

REGULAR MEETING OF MAYOR AND COUNCIL

November 8, 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, Wellington, Alloway, absent, Reynolds, Foley and Mikuletzky

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

Discussion: The Mayor and Council discussed the parking ordinance. Topics such as hours of no parking, changing the “no parking” from seasonal to all year and fines associated with violations. Driveway designation was also discussed. Currently residents may designate 20’ for their driveway. Councilman Wellington said that other towns allow properties that are situated on a corner lot to reserve an additional 10’ on the other side of their corner lot.

Sponge Washburn, Zoning/Code Enforcement, announced that Atlantic City Electric was on strike. With regards to Borough Code, this may present a problem for contractors putting in temporary electric poles during construction. He said that we may have to allow generators but they would have to put them in them in the middle of the property.

Councilwoman Foley said that Councilman Alloway reviewed the kayak ordinance. She said that the ordinance states that there will be a \$250 fee plus the cost of labor. She said that Councilman Alloway’s understanding was that it would just be a \$250 fee. Mayor Larson thought that Council was waiting until the beginning of the year to introduce this fee ordinance. Terry Brady, Borough Attorney, suggested leaving the cost of labor in the ordinance. He said that a kayak takes a different amount of effort to remove than a catamaran.

There was also a discussion about the windfarm shared services agreement.

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

Also present: Mayor Larson, Terry Brady, Sponge Washburn, Kathleen Flanagan, Michele Inman and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of October 11, 2023 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 October 11, 2023 Closed Session.

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of October 18, 2023 special meeting.

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

Kathleen Flanagan, CFO, discussed the annual Best Practices Checklist which is required by the State. She explained that there were 67 questions and towns had to score 29 or above to not no loss of State Aid. She discussed the checklist and said that Barnegat Light scored 36.5.

The CFO said she would like to have a budget workshop on November 16th at 2:00pm.

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

COMMITTEE REPORTS:

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- September report, October not available.
- Court collected \$4,366.11

WATER/SEWER: Councilwoman Foley reported as follows:

- Paving and curbing on 23rd & 27th Streets is being done (should be about a week)
- Water Tower cleaning is completed (no major issues)
- Hydrants replacement will be done in the winter
- Hydrant flushing is completed

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Pickleball revenue \$9,325. Up by \$1,180 from last year
- Dog park revenue was \$8,625 which was down \$125 from last year
- Award to Connor Addiego for outstanding service in a medical emergency

DOCKS AND HARBORS: Councilwoman Foley reported on behalf of Councilman Alloway as follows:

- Ramp revenue was \$27,140
- Kayak revenue was \$4,890

PUBLIC WORKS: Councilman Wellington reported as follows:

- Reused pavers to build patio under the deck at the lifeguard house
- Overgrowth on 3rd street was cut back 7-8"
- Starting to cut back street ends. It's a work in progress, Sand will be put in. Should help with the poison ivy
- Finished painting the pavilion.
- Fencing behind Borough Hall. The 4x4 post were rotting and now are replaced and the fencing was cleaned up
- Small dog park. The walkway to the batting cage is extended
- Chain link fencing will be installed when it comes in.
- Fencing at the bay beach was removed

FINANCE: Councilman Spark reported as follows:

- Councilman Spark & Councilwoman Foley reviewed the bills that amounted to \$1,470,000
- He added that the Regional School payment was \$135,800 and the Ocean County tax was \$1,260,000

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

Motion: Spark Second: Foley All in favor X

Tim Brindley, 1404 Bayview Avenue, talked about the windmill surveys that continue
 Rich Brodman, 4 East 10th Street, talked about the Taxpayers Association donation of a defibrillator that has been installed at the pavilion. He said that at the first general meeting of the BLTCA in June, they will be doing a dedication with a plaque. Dr. Brodman also discussed the St. Francis food pantry and ways to donate. He inquired about the walkways. He wondered why they goes so far back from the walkways. Councilman Wellington explained that it's the width of the machine that was used. He said that it leaves a mess but DPW cleans up the debris and adds sand to both sides of the boardwalk.

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

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

RESOLUTION 2023-094

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF APPROPRIATIONS ACCORDING TO 40A:4-58

WHEREAS, the Borough of Barnegat Light in the County of Ocean and State of New Jersey finds it necessary to transfer money from certain 2023 budget appropriations to carry on and pay its obligations and that such transfers are permitted by law.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Barnegat Light that the Treasurer is hereby authorized to make the following transfers:

CURRENT FUND:

FROM:

Docks & Wharves OE \$10,000.00
Street Lighting OE \$4,500.00

TO:

Engineering OE \$10,000.00
Telephone OE \$4,500.00

RESOLUTION 2023-095

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE AWARDING OF A PROFESSIONAL SERVICES CONTRACT WITHOUT COMPETITIVE BIDDING OR FAIR & OPEN ADVERTISING – SPECIAL LEGAL COUNSEL FOR WINDFARM LITIGATION – PURSUANT TO A SHARED SERVICE AGREEMENT

WHEREAS, there exists a need for the services of special legal counsel for the purposes of representing the Borough of Barnegat Light, under a shared services agreement with Long Beach Township and other municipalities, for the purposes of pursuing legal action in court and administrative proceedings relative to the approvals and processes of windfarms off the coast of the Atlantic Ocean; and

WHEREAS, the Borough of Barnegat Light has determined that its professional services contractors do not make reportable political contributions to municipal candidates so as to otherwise require fair and open contract advertising pursuant to the provisions of NJSA 19:44A-20.5; and

WHEREAS, the Borough Chief Financial Officer has determined and certified in writing that the value of this contract will not exceed \$17,500; and

WHEREAS, the law firm of Pashman, Stein, Walder & Hayden is qualified to represent the interests of the Borough and other interested municipalities regarding the approval and processes of windfarms, in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the NJ Campaign Contributions & Expenditures Reporting Act, NJSA 19:44A-20.5; and

WHEREAS, the Borough of Barnegat Light has previously authorized and entered into a Shared Services Agreement relative to this special legal counsel services project, designating Long Beach Township as the lead agency for the same.

