

**BOROUGH OF LAKEHURST
WORK SESSION/REGULAR MEETING
APRIL 19, 2012
TENTATIVE AGENDA**

1. Approval of Minutes of April 5, 2012 Work Session/Regular Meeting
2. Payment of Bills
3. Resolution hiring Megan McPartlin as lifeguard
4. Resolution awarding contract for 500,000 Gallon Ground Water Tank Repainting
5. Introduction and First Reading of Ordinance #2012-04 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK”
6. Introduction and First Reading of Ordinance #2012-05 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND SUPPLEMENTING CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY”
7. Introduction of 2012 Municipal Budget
8. Executive/Closed Session to discuss personnel matters/contract negotiations

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, COUNTY OF
OCEAN, STATE OF NEW JERSEY TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

#2012-04

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; **and**

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; **and**

WHEREAS, the Mayor and Council of the Borough of Lakehurst in the County of Ocean finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of its citizens; **and**

WHEREAS, the Mayor and Council hereby determines that a 1% increase in the budget for said year, amounting to \$28,800.78 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary, **and**

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Lakehurst, in the County of Ocean, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Lakehurst shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1% amounting to \$28,800.78, and that CY 2012 municipal budget for the Borough of Lakehurst be approved and adopted in accordance with this ordinance; **and**

BE IT FURTHER ORDAINED, that any amount authorized herein above that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; **and**

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within five days of introduction; **and**

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Hon. Harry Robbins
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 nineteenth day of April, 2012 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 third day of May, 2012 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.

Bernadette Dugan, RMC/CPM
Municipal Clerk

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND
SUPPLEMENTING CHAPTER X OF THE REVISED GENERAL ORDINANCES OF THE
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY,
ENTITLED PARKS, LAKES AND RECREATION AREAS”**

2012-05

WHEREAS, the Lakehurst Community Center is used by the public for its enjoyment, health, and entertainment but there are times when the Lakehurst Community Center is not needed for public use; and

WHEREAS, it is in the public’s best interests to allow the rental of the Community Center for private purposes when the Lakehurst Community Center is not needed for public use; and

WHEREAS, in the interests of the public health, safety and general welfare, certain restrictions, prohibitions, and safeguards must be made and enforced for the private use and enjoyment thereof; **and**

Section I

Article X of the Borough Code, entitled “Parks Lakes and Recreation Areas” is amended to add the following new Section 10-2 entitled “Rental of the Lakehurst Community Center for Private Purposes” as follows:

10-2 Rental of the Lakehurst Community Center for Private Purposes.

10-2.1 Purpose.

Purpose.

The Lakehurst Community Center is used by the residents of Lakehurst for their enjoyment, health and entertainment. There are times when the Lakehurst Community Center is not needed for public use. It is in the best interest of the residents to allow the rental of the Community Center for private purposes when the Lakehurst Community Center is not needed for public use. In the interests of public health, safety and general welfare, certain restrictions, prohibitions, and safeguards must be made and enforced for the private use and enjoyment thereof;

10-2.2 Definitions.

“Public Use” or “Public Purpose” is defined as the use of municipally-owned property for the benefit of the public and open to the public by members of the public or by members of a nonprofit corporation or association for a public purpose.

“Private Purpose” or “Private Use” is defined as the use of municipally owned property by a private individual, firm or for-profit entity or association.

10-2.3 License Application to Use Lakehurst Community Center for Private Purpose.

- a. No person, firm or corporation shall utilize the Borough of Lakehurst Community Center for a private purpose unless and until there has first been obtained a license for such use from the Borough Clerk of the Borough of Lakehurst in accordance with the terms of this ordinance.
- b. Application for License. Each and every person, partnership or corporation seeking to utilize the Community Center for a private purpose shall set forth in writing the following information in writing on forms provided by the Borough Clerk: the name of the user (hereinafter "Licensee"), name of the guarantor, phone number and address of the applicant, type of event proposed, time period, date of proposed event, and start time and end time of the proposed event.

10-2.4 Restrictions on Use of Community Center.

The Community Center can only be rented by a **resident** of the Borough of Lakehurst. The Community Center may not be used for any purpose other than the description of the Event as set forth in the license application. All Licensees shall abide by the rules and regulations provided to them by the Borough Clerk. Licensees shall not use the Community Center for any unlawful purpose or for any purpose inconsistent with the purposes of the Borough of Lakehurst. Licensees shall not use the Community Center in any way which would constitute a nuisance, shall not damage or waste the resources of the Community Center in any way, and shall not obligate the municipality in any way. Alcohol **is not** permitted in the Community Center without prior approval by the governing body. Smoking is prohibited anywhere in the Community Center; smoking is permitted only outside the Community Center in designated areas.

10-2.5 Insurance and Reliance.

Licensee must maintain liability insurance at the amount of no less than \$100,000 personal injury/property damage,, and Licensee shall have the Borough of Lakehurst named an additional insured thereof for the purpose of the Event and shall deliver to the Borough of Lakehurst prior to the Event a certificate evidencing same. Licensee and all of Licensee's guests, invitees, employees and agents shall assume all risks of use. Licensee shall indemnify, defend and hold harmless the Borough of Lakehurst from any claims, demands, expenses, attorney's fees and liability arising out of Licensee's use. In addition, Licensee, for itself and for all of its employees, agents, guests and invitees, and for all persons who may come upon the Community Center or adjoining areas and grounds during Licensee's use of the Center, shall agree prior to the Event that the Borough of Lakehurst shall not be liable in any way for any matter, cause, thing, action or omission with respect to the Center or the adjoining areas and grounds or with respect to Licensee's use of the Center.

10-2.6 Fees.

The Governing Body, in its sole judgment and discretion and in consideration of such factors as the number of people and duration of the proposed use, shall have the option of imposing by resolution reasonable fees for the use of municipally owned buildings and facilities to cover costs for administrative, maintenance, custodial or any other similar such expenses that may be associated with the use in addition to setting the rental fee.

The Borough of Lakehurst rents out the use of the Community Center to the residents of Lakehurst for private parties on Friday evenings, Saturdays and Sundays. The hall is available on Friday evenings from 5:00 p.m. until midnight. On Saturdays and Sundays, the hall is available for two time periods: 6:00 a.m. to 4:00 p.m. or 5:00 p.m. to 12 midnight. The cost per session is \$200.00 rental fee in addition to a \$200 refundable deposit if the hall has been cleaned and the tables and chairs arranged in the manner indicated by the diagram of the floor plan posted on the wall of the Community Center and accompanied with the rental agreement. If the Saturday or Sunday is available for both time periods, the resident may rent it for the entire day for the fee of \$400.00 in addition to a \$200 refundable deposit. Information concerning hall rental and availability is available at the Municipal Clerk’s office at (732) 657-4141. Payments can be made by cash, money order, certified check, cashier’s check or personal check. Payment in full must be made within two weeks of reservation. It is suggested that reservations be made at least six months in advance for optimum availability.

FEES FOR USE:

The following fees shall be paid to the Borough Clerk of the Borough of Lakehurst for the use of the Community Center in the form of cash, money order, certified check, cashier’s check or personal check made payable to the Borough of Lakehurst.

Type of Use:	Fee:
Lakehurst Non-profit organization meeting fee	Free
Lakehurst Non-profit organization special event (i.e., dance, dinner, flea market)	Free
Rental to residents (Friday evening, Saturday and Sunday)	
Half-day	\$200.00
Entire day	\$400.00

10.2-7 Deposit required

In addition to the payment of the required fee set forth above, a deposit in the amount of \$200.00 shall be paid to the Borough Clerk in the form of cash, money order, or personal check made payable to the Borough of Lakehurst. Non-profit organizations shall be required to post a deposit in the amount of \$100 for special events. Deposits shall be refunded only if the Community Center

is left in a clean manner and there is no damage to the Community Center or the property located therein. The chairs and tables must be set up in the formation indicated in the diagram that will be provided.

10.2-8 Refunds

All fees paid for the use of the Lakehurst Community Center are non-refundable upon payment to the Borough of Lakehurst. Fees shall only be refunded upon the submission of a written request to the governing body for approval by resolution.

10.2.9 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.

Section II

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

NOTICE

TAKE NOTICE that the ordinance entitled as of above was introduced and passed on first reading at a regular meeting of the governing body of the Borough of Lakehurst held on the nineteenth day of April, 2012 and will be further considered upon second reading for final passage at a regular meeting of the said Mayor and Council of the Borough of Lakehurst to be held on the third day of May, 2012 at the Community Center, Center Street, Lakehurst, New Jersey, at 7:30 p.m. or as soon thereafter as the matter may be reached, at which time and place any person desiring to be heard thereon will be given such opportunity.

Bernadette Dugan, RMC/CPM
Municipal Clerk

**RESOLUTION
APRIL 19, 2012**

WHEREAS, the Borough of Lakehurst is in need of the services of a lifeguard for the summer season at Lake Horicon, **and**

WHEREAS, Megan McPartlin has applied for the position of lifeguard and has completed the required certification course.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that Megan McPartlin be appointed as a lifeguard at a salary of \$10.75 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 April 19, 2012.

**Bernadette Dugan, RMC/CPM
Municipal Clerk**

**RESOLUTION
APRIL 19, 2012**

WHEREAS, nine bids were received by the Lakehurst Borough Municipal Clerk on November 22, 2012 for the 500,000 Gallon Ground Water Tank Repainting project **and**

WHEREAS, the Lakehurst Borough Council has reviewed the recommendations made by the Alan Dittenhofer, Municipal Engineer to award the contract to the apparent low bidder, Valley Painting, Inc.; **and**

WHEREAS, Sean Gertner, Municipal Attorney, has reviewed the summary of bids, bid tabulation, as well as bid submissions of the three lowest bids, and finds the submission of Valley Painting, Inc. acceptable as to form and therefore concurs with the Municipal Engineer that there does not appear to be a basis not to award a contract to Valley Painting, Inc. as they appear to be the lowest responsible bidder.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the contract for the 500,000 Gallon Ground Water Tank Repainting project is awarded to Valley Painting, Inc., 610 Buck Road, Southampton, Pennsylvania 18966 in the amount of \$178,700.00, subject to certification of funds by the chief financial officer.

BE IT FURTHER RESOLVED, that the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction and that the municipal clerk of this body be and is hereby directed to seal said contract with the corporate seal of this body and to attest to the same.

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 April 19, 2012.

**Bernadette Dugan, RMC/CPM
Municipal Clerk**