

REGULAR MEETING OF MAYOR AND COUNCIL
September 11, 2024

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 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 was absent, Wellington, Gutowski, Reynolds, Foley and Mikuletzky

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

Discussion: Affordable Housing was the topic of discussion at the caucus meeting. Councilman Wellington explained that the state passed a law that requires every town to have an Affordable Housing Plan by January 31, 2025. He said the Planning Board needs to get engaged and possibly hire a planner for assistance. He said that ultimately there was no such thing in Barnegat Light and that a fund could be set up. There would be a percentage fee on building permits and that would go to the fund. The collected fees would sit there until the State took the money to use in a town that needed Affordable Housing. Terry Brady, Municipal Attorney, mentioned that this law was enacted and information was in the NJ Planner publication. He said he wasn't sure if there was a housing component in our master plan. he recommended that the borough provide the NJ Planner for the boards. There was more discussion about this topic. Councilman Gutowski gave an up date on the windfarms and urged everyone to keep their guard up. Councilwoman Reynolds suggested a survey

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

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

APPROVE MINUTES: Mayor Larson asked for a motion to approve the minutes of August 14, 2024 Regular meeting.

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

PUBLIC WORKS: Councilman Wellington reported as follows:

- Lifeguard stands removed
- Winterizing vehicles
- Removed fencing at the bay beach

- Rollups and mobi mats will be left a little longer
- Continuing residing at the Post Office (found rot)
- Windows

DOCKS AND HARBORS: Councilman Gutowski reported as follows:

- Season wrapped up
- Fluke season until Sept. 25
- Booth manned on weekends only
- Kayak and Dock revenue up/payroll down
- Dock Master working one hour per day/5 days
- Cameras and notice helping

BEACHES AND PARKS: Councilwoman Reynolds reported as follows:

- Beach badge revenue down approximately \$12,549
- Paw pass revenue down \$1,200
- Pickleball revenue down \$830
- Reviewed lifeguard report

WATER/SEWER Councilwoman Foley reported as follows:

- Preparing for road construction on 2 more streets
- Water tower painting in budget but probably will push it off until 2025
- Mono-pole

FINANCE: Councilwoman Foley reported on behalf of Councilman Spark as follows:

- Bills for the month were \$580,000

PUBLIC SAFETY: Councilman Mikuletzky reported as follows:

- Court brought in \$887.13
- Emergency Management conference call next Wednesday 2:30

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, addressed Councilwoman Reynolds regarding the August Council meeting which many attended to support her in introducing an ordinance/changing the Master Plan to eliminate hotels and motels from being a permitted use. He said she took an oath to be a member of council and she was going rogue and was fear mongering. He asked if she had faith in this council, the planning and zoning boards, Army Corps of Engineers and the DEP. He said his family bought the property, one of the biggest taxable properties in Barnegat Light, fifty years ago. He went on to say that they love this town and do not want to ruin it. He said that last month's meeting was ridiculous with about 100 people there with pitchforks because she was spreading rumors about 156 room hotel being built on the property. He reiterated that they love this town.

Rich Brodman, 4 East 10th Street, announced that the BLTA will hold the last general meeting on Saturday. Riley Sharp will talk about the history of Barnegat Light and have a photographic session. Rich said that he would be discussing fire containment products and the Planning Board Attorney will be speaking. He said the association will have elections and will be making donations to the Fire Company, First Aid Squad and lifeguards. Due to controversy from the last meeting and now affordable housing, he asked council if they would consider a dedicated planner to move us through this.

Liam Ryan, 10 East 24th Street, said that his neighbor did a great job cleaning out the moorings from the bay. He said they were just lying there since the beginning of the summer. He asked if Public Works could remove them.

Mark Pojednic, Captain of the BL First Aid Squad, thanked council for their support in increasing the LOSAP contribution for the members that qualify. He explained what LOSAP was. He said that anything that the town can do to support volunteerism is tremendous. he said just last week, the town of Middletown passed an ordinance that will provide \$500 property tax credit to volunteers that meet the threshold and also, tarding next year they will provide \$10,000 down payment assistance for volunteers that meet certain criteria. He added that the main problem with volunteers is that they move away.