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. This firm of Pashman, Stein, Walder & Hayden is hereby appointed special legal counsel for the purposes of representing the Borough of Barnegat Light, under a shared services agreement with Long Beach Township and other municipalities, for the purposes of pursuing legal action in court and administrative proceedings relative to the approvals and processes of windfarms off the coast of the Atlantic Ocean. This contract for professional services is awarded without competitive bidding or advertising under the provisions of the Local Public Contracts Law and the NJ Campaign Contributions & Expenditures Reporting Act.
2. That a certificate of availability of funds executed by the Chief Financial Officer is annexed hereto. The following are the line-item appropriations or ordinances which constitute the availability of funds for this contract:

LEGAL

3. That a Notice of Contract Award shall be published in accordance with NJSA 40A:11-5(1)(a).
4. That certified copies of this resolution shall be forwarded to the law firm of Pashman, Stein, Walder & Hayden, the Township of Long Beach, and the Borough Treasurer.

RESOLUTION 2023-096

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SCHEDULE “C” AGREEMENT WITH THE COUNTY OF OCEAN FOR 2024

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8a-1 et seq. authorized 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. 40-8 requires such a contract to be authorized by resolution or ordinance; and WHEREAS, it is the desire of the governing body to authorize the execution of a contract with The County of Ocean for the provision of services, materials and equipment as set forth in Schedule “C” attached hereto.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Barnegat Light, County of Ocean, State of New Jersey as follows:

1. That the Mayor and Municipal Clerk are hereby authorized to execute a Schedule "C" agreement with The County of Ocean in accordance with the provisions of the law to include \$7,500 for the Road Department and \$2,500.00 for the Engineering Department for a total sum not to exceed \$10,000.00. A copy of the said agreement is attached hereto and made part hereof as Schedule "C".
2. This agreement is for the period January 1, 2024 to December 31, 2024.
3. That a copy of this agreement referenced herein shall be kept on file and made available for public inspection in the Municipal Clerk's office during normal business hours.

RESOLUTION 2023-097

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$1,596,683.12

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 \$\$1,596,683.12 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:

First Reading:

Ordinance 2023-16 was read by title and the Clerk recorded the votes.

ORDINANCE 2023-16

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

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

Second Reading/Public Hearing: 2023-14

The Clerk read the Ordinance by number and title.

ORDINANCE 2023-14

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING SECTION 64-7 OF THE BOROUGH CODE, ENTITLED "REGISTRATION OF PERSONAL WATERCRAFT ALONG BAYFRONT AREAS; REGULATIONS" TO REVISE THE FEES RELATED TO THE SAME.

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 I. Section 64-7 of the Borough Code of the Borough of Barnegat Light, entitled "Registration of personal watercraft along bayfront areas; regulations." is hereby amended and supplemented to provide as follows:

Chapter 64
BOATING
Article II
Use of Bayfront Area

§ 64-7. Registration of personal watercraft along bayfront areas; regulations.

- A. Any person desiring to moor and/or use the Borough's bayfront area for any boat, kayak or personal watercraft (non-motorized) of any kind may do so only after registering said vessel with the Borough of Barnegat Light annually. The registration application shall set forth the owner's full name, residence address, business address, driver's license number, boat license number, boat state registration number, residence and business telephone numbers and an emergency telephone number. Borough property owners shall supply proof of ownership, including property tax bill. The applicant shall also supply any other information reasonably requested by the Borough Dock Master and/or his assistants. The owner shall keep all of the foregoing information current with the Borough. Registration stickers must be maintained on the watercraft and kept visible to the Borough's attendant.
- B. The annual registration fee shall be as follows:
 1. For Borough residents and property owners, \$10 for watercraft under 5ft in width, and \$20 for watercraft over 5ft in width.
 2. For non-residents, \$100 for watercraft under 5ft in width, and \$200 for watercraft over 5ft in width.

- C. The use of the Borough's Bayfront area shall be limited to 10th to 12th Streets, and 24th to 30th Streets, along the bay. The Bayfront shall not be used for any such mooring or bay access in the off-season from December 1 to April 1.
- D. The Borough will not be responsible for any loss or damage of mooring, tackle, ropes or hardware or any other equipment of the registrant.
- E. The registrant shall not change, alter or install any equipment upon the mooring area.
- F. If the registrant shall violate any of the foregoing conditions or any of the provisions of this Article, the registration shall be immediately terminated, *and the vessel shall be removed*. In the event that *any vessel* must be removed, the registrant *or owner* shall be responsible for all costs and expenses of the Borough associated with the removal of the same, *plus an administrative fee of \$250*.

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

Public Hearing: Motion: Spark Second: Wellington

Public comment. Dr. Brodman asked

Close Public Hearing: Motion: Foley Second: Spark

Mayor Larson asked for a motion to adopt.

ADOPTION:

Final Passage: 2023-14 November 8, 2023

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

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Foley Second: Wellington All in Favor X

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK