

REGULAR MEETING OF MAYOR AND COUNCIL  
December 13, 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 7<sup>th</sup> 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, Wellington, Reynolds, Foley and Mikuletzky

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

Mayor Larson announced that Sam Alloway passed away on December 5, 2023. The mayor called for a moment of silence. Council President said that the funeral was last night and it was well attended. The mayor said Sam was a good man and was loved by many.

Councilman Spark voiced his concern about 23<sup>rd</sup> Street not being paved. He asked Terry Brady if a completion date stipulation could be put into the contracts. Terry said absolutely. Spark said they did a nice clean job but felt the paving should be done. Terry said he would email Frank Little

Sponge Washburn reported on the 30<sup>th</sup> Street issue. He explained that the dunes were clearcut by the developer. He said this was a long process. In the end the developer received a substantial fine, replanted a certain number of tree and was required to post a surety bond.

Terry Brady explained that T-Mobile's 25-year lease for space on our water tower expired in 2022 and after a few bid openings for the use of the water tower, T-Mobile failed to submit a bid. They were ordered to remove their equipment. Representatives from T-Mobile were at the meeting to plead their case. A representative from T-Mobile was at the meeting. He said that T-Mobile wanted to keep their equipment on the tower. He said the exceptions to the lease had been agreed upon.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of November 8, 2023 regular meeting.

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

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- The revenue brought in by the court for October and November

WATER/SEWER: Councilwoman Foley reported as follows:

- Two new fire hydrants were installed
- Paving on 23<sup>rd</sup> and 27<sup>th</sup> is postponed until spring

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Beach badge revenue up from last year by almost \$16,000
- Pickleball revenue is over \$9,00
- Dog Park revenue almost \$7,000
- Now we have small dog park
- Batting cage being rebuilt
- The playground equipment, partially donated by the BLTCA, for the bay beach will be delivered tomorrow and installed next week

PUBLIC WORKS: Councilman Wellington reported as follows:

- Public Works did the work on the small dog park
- Batting cage currently under construction
- Contractors will be onsite on Monday to install new playground equipment
- A barrier was installed at the museum to stop the bamboo intrusion
- Closed down all outdoor water with the exception of the restroom at the ramp
- Removed ramps at the docks
- Christmas and snowflake were installed

FINANCE: Councilman Spark reported as follows:

- Reported on the bills, in the amount of \$438,943.91, that were approved for payment

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

Motion: Foley Second: Wellington All in favor X

Bruce Allen, 1405 Seaview Avenue, asked about the trees that were planted on 30<sup>th</sup> Street as a result of the clear cutting. Sponge announced that 5-6' cedar, holly and bayberry trees were planted.

Pete Snieckus, 8 E 13<sup>th</sup> Street, asked about the fine. Terry Brady said it was \$10,000.

Tracey Cameron, 13 W 5<sup>th</sup> Street, was concerned about the mowing down the sides of the boardwalks on 8<sup>th</sup>, 10<sup>th</sup>, 12<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 17<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> Streets. She wanted to know why it had to be mowed down so brutally. The mayor said it may have been a mistake to use the machine that they used for the job and said that the walkways were wider in the past. Sponge Washburn said the trees were taken down accidentally. He said that visitors and homeowners complain about the overgrowth and we were just trying to make a better path to the beach.

James Murtaugh, 13 w 5<sup>th</sup> Street, expressed his concern about the cutting of the walkways. He said that our dunes are a unique feature of Barnegat Light that you will not find in any other town on the island. He said the dunes have significant value. Not just as a buffer, but as a wildlife preserve and a public park and should be treated that way. He added that more care and attention should be used in maintaining the landscape.

Michael Sullivan, 2002 Bayview Avenue, said there was a sign on 20<sup>th</sup> Street that said "Save our dunes" and it was chopped down. He said it was a mockery. He added that the boardwalk was a hazard now that it was chopped up by the machine. Sponge Washburn said that the Borough was trying to help with the poison ivy issue.

Tim Brindley, 1404 Bayview Avenue, said there was another major nor'easter coming on Monday.

Linda Gerber, 1702 Central Avenue, said that devastation was the only word that she could think of when she saw the boardwalks. She was looking for a proactive plan going forward. How are we going to repair what was done? Councilman Wellington said that the cedar trees were an unintended consequence. Our plan is to get up there in the spring with a weedwacker to stop the poison ivy and Virginia creeper. Councilwoman Reynolds said we need to keep the vegetation back in a gentle way. She also suggested getting estimates from landscapers. Mayor Larson said what is done, is done

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

Motion: Foley Second: Mikuletzky 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			X			
Mikuletzky	X		X			

RESOLUTION 2023-098

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

WHEREAS, Frederick Hyer, paid the \$500 security deposit for a recreational use permit; and  
WHEREAS, Frederick Hyer 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 check shall be made payable and sent to:  
Frederick Hyer  
25 Mountain Avenue  
Hewit, NJ 07421

RESOLUTION 2023-099

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AWARDED 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 Advanced Duties of the Municipal Clerk.

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 2023-100

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$438,943.93

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 \$438,943.93 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 2023-101

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 2022 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 2023-102**

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR THE 2024 AMERICAN RESCUE PLAN FIREFIGHTER GRANT PROGRAM

WHEREAS, the Governing Body desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for the 2023 American Rescue Plan firefighter Grant.

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

1. That the Council of the Borough of Barnegat Light does hereby authorize the submission of the grant application for the above stated project.
2. That the Council recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Barnegat Light and the New Jersey Department of Community Affairs.

Be it further RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith:

**ORDINANCE 2023-16**

Mayor Larson explained Ordinance 2023-16.

The Clerk read Ordinance 2023-16 by title.

The Mayor asked for motion to open the public hearing.

**OPEN PUBLIC HEARING:** Motion: Reynolds Second: Wellington All in favor

Tim Brindley asked about travel trailers. The mayor addressed his questions.

Being no further public comment, the mayor asked for a motion to close the public hearing.

**CLOSE PUBLIC HEARING:** Motion: Foley Second: Spark All in favor

Final Passage: Date: December 13, 2023

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

**ORDINANCE 2023-16**

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE BOROUGH CODE TO PROHIBIT CERTAIN VEHICLE PARKING DURING CERTAIN HOURS.

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 195-13 of the Borough Code of the Borough of Barnegat Light, entitled "Schedule II: Parking prohibited during certain hours on certain streets," is hereby amended and supplemented to provide as follows:

**Chapter 195  
Vehicles and Traffic**

§ 195-13. Schedule II: Parking prohibited during certain hours on certain streets.

In accordance with the provisions of § 195-3D, no person shall park any commercial vehicle, trailer, camper or any recreation vehicle overnight upon any of the streets within the Borough between the hours of 8 p.m. and 6 a.m. Recreational vehicles shall include, but are not limited to,

the following: all types of boats, boat trailers, campers, camper trailers, canoes, jet skis, jet ski trailers, kayaks, motor homes, snowmobiles, trailers, open utility trailers, enclosed storage trailers, and any other vehicle used for recreational purposes.

All other enumerated street parking restrictions in Chapter 195 shall remain in full force and effect.

**SECTION 2.** In accordance with N.J.S.A. 39:4-8, the Municipal Engineer of the Borough of Barnegat Light has, under his seal as a licensed professional engineer, certified to the Borough of Barnegat Light that any designation and erection of signs or placement of markings in accordance with the provisions of this ordinance (1) has been approved by him after investigation by him of the circumstances, (2) appears to him to be in the interest of safety and the expedition of traffic on the public highways, and (3) conforms to the current standards prescribed by the Manual of Uniform Traffic Control Devices for Streets and Highways, as adopted by the New Jersey Commissioner of Transportation.

**SECTION 3.** A certified copy of this ordinance, together with the Borough Engineer's aforementioned Certification, statement of reasons for the engineer's decision, detailed information as to the location of streets, intersections and signs affected by this ordinance or its implementation, and traffic data (where appropriate), shall be forwarded to the New Jersey Commissioner of Transportation and to the Ocean County Engineer within 30 days of final adoption of this ordinance.

**SECTION 4.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Foley Second: Wellington All in Favor X

APPROVED:

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KIRK O. LARSON, MAYOR

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BRENDA L. KUHN, MUNICIPAL CLERK