BOROUGH OF LAKEHURST

REMINDER: REDEVELOPMENT MEETING BEGINNING AT 7:00 P.M.

REDEVELOPMENT AGENCY DECEMBER 1, 2011 TENTATIVE AGENDA

- 1. Approval of Minutes of November 3, 2011 meeting
- 2. Report by Administrator MacLean
- 3. Any other business
- 4. Adjournment

WORK SESSION/REGULAR MEETING DECEMBER 1, 2011 TENTATIVE AGENDA

- 1. Approval of Minutes of November 3, 2011 Regular Meeting
- 2. Payment of Bills
- 3. Resolution regarding acceptance of 2010 Municipal Audit
- 4. Resolution regarding differential for D. Winton and promotion of A. Lowe
- 5. Resolution regarding appointment of Jeffrey Emmons as police officer
- 6. Resolution regarding appointment of Christy Daulton as alternate crossing guard
- 7. Resolution regarding participation in Ocean County Prosecutor's FAST traffic safety initiative Program
- 8. Resolution regarding participation in Ocean County Prosecutor's DWI enforcement program
- 9. Resolution releasing performance bond and acceptance of maintenance bond for Well No. 16 Reconditioning Project
- 10. Resolution regarding transfer for utility fund

- 11. Resolution canceling unexpended utility fund balances
- 12. Acceptance of resignation of Special Law Enforcement Officer Jesse Hoydis
- 13. Introduction and first reading of Ordinance #11-09 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED TRAFFIC"
- 14. Second Reading and Public Hearing of Ordinance #11-07 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER II, SECTION 2-19, POLICE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED ADMINISTRATION"
- 15. Second Reading and Public Hearing of Ordinance #11-08 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER II, AMENDING SECTION 2-5, HIRING PREFERENCES AND PROCEDURES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED ADMINISTRATION"
- 16. Executive/closed session to discuss personnel matters

Bernadette Dugan, RMC/CPM Municipal Clerk

The Mayor and Council reserve the right to add or delete items from the agenda.

"AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER II, SECTION 2-19, POLICE DEPARTMENT, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED ADMINISTRATION"

11-07

2-19.2 Establishing Hiring Preferences for Residents When Appointed to the Position of Police Officer

- a. *Purpose*. An ordinance to establish preferences in the hiring of qualified **resident** applicants, as defined in NJSA 11A et seq **and further detailed in NJAC 4A et seq**, to the position of regular police officer of the Borough of Lakehurst based upon their place of residence, in accordance with existing law.
- b. *Classification*. Prior to, <u>and continuing through the date of the</u> <u>appointment</u>, of any duly qualified applicant for the classified position of police officer all such applicants shall be classified as follows:
- 1. Residents of the Borough of Lakehurst, New Jersey.
- 2. Other residents of the County of Ocean, New Jersey.
- 3. Other residents of counties contiguous to Ocean County.
- 4. Other residents of the State of New Jersey.

[delete 5. All other qualified applicants.] See 3 below

- c. *Classification of Veterans*. Within each classification duly qualified applicants who are veterans, within the meaning of NJSA 11A:5-1 et seq shall be accorded all such veterans' preferences as are provided by law.
- 1. The classes of qualified applicants defined in 2-19.2b shall be considered as separate and successive lists of eligibles and the Department of Personnel shall, when requested by the Borough to certify eligibles for positions specified in this section, make such certifications from the classes separately and successively, and shall certify no persons from any such class until all persons in the preceding class or classes have been appointed or have declined offers of employment.
- 2. This section shall apply only to initial appointments and not to promotional appointments of persons already employed by the Borough.
- 3. Consistent with NJSA 52:17-7, the New Jersey First Act, every employee hired after September 1, 2011 must be a resident of the State of New Jersey. If an employee is non-resident prior to September 1, 2011 he/she will be "grandfathered" and not required to move into the State of New Jersey. Any employee who is a resident of the State of New Jersey on September 1, 2011 and moves out of the State must obtain an exemption to move out of the State prior to the move or face disciplinary procedure for termination.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Timothy J. Borsetti Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the governing body of the Borough of Lakehurst, in the County of Ocean, and State of New Jersey, held on the third day of November 2011 and that said Ordinance will be considered for final passage at the meeting of said governing body to be held at the Community Center, Center Street, Lakehurst, New Jersey on the first day of December 2011 at 7:30 p.m. or as soon thereafter as said matter may be reached, at which time and place any person desiring to be heard shall be given an opportunity to be so heard.

"AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER II, AMENDING SECTION 2-5, HIRING PREFERENCES AND PROCEDURES, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED ADMINISTRATION"

11-08

2-5 HIRING PREFERENCES AND PROCEDURES

2-5A NEW JERSEY FIRST ACT NJSA 52:14-7***

Effective September 1, 2011 any person, regardless of the office, employment or position type, classified, non-classified, unclassified, either permanent or temporary must be a resident of the State of New Jersey at the time of appointment to the municipal work force. Any current municipal employee who takes up residency out of New Jersey without first obtaining an exemption is subject to disciplinary procedures for termination.

2-5.1 Establishing Hiring Preferences for Residents

- a. *Purpose*. An ordinance to establish preferences in the hiring of qualified classified employees as defined in NJSA 11A et seq to the municipal work force of the Borough of Lakehurst based upon their place of residence, in accordance with existing law.
- b. *Classification*. Prior to the appointment of any duly qualified applicant for a classified position all such applicants shall be classified as follows:
- 1. Residents of the Borough of Lakehurst, New Jersey.
- 2. Other residents of the County of Ocean, New Jersey.
- 3. Other residents of counties contiguous to Ocean County.
- 4. Other residents of the State of New Jersey.

[delete5. All other qualified applicants.]

- c. *Classification of Veterans*. Within each classification duly qualified applicants who are veterans, within the meaning of NJSA 11A:5-1 et seq shall be accorded all such veterans' preferences as are provided by law.
- 1. The classes of qualified applicants defined in 2-5.1b shall be considered as separate and successive lists of eligibles and the Department of Personnel shall, when requested by the Borough to certify eligibles for positions specified in this section, make such certifications from the classes separately and successively, and shall certify no persons from any such class until all persons in the preceding class or classes have been appointed or have declined offers of employment.

2. This section shall apply only to initial appointments and not to promotional appointments of persons already employed by the Borough.

Severability.

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Effective date.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Timothy J. Borsetti
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the governing body of the Borough of Lakehurst, in the County of Ocean, and State of New Jersey, held on the third day of November 2011 and that said Ordinance will be considered for final passage at the meeting of said governing body to be held at the Community Center, Center Street, Lakehurst, New Jersey on the first day of December 2011 at 7:30 p.m. or as soon thereafter as said matter may be reached, at which time and place any person desiring to be heard shall be given an opportunity to be so heard.

"AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED TRAFFIC" 11-09

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

- **7-27.1 Right Turn Only**. All vehicles shall Only Turn Right at the following intersections. (**Add**)
 - d. From northerly on Lake Street to easterly on Route 70

Severability

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed to the extent of such conflict or inconsistency. If any part of this ordinance shall be held to be invalid, such part shall be deemed to be severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

Effective date

This ordinance shall take effect immediately upon final passage and publication as required by law.

Hon. Timothy J. Borsett Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at the regular meeting of the governing body of the Borough of Lakehurst, County of Ocean, and State of New Jersey, held on the first day of December, 2011 and that said ordinance will be considered for final passage at the meeting of said governing body to be held at the Community Center, Center Street, Lakehurst, New Jersey on the fifteenth day of December, 2011 at 7:30 p.m. or as soon thereafter as said matter may be reached, at which time and place any person desiring to be heard shall be given an opportunity to be so heard.

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 2010 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, **and**

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, **and**,

WHEREAS, the Local Finance Board has promulgated 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:

General Comments

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:

General Comments

Recommendations

as evidenced by the group affidavit form of the governing body, and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five (45) days after receipt of the annual audit, as per the regulations of the Local Finance Board, **and**

WHEREAS, all members of the governing body have received and 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.

WHEREAS, failure to comply with the promulgations 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 by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS,	the following	Utility Fund	budget a	ppropriation l	balances	remains
unexpended:						

\$15,000.00.

Utility Other Expenses

Total \$15,000.00

Whereas, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Surplus;

NOW THEREFORE, BE IT RESOLVED, by the Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that the above listed unexpended balances be canceled.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the governing body at the meeting of December 1, 2011

WHEREAS, Craig Simpson entered into a mortgage on October 30, 2002, for receipt of Community Development Block Grant funding in the amount of \$7,330.00 for façade improvements for 17 Union Avenue, **and**

WHEREAS, the terms of the grant state that the mortgage will be forgiven after six years if the borrower continues to own, occupy and use the property as a business, and

WHEREAS, Craig Simpson has met the required conditions.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that Mayor Borsetti is hereby authorized to execute the discharge of mortgage for the above referenced property.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS, the Borough of Lakehurst needs to increase the available alternate crossing guard compliment, due to an unpaid leave of absence, and

WHEREAS, Christy Daulton has applied for the position, and

WHEREAS, Chief Higgins has recommended the appointment of Christy Daulton, to this position,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that Christy Daulton be appointed as an alternate crossing guard at the rate of \$ 8.00 per hour with retainer, effective November 28, 2011.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS, the Driving While Intoxicated Enforcement Program is a traffic safety program run by the Ocean County Prosecutor's Office for the purpose of identifying and removing intoxicated drivers from the roadways; **and**

WHEREAS, the Interlocal Services Act, N.J.S.A. 40A:8A-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services, **and**

WHEREAS, the Borough of Lakehurst is desirous of entering into an Interlocal Agreement with the Ocean County Prosecutor's Office for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by Borough of Lakehurst to the Prosecutor's Driving While Intoxicated Enforcement Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

- 1. That the Mayor and the Municipal Clerk of the Borough of Lakehurst are hereby authorized and directed to enter into and execute an Intergovernmental Agreement with the Ocean County Prosecutor's Office for participation in the Prosecutor's Driving While Intoxicated Enforcement Program
- 2. A copy of this Agreement shall be kept on file and be available for public inspection at the Office of the Borough Clerk.
- 3. This Agreement shall be retroactive from January 1, 2012 and shall remain in full force and effect through December 31, 2012.
- 4. A certified copy of this resolution shall be forwarded to the Ocean County Prosecutor's Office

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean,
State of New Jersey do hereby certify that the above resolution was approved by the Mayor
and Council at the meeting of December 1, 2011.

