

REGULAR MEETING OF MAYOR AND COUNCIL

August 14, 2024

THE CAUCUS MEETING of the Mayor and Council was called to order by Councilman Spark 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 and Beach Haven Times on February 1, 2024.

ROLL CALL: Spark, Wellington, Gutowski, Reynolds, Foley and Mikuletzky

Also present: Terry Brady, Michele Inman, Kathleen Flanagan, John Ross, Robert Selfridge and Brenda Kuhn

Discussion: Councilwoman Reynolds read a letter about the character of Barnegat Light. She proposed to introduce an ordinance to remove hotels and motel as a permitted land use. She said hotels would create overcrowding, more traffic, noise, activity and strain on the roads and water/sewer system. It would also expand the demand on emergency services. Terry Brady, Municipal Attorney, spoke in depth about the process of amending the master plan and sound planning. He warned council to be cautious about zoning regulations.

Councilman Spark asked for a motion to close the Caucus. On a motion by Foley, seconded by Gutowski 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 Beach haven Times on February 1, 2024.

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, Gutowski, Reynolds, Foley and Mikuletzky

Also present: Terry Brady, Michele Inman, Kathleen Flanagan, John Ross, Robert Selfridge and Brenda Kuhn

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of July 10, 2024 Regular meeting.

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

COMMITTEE REPORTS:

FINANCE: Councilman Spark reported as follows:

- Bills for the month are \$2,868,869.38

Kathleen Flanagan, CFO, told the Governing Body that a Bond Anticipation Note was sold at open market for \$2,131,000 with interest rate of 4.25%. On another note, the audit report was completed and there were no findings, therefore no corrective action is needed. She said there was a breakdown of the taxes was available if anyone was interested.

PUBLIC SAFETY:

Councilman Mikuletzky reported as follows:

- Revenue was \$2,388.81
- There was an EOC meeting to discuss procedures and upgrades.
- Working on LOSAP

Councilman Wellington said that we are required to upgrade the emergency operations plan every two years. He said that it was a preliminary meeting with a consultant. Once our plan is completed it will be submitted to the County and then the county submits to the state. If we follow the preparedness plan and FEMA allocated money, we would be eligible to apply for funding for damages and expenses.

WATER/SEWER Councilwoman Foley reported as follows:

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Beach badge revenue is up from last year
- Paw pass and pickleball revenue are both down

DOCKS AND HARBORS: Councilman Gutowski reported as follows:

- Revenue is up for the boat ramp and kayak area
- Talked about offshore wind
- Tile fish and scallops are coming into season

PUBLIC WORKS: Councilman Wellington reported as follows:

- Regular maintenance
- Post Office building is being sided

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

Motion: Foley Second: Gutowski All in favor X

Rich Brodman, 4 E 10th, was speaking on behalf of himself and the BLTA membership, he said that almost everyone agrees with Dottie. They don't want future development of hotels and motels because of the stress that it would put on the Rescue squad, Fire Company, and the water/sewer systems. Also, there would be more people and traffic. They would love to see more businesses such as restaurants, bars and shops.

James Murtaugh, 13 W 5th, wanted to know about the process to update the master plan. He thought that it was essential to begin that process. Terry Brady, Municipal Attorney, addressed his question. The process is a Planning Board function.

Paula Mainardi, 8 E 24th, asked about the process to get the Planning Board to update the Master Plan. Ed Wellington addressed her inquiry.

Nancy Connelly, 19 W 5th, said that the Master Plan was a public document and asked how the members of the community elicit an amendment to the Master Plan. if the master plan was amended to prohibit hotels and motels, could an ordinance change that down the road? Terry Brady said that the Master Plan was a policy document and an ordinance is the law of this town.

Madeline Pantzer, 4 E 8th, talked about the lack of white sandy beached north of 16th street and affordable housing. She said it was time to review the Master Plan.

Bob Birdsall, 1704 Bayview Ave, said we should keep the heritage of our town.

Steven Mainardi, 8 E 24th, asked if hotels were allowed in the marine commercial zone and if so, he urged everyone to show up at the planning board meeting and press them.

Lisa Dolan, 2310 Bayview Ave, inquired when the Master Plan was created. Terry Brady said probably 40 years. She wanted to know who the governing force was and Terry said it was the

Planning Board.

Marlena Christensen, 4 W 24th, asked about condominiums.

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

Motion: Reynolds 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	X			
Wellington			X			
Gutowski			X			
Reynolds			X			
Foley	X		X			
Mikuletzky			X			

RESOLUTIONS

RESOLUTION 2024-089

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING NEW JERSEY FAMILY MEDICAL LEAVE

NOW, THEREFORE BE IT RESOLVED that the governing body of the Borough of Barnegat Light hereby authorizes leave for employee #229, retroactive to July 8, 2024, with a return date to be determined, under the New Jersey Family Medical Leave Act.

RESOLUTION 2024-090

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPOINTING ACTING BEACH PATROL CAPTAIN

WHEREAS, the Borough of Barnegat Light is in need of an Acting Beach Patrol Captain; and NOW, THEREFORE, BE IT RESOLVED as follows:

1. That John Ross is appointed Acting Captain of the Beach Patrol through August 18, 2024.
2. That this appointment shall be retroactive to July 8, 2024.
3. That Robert Selfridge is appointed Acting Captain of the Beach Patrol effective August 19, 2024.
4. John Ross and Robert Selfridge shall be compensated at the rate of \$33.16 per hour, respectively.
5. Copies of this resolution shall be forwarded to the CFO, John Ross and Robert Selfridge.

RESOLUTION 2024-091

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EMPLOYEE EDUCATIONAL EXPENSE REIMBURSEMENT AGREEMENT & STIPEND WITH ANDREW CLARK

WHEREAS, Andrew Clark 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 education; and WHEREAS, Andrew Clark will be pursuing the courses for municipal water licensing; and 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 Andrew Clark to advance educational expenses and costs related to water and waste water, 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 Andrew Clark and the Borough Treasurer.

RESOLUTION 2024-092

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING AN EMPLOYEE EDUCATIONAL EXPENSE REIMBURSEMENT AGREEMENT & STIPEND WITH HUNTER RIDDELL

WHEREAS, Hunter Riddell 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 education; and WHEREAS, Hunter Riddell will be pursuing the courses for municipal water licensing; and 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 Hunter Riddell to advance educational expenses and costs related to water and waste water, 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 Hunter Riddell and the Borough Treasurer.

RESOLUTION 2024-093

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$2,868,869.38

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 \$2,868,869.38 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 2024-094

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 2023 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 2024-095

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF CHANGE ORDER NUMBER – 1 FINAL TO THE 2021 ROAD IMPROVEMENT PROJECT-W. 23RD AND W. 27TH STREET CONTRACT WITH MATHIS CONSTRUCTION CO., FOR FINAL AS-BUILT QUANTITY ADJUSTMENTS

WHEREAS, a contract was previously awarded to Mathis Construction Co. for the 2021 Road Improvement Project for West 23rd and West 27th Street at the price of \$605,518.61; and

WHEREAS, the Mayor and Borough Council wish to authorize a change order which will result in an increase of \$90,848.19 in the contract price, consisting of final as-built quantity adjustments; and

WHEREAS, this change order amounts to an increase of 15% of the original contract awarded to Mathis Construction Co. and

WHEREAS, this change order has been recommended by the Borough Engineer and agreed to by the contractor.

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 of the Borough of Barnegat Light do hereby authorize the execution of Change Order Number 1-Final to the contract with Mathis Construction Co. for the 2021 Construction /Improvement Project-West 23rd and West 27th Street, to provide for an increase of the contract price from \$605,518.61 to \$696,366.80 or a net increase in the contract price in the net amount of \$90,848.19, for final as-built quantity adjustments.

FIRST READING/INTRODUCTION:

ORDINANCE 2024-11

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 167 OF THE BOROUGH CODE, ENTITLED "STORMWATER CONTROL," TO REVISE ARTICLE I, ENTITLED "STORMWATER MANAGEMENT REQUIREMENTS AND CONTROLS."

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

FIRST READING/INTRODUCTION:

ORDINANCE 2024-12

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 114 OF THE BOROUGH CODE, ENTITLED "LITTERING" TO PROVIDE FOR DE-ICING MATERIAL STORAGE REGULATION.

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

ORDINANCE 2024-13

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF A PERPETUAL PUBLIC ACCESS EASEMENT TO THE STATE OF NEW JERSEY.

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

Dottie proposed an ordinance.

ORDINANCE 2024-14

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, REMOVAL OF HOTELS AND MOTELS AS A PERMITTED LAND USE.

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

CORRESPONDENCE:

Boy Scout Troop 6 of Point Pleasant-Camping on Beach-APPROVED

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Foley Second: Gutowski All in Favor X

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK