboo plantings must be contained by appropriate physical barriers to prevent growth or spread beyond the boundaries of a resident's property.

c. Removal of bamboo plants. In the event invasive bamboo plant(s) are present on any plot of land, or any other premises or place in the Borough, the Borough shall serve written notice to the property owner to remove or abate the violation within such time as shall be specified in such notice. The cost of abatement shall be borne by the property owner. If the owner fails to comply with such notice within the time period specified herein, the Borough may remove or otherwise control the plant(s) and recover the cost of such removal/control from the property owner, and place a lien on the property to recover the cost of said removal.

d. Penalty. A violation of this section shall be punishable as provided in Chapter 1, General Provisions, § 1-15. A continuation of such violation for each successive day shall constitute a separate offense and the person or persons allowing or permitting the continuation of such violation will be punished as provided above for each separate offense.

SECTION 2. All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

Public Hearing: Motion: Wellington Second: Foley

Public comment:

Rich Brodman asked if the ordinance included certain varieties of bamboo. The response was that it included all bamboo.

Bruce Theuerkauf, 9 E 19th Street, asked if the ordinance included any other invasive plants. Terry Brady responded that it did not.

Close Public Hearing: Motion: Wellington Second: Foley

Mayor Larson asked for a motion to adopt.

ADOPTION:

Final Passage: 2023-01 February 8, 2023

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

CORRESPONDENCE:

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