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 read each resolution by title and recorded the votes.

RESOLUTION 2024-099

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

WHEREAS, Kym Boucher, paid the \$200 permit fee for a recreational use permit; and
 WHEREAS, the event is being held in another venue; and
 WHEREAS, a request has been received to refund the \$200.00 permit fee.
 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 permit fee in the amount of \$200.00.
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:

Kym Boucher
 38 Adrian Road
 High Bar Harbor, NJ 08008

DATED: September 11, 2024

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

RESOLUTION 2024-100

A RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING AN INCREASE IN CONTRIBUTIONS TO THE LENGH OF SERVICE PROGRAM FOR THE BARNEGAT LIGHT VOLUNTEER FIRST AID SQUAD

WHEREAS, in 2002, the Borough created a Length of Service Awards Program (“LOSAP”) in accordance with P.L. 1997, c. 388, and the provisions of N.J.S.A. 40A:14-183 to reward active members of the Barnegat Light Volunteer First Aid Squad and incentivize additional membership; and

WHEREAS, pursuant to the ordinance and referendum approval, the Borough is responsible for \$314 towards the statutory maximum contribution amount of \$1,150 (the remaining \$836 of the statutory maximum amounts is contributed by the Township of Long Beach and Borough of Harvey Cedars); and
 WHEREAS, the Borough annually contributes the aforesaid amount to a deferred income account for each volunteer member that satisfies the LOSAP criteria; and

WHEREAS, pursuant to N.J.S.A. 40A:14-185, the Borough is authorized to increase the annual contribution by resolution and without public hearing by the consumer price index factor (“CPI”) published by the Bureau of Labor Statistics of the United States Department of Labor; and

WHEREAS, pursuant to the statute and Division of Local Government Services Local Finance Notice No. 2024-1, the CPI may be increased by the Borough beginning on the year following the first year the LOSAP program was in effect, which was 2004; and

WHEREAS, the Borough confirmed with the State of New Jersey Department of Community Affairs that despite the unique nature of the volunteer First Aid and first aid companies servicing Long Beach Island, where multiple municipalities are serviced by such organizations located in other municipalities and each municipality approved its LOSAP programs in different years, each municipality may only increase the CPI on each municipality’s base contribution amount beginning the year following the first year of the program through the present; and

WHEREAS, the Borough has elected to increase the CPI beginning in the year 2008; and

WHEREAS, the Borough has elected to increase the CPI beginning in the year 2024; and

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 maximum LOSAP base contribution for the Barnegat Light Volunteer First Aid Squad (\$314.00) was increased by the CPI for the years 2008 through 2023.
2. Based upon the CPI, the new maximum contribution amount for the Barnegat Light Volunteer First Aid Squad is increased from \$314 to \$441.91 beginning for the year 2024.

DATED: September 11, 2024

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

RESOLUTION 2024-101

A RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, APPROVING AN INCREASE IN CONTRIBUTIONS TO THE LENGH OF SERVICE PROGRAM FOR THE

BARNEGAT LIGHT VOLUNTEER FIRE COMPANY

WHEREAS, in 2002, the Borough created a Length of Service Awards Program (“LOSAP”) in accordance with P.L. 1997, c. 388, and the provisions of N.J.S.A. 40A:14-183 to reward active members of the Barnegat Light Volunteer Fire Company and incentivize additional membership; and

WHEREAS, pursuant to the ordinance and referendum approval, the Borough is responsible for \$708 towards the statutory maximum contribution amount of \$1,150 (the remaining \$442 of the statutory maximum amounts is contributed by the Township of Long Beach); and

WHEREAS, the Borough annually contributes the aforesaid amount to a deferred income account for each volunteer member that satisfies the LOSAP criteria; and

WHEREAS, pursuant to N.J.S.A. 40A:14-185, the Borough is authorized to increase the annual contribution by resolution and without public hearing by the consumer price index factor (“CPI”) published by the Bureau of Labor Statistics of the United States Department of Labor; and

WHEREAS, pursuant to the statute and Division of Local Government Services Local Finance Notice No. 2024-1, the CPI may be increased by the Borough beginning on the year following the first year the LOSAP program was in effect, which would be 2004; and

WHEREAS, the Borough confirmed with the State of New Jersey Department of Community Affairs that despite the unique nature of the volunteer fire and first aid companies servicing Long Beach Island, where multiple municipalities are serviced by such organizations located in other municipalities and each municipality approved its LOSAP programs in different years, each municipality may only increase the CPI on each municipality’s base contribution amount beginning the year following the first year of the program through the present; and

WHEREAS, the Borough previously elected to increase the CPI beginning in the year 2008.

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 maximum LOSAP base contribution for the Barnegat Light Volunteer Fire Company (708.00) is increased by the CPI for the years 2008 through 2023.

2. Based upon the CPI, the new maximum contribution amount for the Barnegat Light Volunteer Fire Company is increased from \$708 to \$996.40

DATED: September 11, 2024

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

RESOLUTION 2024-102

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, EMPLOYING GENERAL CLERK

WHEREAS, it is the desire of the Mayor and Council of the Borough of Barnegat Light to employ a temporary, part-time General Clerk; and

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 Mayor and Council do hereby employ Diane Guarino as a General Clerk.
2. That Diane Guarino shall receive \$22.00 per hour as compensation.
3. That certified copies of this resolution shall be forwarded to Diane Guarino and the Chief Financial Officer.

DATED: September 11, 2024

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

RESOLUTION 2024-103

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, RETURNING REMAINING ESCROW FOR 1301 & 1501 BAYVIEW AVENUE

WHEREAS, in accordance with Borough Ordinances escrow fees have been posted for the properties located at 1301/1501 Bayview, Docket: 2024-01, Bayview Harbor LLC; and

WHEREAS, the applicant has requested any remaining escrow funds and Bonds for the be released; and

WHEREAS, Borough Engineer Frank Little and the Barnegat Light Planning Board have reviewed the requests and authorized release of the remaining escrow amounts.

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:

That the Finance Department is authorized to refund the remaining escrow in the amount of \$559.12.

Certified copies of this resolution shall be forwarded to the Barnegat Light Finance Department and shall be sent with check.

The check shall be made payable and sent to:

Raban & Raban
 11710 Long Beach Blvd
 Long Beach Township, NJ 08008

DATED: September 11, 2024

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

RESOLUTION 2024-104

RESOLUTION OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF MUNICIPAL BILLS IN THE AMOUNT OF \$895,159.13

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 \$895,159.13 authorized to be paid upon verification of the Treasurer that there is sufficient money in the appropriated accounts, subject to adequate signatures and funding.

DATED: September 11, 2024

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

Councilman Gutowski made a motion to task the Planning Board to get up to speed on the issue of Affordable Housing. Wellington seconded this motion and it was approved by all.

ORDINANCES:

ORDINANCE 2024-10

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 STREET TREE REMOVAL.

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 re-name the chapter "Brush, Weeds, Grass & Trees," and to adopt a new Section 66-4.2, to be entitled "Street Tree Regulations," to read as follows:

Chapter 66

BRUSH, WEEDS, GRASS & TREES

§ 66-4.2. Street Tree Regulations.

A. Tree Replacement Requirements.

1. Any person who removes or causes to be removed, one or more Street Trees with a DBH of 2.5" or more, unless exempt as set forth below, shall be subject to the requirement to replace each such removed tree with a like-kind planted tree on the applicable property, in accordance with the instructions of the Borough Code Enforcement Officer and/or Borough Engineer.
2. Any person, other than a single-family residence owner, who removes or causes to be removed, one or more trees with a DBH of 6" or more per acre, unless exempt as set forth below, shall be subject to the requirement to replace each such removed tree with a like-kind planted tree on the applicable property, in accordance with the instructions of the Borough Code Enforcement Officer and/or Borough Engineer.
3. "DBH" means "Diameter at Breast Height," which is the diameter of the trunk of a mature tree generally measured at a point four and a half feet above ground level from the uphill side of the tree.
4. "Street Trees" are trees located in the sidewalk, planting strip, and/or in the public right-of-way adjacent to the portion of the street reserved for vehicular traffic. This also includes

trees located in planting strips within the roadway right-of-way, i.e., islands, medians, pedestrian refuges.

B. Replacement Alternatives. If the Borough determines that some or all required replacement trees cannot be plant the property where the tree removal activity occurred, then the person and/or property owner involved shall do one of the following:

1. Plant replacement trees in a separate area approved by the Borough.
2. Pay a fee in the amount to be set by Borough per tree removed, based upon the estimated cost of a like-kind tree replacement. This fee shall be placed into a fund in the municipal budget dedicated to tree planting and continued maintenance of the trees.

C. Exemptions. All persons shall comply with the tree replacement standard outlined above, except in the cases detailed below.

1. Residents who remove less than 4 trees per acre or part thereof within any 5-year period;
2. Trees required to be removed during construction of new residences, as determined in advance by the Borough Construction Official, Borough Code Enforcement Officer, and/or Borough Engineer;
3. Any trees removed pursuant to a New Jersey Department of Environmental Protection or U.S. Environmental Protection Agency approved environmental clean-up, or NJDEP approved habitat enhancement plan;
4. Approved game management practices, as recommended by the State of New Jersey Department of Environmental Protection, Division of Fish, Game and Wildlife;
5. Hazard trees may be removed with no replacement requirement.

D. Penalty. In addition to the requirements set forth above, a violation of this section shall be punishable as provided in § 1-15 of the Borough Code. Any person who violates this section shall also be required to reimburse the Borough for any and all fines, costs, assessments, or other penalties imposed upon the Borough as a result thereof by other governmental agencies.

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

OPEN PUBLIC HEARING: Mayor Larson asked for a motion to open the public hearing

Motion: Wellington Second: Mikuletzky All in favor X

- Tim Brindley asked if it was mandatory to have a tree on your lot. NO
- Barry Mescolotto asked who would enforce this. Zoning Officer

CLOSE PUBLIC HEARING: Mayor Larson asked for a motion to close the public hearing

Motion: Reynolds Second: Gutowski All in favor X

Passage on First Reading: Date: August 14, 2024

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

Final Passage: Date: September 11, 2024

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

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."

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 167 of the Borough Code of the Borough of Barnegat Light, entitled "Stormwater Control," is hereby amended and supplemented to provide a revised Article I, entitled "Stormwater Management Requirements and Controls," to read as follows:

CHAPTER 167
STORMWATER CONTROL

Article I

Stormwater Management Requirements and Controls

§ 167-1. Scope and purpose.

A. Policy Statement

Flood control, groundwater recharge, and pollutant reduction shall be achieved through the use of stormwater management measures, including green infrastructure Best Management Practices (GI BMPs) and nonstructural stormwater management strategies. GI BMPs should be utilized to meet the goal of maintaining natural hydrology to reduce stormwater runoff volume, reduce erosion, encourage infiltration and groundwater recharge, and reduce pollution. GI BMPs should be developed based upon physical site conditions and the origin, nature and the anticipated quantity, or amount, of potential pollutants. Multiple stormwater management BMPs may be necessary to achieve the established performance standards for green infrastructure, water quality, quantity, and groundwater recharge.

B. Purpose

The purpose of this ordinance is to establish minimum stormwater management requirements and controls for "major development," as defined below.

C. Applicability

1. This ordinance shall be applicable to the following major developments:

- a. Non-residential major developments and redevelopment projects; and
- b. Aspects of residential major developments and redevelopment projects that are not pre-empted by the Residential Site Improvement Standards at N.J.A.C. 5:21 et seq.

2. This ordinance shall also be applicable to all major developments undertaken by the Borough of Barnegat Light.

3. Applicability of this ordinance to major developments shall comply with last amended N.J.A.C. 7:8-1.6, incorporated herein by reference.

D. Compatibility with Other Permit and Ordinance Requirements

Development approvals issued pursuant to this ordinance are to be considered an integral part of development approvals and do not relieve the applicant of the responsibility to secure required permits or approvals for activities regulated by any other applicable code, rule, act, or ordinance. In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

This ordinance is not intended to interfere with, abrogate, or annul any other ordinances, rule or regulation, statute, or other provision of law except that, where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, the more restrictive provisions or higher standards shall control.

§ 167-2. Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions used in this ordinance shall be the same as the last amended Stormwater Management Rules at N.J.A.C. 7:8-1.2, incorporated herein by reference.

§ 167-3. Design and Performance Standards for Stormwater Management Measures.

This section establishes design and performance standards for stormwater management measures for major development intended to minimize the adverse impact of stormwater runoff on water quality and water quantity and loss of groundwater recharge in receiving water bodies. Design and performance standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5, incorporated herein by reference.

§ 167-4. Stormwater Management Requirements for Major Development.

A. Site design features identified under § 167-3 above, or alternative designs in accordance with § 167-3 above, to prevent discharge of trash and debris from drainage systems shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard see § 167-4.A.2 below.

1. Design engineers shall use one of the following grates whenever they use a grate in

pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate:

- i. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines; or
- ii. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension. Note that the Residential Site Improvement Standards at N.J.A.C. 5:21 include requirements for bicycle safe grates.

Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater system floors used to collect stormwater from the surface into a storm drain or surface water body.

- iii. For curb-opening inlets, including curb-opening inlets in combination inlets, the clear space in that curb opening, or each individual clear space if the curb opening has two or more clear spaces, shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.
2. The standard in § 167-4.A.1. above does not apply:
 - i. Where each individual clear space in the curb opening in existing curb-opening inlet does not have an area of more than nine (9.0) square inches;
 - ii. Where the municipality agrees that the standards would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets
 - iii. Where flows from the water quality design storm as specified in the last amended Stormwater Management rules at N.J.A.C. 7:8 et seq. are conveyed through any device (e.g., end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:
 - a. A rectangular space four and five-eighths (4.625) inches long and one and one-half (1.5) inches wide (this option does not apply for outfall netting facilities); or
 - b. A bar screen having a bar spacing of 0.5 inches.

Note that these exemptions do not authorize any infringement of requirements in the Residential Site Improvement Standards for bicycle safe grates in new residential development (N.J.A.C. 5:21-4.18(b)2 and 7.4(b)1).

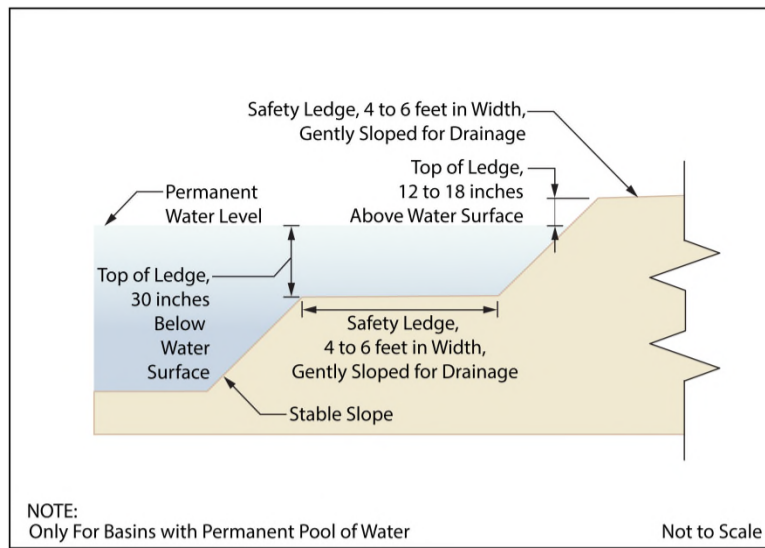
- iv. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1 inch) spacing between the bars, to the elevation of the Water Quality Design Storm as specified in N.J.A.C. 7:8; or
- v. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

§ 167-5. Safety Standards for Stormwater Management Basins.

A. This section sets forth requirements to protect public safety through the proper design and operation of stormwater management basins. This section applies to any new stormwater management basin. Safety standards for stormwater management measures shall comply with last amended N.J.A.C. 7:8-6, incorporated herein by reference.

B. Safety Ledge Illustration

Elevation View –Basin Safety Ledge Configuration



§ 167-6. Requirements for a Site Development Stormwater Plan.

A. Submission of Site Development Stormwater Plan

1. Whenever an applicant seeks municipal approval of a development subject to this ordinance, the applicant shall submit all of the required components of the Checklist for the Site Development Stormwater Plan at § 167-4.C below as part of the submission of the application for approval.
2. The applicant shall demonstrate that the project meets the standards set forth in this ordinance.
3. The applicant shall submit 15 copies of the materials listed in the checklist for site development stormwater plans in accordance with § 167-4.C of this ordinance.

B. Site Development Stormwater Plan Approval

The applicant's Site Development project shall be reviewed as a part of the review process by the municipal board or official from which municipal approval is sought. That municipal board or official shall consult the municipality's review engineer to determine if all of the checklist requirements have been satisfied and to determine if the project meets the standards set forth in this ordinance.

C. Submission of Site Development Stormwater Plan

The following information shall be required:

1. Topographic Base Map

The reviewing engineer may require upstream tributary drainage system information as necessary. It is recommended that the topographic base map of the site be submitted which extends a minimum of 200 feet beyond the limits of the proposed development, at a scale of 1"=200' or greater, showing 2-foot contour intervals. The map as appropriate may indicate the following: existing surface water drainage, shorelines, steep slopes, soils, erodible soils, perennial or intermittent streams that drain into or upstream of the Category One waters, wetlands and flood plains along with their appropriate buffer strips, marshlands and other wetlands, pervious or vegetative surfaces, existing man-made structures, roads, bearing and distances of property lines, and significant natural and manmade features not otherwise shown.

2. Environmental Site Analysis

A written and graphic description of the natural and man-made features of the site and its surroundings should be submitted. This description should include a discussion of soil conditions, slopes, wetlands, waterways and vegetation on the site. Particular attention should be given to unique, unusual, or environmentally sensitive features and to those that provide particular opportunities or constraints for development.

3. Project Description and Site Plans

A map (or maps) at the scale of the topographical base map indicating the location of existing and proposed buildings roads, parking areas, utilities, structural facilities for stormwater management and sediment control, and other permanent structures. The map(s) shall also clearly show areas where alterations will occur in the natural terrain and cover, including lawns and other landscaping, and seasonal high groundwater elevations. A written description of the site plan and justification for proposed changes in natural conditions shall also be provided.

4. Land Use Planning and Source Control Plan

This plan shall provide a demonstration of how the goals and standards of § 167-3 is being met. The focus of this plan shall be to describe how the site is being developed to meet the objective of controlling groundwater recharge, stormwater quality and stormwater quantity problems at the source by land management and source controls whenever possible.

5. Stormwater Management Facilities Map

The following information, illustrated on a map of the same scale as the topographic

base map, shall be included:

- i. Total area to be disturbed, paved or built upon, proposed surface contours, land area to be occupied by the stormwater management facilities and the type of vegetation thereon, and details of the proposed plan to control and dispose of stormwater.
 - ii. Details of all stormwater management facility designs, during and after construction, including discharge provisions, discharge capacity for each outlet at different levels of detention and emergency spillway provisions with maximum discharge capacity of each spillway.
6. Calculations
- i. Comprehensive hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in § 167-3 of this ordinance.
 - ii. When the proposed stormwater management control measures depend on the hydrologic properties of soils or require certain separation from the seasonal high-water table, then a soils report shall be submitted. The soils report shall be based on onsite boring logs or soil pit profiles. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soils present at the location of the control measure.
7. Maintenance and Repair Plan
The design and planning of the stormwater management facility shall meet the maintenance requirements of § 167-7.
8. Waiver from Submission Requirements
The municipal official or board reviewing an application under this ordinance may, in consultation with the municipality's review engineer, waive submission of any of the requirements in § 167-6.C.1 through § 167-6.C.6 of this ordinance when it can be demonstrated that the information requested is impossible to obtain or it would create a hardship on the applicant to obtain and its absence will not materially affect the review process.

§ 167-7. Maintenance and Repair.

A. Applicability

Projects subject to review as in § 167-1.C of this ordinance shall comply with the requirements of § 167-7.B and § 167-7.C.

B. General Maintenance

1. Maintenance for stormwater management measures shall comply with last amended N.J.A.C. 7:8-5.8, incorporated herein by reference.
2. The following requirements of N.J.A.C. 7:8-5.8 do not apply to stormwater management facilities that are dedicated to and accepted by the municipality or another governmental agency, subject to all applicable municipal stormwater general permit conditions, as issued by the Department:
 - i. If the maintenance plan identifies a person other than the property owner (for example, a developer, a public agency or homeowners' association) as having the responsibility for maintenance, the plan shall include documentation of such person's or entity's agreement to assume this responsibility, or of the owner's obligation to dedicate a stormwater management facility to such person under an applicable ordinance or regulation; and
 - ii. Responsibility for maintenance shall not be assigned or transferred to the owner or tenant of an individual property in a residential development or project, unless such owner or tenant owns or leases the entire residential development or project. The individual property owner may be assigned incidental tasks, such as weeding of a green infrastructure BMP, provided the individual agrees to assume these tasks; however, the individual cannot be legally responsible for all of the maintenance required.
3. In the event that the stormwater management facility becomes a danger to public safety or public health, or if it is in need of maintenance or repair, the municipality shall so notify the responsible person in writing. Upon receipt of that notice, the responsible person shall have fourteen (14) days to effect maintenance and repair of the facility in a manner that is approved by the municipal engineer or his designee. The municipality, in its discretion, may extend the time allowed for effecting maintenance and repair for good cause. If the responsible person fails or refuses to perform such maintenance and repair, the municipality or County may immediately proceed to do so and shall bill the cost thereof to the responsible person. Nonpayment of such bill may result in a lien on the property.

C. Nothing in this subsection shall preclude the municipality in which the major development is located from requiring the posting of a performance or maintenance guarantee in accordance with N.J.S.A. 40:55D-53.

§ 167-8. Violations and Penalties.

Any person(s) who erects, constructs, alters, repairs, converts, maintains, or uses any building, structure or land in violation of this article shall be punishable as provided in § 1-15 of the Borough Code, entitled "Violations and Penalties."

§ 167-9. Enforcement.

This article shall be enforced by any officer of the Borough.

§ 167-10 thru § 167-20. reserved.

SECTION 2. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

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.

OPEN PUBLIC HEARING: Mayor Larson asked for a motion to open the public hearing

Motion: Reynolds Second: Wellington All in favor X

- There was no public comment.
- Terry Brady gave a short description of this ordinance.

CLOSE PUBLIC HEARING: Mayor Larson asked for a motion to close the public hearing

Motion: Reynolds Second: Mikuletzky All in favor X

Passage on First Reading: Date: August 14, 2024

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

ADOPTION:

Final Passage: Date: September 11, 2024

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

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.

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 114 of the Borough Code of the Borough of Barnegat Light, entitled "Littering," is hereby amended and supplemented to provide a new Section 114-11 to read as follows:

Chapter 114

LITTERING

§ 114-11. De-icing Material Storage Requirements.

A. Temporary outdoor storage of de-icing materials in accordance with the requirements below is allowed between October 15th and April 15th:

1. Loose materials shall be placed on a flat, impervious surface in a manner that prevents stormwater run-through;
2. Loose materials shall be placed at least 50 feet from surface water bodies, storm drain inlets, ditches and/or other stormwater conveyance channels;
3. Loose materials shall be maintained in a cone-shaped storage pile. If loading or unloading activities alter the cone-shape during daily activities, tracked materials shall be swept back into the storage pile, and the storage pile shall be reshaped into a cone after use;
4. Loose materials shall be covered as follows:
 - a. The cover shall be waterproof, impermeable and flexible;
 - b. The cover shall extend to the base of the pile(s);
 - c. The cover shall be free from holes or tears;
 - d. The cover shall be secured and weighed down around the perimeter to prevent removal by wind;

and
 e. Weight shall be placed on the cover(s) in such a way that minimizes the potential of exposure as materials shift and runoff flows down to the base of the pile.

(1) Sandbags lashed together with rope or cable and placed uniformly over the flexible cover, or poly-cord nets provide a suitable method. Items that can potentially hold water (e.g., old tires) shall not be used;

5. Containers must be sealed when not in use; and
 6. The site shall be free of all de-icing materials between April 16th and October 14th.

B. De-icing materials should be stored in a permanent structure if a suitable storage structure is available. For storage of loose de-icing materials in a permanent structure, such storage may be permanent, and thus not restricted to October 15 - April 15.