WHEREAS, the Prosecutor's Program is a traffic safety program (formerly known as the Fatal Accident Support Team, F.A.S.T.) by the Ocean County Prosecutor's Office for the purpose of assisting in the investigation, prosecution of fatal accidents and in traffic enforcement and education; **and**

WHEREAS, the Interlocal Services Act, N.J.S.A. 40A:8A-1 et seq., authorizes local units as defined in the Act to enter into joint agreements for the provision of governmental services, **and**

WHEREAS, the Borough of Lakehurst is desirous of entering into an Interlocal Agreement with the Ocean County Prosecutor's Office for the purpose of setting forth the terms and conditions regarding the assignment of police officers employed by Borough of Lakehurst to the Prosecutor's Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

- 1. That the Mayor and the Municipal Clerk of the Borough of Lakehurst are hereby authorized and directed to enter into and execute an Intergovernmental Agreement with the Ocean County Prosecutor's Office for participation in the Prosecutor's Program
- 2. A copy of this Agreement shall be kept on file and be available for public inspection at the Office of the Borough Clerk.
- 3. This Agreement shall be effective from January 1, 2012 and shall remain in full force and effect through December 31, 2012.
- 4. A certified copy of this resolution shall be forwarded to the Ocean County Prosecutor's Office

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS, the Borough engineer has recommended the release of the performance bond submitted by A.C. Schultes, Inc. for the Well No. 16 Reconditioning Project; **and**

WHEREAS, Borough engineer Alan Dittenhofer has recommended that the maintenance bond in the amount of \$53,200.00 be accepted, **and**

WHEREAS, Municipal Attorney Sean Gertner has found the maintenance bond to be acceptable in both form and content.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that the Performance Bond for the Well No. 16 Reconditioning Project be released.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS, NJSA 40A:14-118 allows for the creation of a police department and the appointment of members as deemed appropriate, **and**

WHEREAS, the Governing Body recognizes the need to increase the number of regular police officers as the result of attrition, **and**

WHEREAS, the Civil Service Commission has certified the results of the law enforcement examination, **and**

WHEREAS, Jeffrey Emmons has successfully passed the Civil Service Commission examination for police officer, and has been recommended for appointment by Chief Eric S. Higgins.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey appoints Jeffrey Emmons to the position of police officer effective November 14, 2011 at a base salary of \$26,000.00, per annum, prorated to the effective date.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS, the Borough of Lakehurst needs to replace the compliment of Special Law Enforcement Officers II (SLEO II), and

WHEREAS, Raymond Vosseller, III and Jeffrey Johnson have applied for the vacant positions, **and**

WHEREAS, Raymond Vosseller, III and Jeffrey Johnson are graduates of the Ocean County Police Academy and certified as SLEO II's, **and**

WHEREAS, Chief Higgins has recommended the appointment of both to the Lakehurst Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that consistent with NJSA 40A:14-146.8 et seq effective November 30, 2011:

- 1. Raymond Vosseller, III be appointed as a SLEO II working a 40-hour work week with the Lakehurst Police Department at \$ 10.00 per hour.
- 2. Jeffrey Johnson be appointed as a SLEO II working a 20-hour work week with the Lakehurst Police Department at \$ 10.00 per hour.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.

WHEREAS, a survey of the disbursements and anticipated commitments against the 2011 Utility Operating Budget Appropriations reveals the need to transfer funds; **and**

WHEREAS, Title 40A:4-58 of the Revised Statutes of the State of New Jersey authorizes the transfers commencement November 1 of the current year to March 31 of the next year:

Transfer From:
Ocean County Utility

Authority \$4,000.00

Total \$4,000.00

Transfer To:

Utility Salaries & Wages \$4,000.00

Total \$4,000.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that the above stated transfer is hereby approved.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Governing Body at the meeting of December 1, 2011

WHEREAS, David Winton, Public Works Department Head has been licensed with the title of Certified Recycling Professional by the New Jersey Department of Environmental Protection, **and**

WHEREAS, this license is an achievement beyond the necessary requirements to perform or hold the position of department head, **and**

WHEREAS, a bench audit of the duties currently performed by Clerk 1 Amy Lowe has revealed she working out of title and is normally performing the duties of a Clerk 2.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that:

- 1. In recognition of this extra license held by David Winton, he be given a differential of \$1,500.00 per annum, prorated to December 1, 2011.
- 2. Amy Lowe is hereby appointed provisionally to the position of Clerk 2, at the contract rate of \$ 16.07/hr, from the Clerk 1 rate of \$ 14.58/hr effective December 1, 2011, pending the Civil Service Commission promotional process.
- I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of December 1, 2011.