C. [reserved]

D. The property owner, or owner of the de-icing materials if different, shall designate a person(s) responsible for operations at the site where these materials are stored outdoors, and who shall document that weekly inspections are conducted to ensure that the conditions of this ordinance are met. Inspection records shall be kept on site and made available to the municipality upon request.

1. Residents who operate businesses from their homes that utilize de-icing materials are required to perform weekly inspections. SECTION IV.

E. Exemptions. Residents may store de-icing materials outside in a solid-walled, closed container that prevents precipitation from entering and exiting the container, and which prevents the de-icing materials from leaking or spilling out. Under these circumstances, weekly inspections are not necessary, but repair or replacement of damaged or inadequate containers shall occur within 2 weeks. If containerized (in bags or buckets) de-icing materials are stored within a permanent structure, they are not subject to the storage and inspection requirements above. Piles of de-icing materials are not exempt, even if stored in a permanent structure. This ordinance does not apply to facilities where the stormwater discharges from de-icing material storage activities are regulated under another NJPDES permit.

All other sections, paragraphs and provisions Chapter 114 of the Borough Code shall remain in full force and effect.

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

OPEN PUBLIC HEARING: Mayor Larson asked for a motion to open the public hearing

Motion: Reynolds Second: Wellington All in favor X

- Rich Brodman asked if we keep salt here. Answer: NO

CLOSE PUBLIC HEARING: Mayor Larson asked for a motion to close the public hearing

Motion: Reynolds Second: Mikuletzky All in favor X

Passage on First Reading: Date: August 14, 2024

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

ADOPTION: 2024-12

Final Passage: Date: September 11, 2024

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

WHEREAS, the Borough of Barnegat Light owns certain tracts of land identified as public street ends at 3rd through 30th Streets, Seaview Avenue, Broadway, Barnegat Lighthouse State Park, Fisherman’s Memorial, 4th Street bayside, 5th Street lagoon end, Marina Area, 7th Street bayside, Block 16.01 lot 1.01, & Block 50.01 lot 2.01; and

WHEREAS, access to the tidal waterways of the Borough is a right provided to the public under the Public Trust Doctrine; and

WHEREAS, in order to secure public access to the waterways of the Borough, it is the desire of the Borough of Barnegat Light to grant a Deed of Dedication & Perpetual Public Access Easement to itself and to the State of New Jersey; and

WHEREAS, N.J.S.A. 40A:12-13 provides that the governing body of any municipality may transfer an interest in real property to the State of New Jersey when authorized by ordinance.

NOW, THEREFOR, 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. The Borough of Barnegat Light does hereby authorize the transfer of an interest in the public street ends at 3rd through 30th Streets, Seaview Avenue, Broadway, Barnegat Lighthouse State Park, Fisherman’s Memorial, 4th Street bayside, 5th Street lagoon end, Marina Area, 7th Street bayside, Block 16.01 lot 1.01, & Block 50.01 lot 2.01, by Deed of Dedication & Perpetual Public Access Easement to itself and to the State of New Jersey, as set forth in the Deed of Dedication & Perpetual Public Access Easement form attached hereto and incorporated herein by reference, in accordance with the terms thereof.

SECTION 2. This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

OPEN PUBLIC HEARING: Mayor Larson asked for a motion to open the public hearing

Motion: Gutowski Second: Foley All in favor X

- Councilwoman Foley asked for an explanation.
- Terry said it came from our Engineer, its needed to get our Public Access Plan and in turn the mitigation plan

CLOSE PUBLIC HEARING: Mayor Larson asked for a motion to close the public hearing

Motion: Reynolds Second: Mikuletzky All in favor X

Passage on First Reading: Date: August 14, 2024

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

Final Passage: Date: September 11, 2024

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

CORRESPONDENCE:

Boy Scout Troop 280 Holland PA-Camping trip, 9th Street beach-approved

MOTION TO ADJOURN:

Mayor Larson asked for a motion to adjourn.

Motion: Gutowski Second: Wellington All in Favor X

APPROVED:

KIRK O. LARSON, MAYOR

BRENDA L. KUHN, MUNICIPAL CLERK