

**BOROUGH OF LAKEHURST  
WORK SESSION/REGULAR MEETING  
MAY 17, 2012  
TENTATIVE AGENDA**

1. Approval of Minutes of May 3, 2012 Work Session/Regular Meeting
2. Payment of Bills
3. Resolution regarding Professional Services Contract for FSD Enterprises for cellular antenna consulting services
4. Resolution regarding *Click It or Ticket* program
5. Resolution regarding adjustment to utility bill for Block 64; Lot 8
6. Resolution correcting posting error for tax account for Block 7; Lot 26
7. Resolution regarding adjustment to utility bill Block 36; Lot 1 and Block 37; Lt 2
8. Resolution regarding July 4<sup>th</sup> Fireworks Display
9. Resolution hiring Emily Zahn as lifeguard
10. Second Reading and Public Hearing of Ordinance #12-04 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 (N.J.S.A. 40A:4-45.14)
11. Second Reading and Public Hearing of Ordinance #12-06 entitled: : “AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY”
12. Public Hearing on 2012 Municipal Budget
13. Adoption of 2012 Municipal Budget
14. Resolution regarding self-examination of 2012 Municipal Budget
15. Executive/Closed Session to discuss Personnel Matters/Contract Negotiations  
Bernadette Dugan, RMC  
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 seventeenth 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.

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Bernadette Dugan, RMC/CPM  
Municipal Clerk

**“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING AND  
SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE  
BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW  
JERSEY”**

**2012-06**

**SECTION 2-13 is hereby amended:**

**2-13 CODE ENFORCEMENT OFFICER**

**Section 2-13.2**

In addition to the Code Enforcement Officer, the Lakehurst Police Department is hereby authorized to perform the duties of the Code Enforcement Officer.

**Section 2-16**

**Section 2-16.1 Creation of a Zoning Officer** There is hereby created the position of Zoning Officer.

It is the duties of the Zoning Officer and the Lakehurst Police Department to enforce the Land Development Ordinances of the Borough of Lakehurst.

**SECTION 13-PROPERTY MAINTENANCE CODE is hereby amended:**

**SECTION 13-11 ENFORCEMENT**

**Section 13-11.1 Notice of Violation**

In addition to the Code Enforcement Officer and the Housing Inspector, the Lakehurst Police Department is hereby authorized to enforce the Property Maintenance Code

**Section 13-17.6 Overcrowding**

**Section 13-7.6 a** It shall be unlawful and in violation of this section for an owner or tenant of any registered rental unit to allow a number of people greater than the permitted maximum number of occupants to rent or occupy any dwelling unit. It shall also be a violation of this article for the owner to lease a rental unit to a number or group of tenants which exceeds the total number of sleeping accommodations which has been established for said rental unit pursuant to this section. It shall also be unlawful for the tenant or any owner of a dwelling unit to knowingly permit a number of people greater than the maximum number of sleeping accommodations to sleep in or occupy the dwelling unit overnight. It shall also be unlawful for a tenant or an owner to allow a number greater than the maximum number of people permitted to occupy the decks or porches of a rental unit to occupy the decks or porches of said rental unit.

**Section 13-7.6 b** The police officers of the Lakehurst Police Department are authorized to issue a summons for the violation of this section to any owner or tenant that is found to be in violation of this section.

## **SECTION 25 LAND DEVELOPMENT**

### **25-40 Enforcing Officers is hereby amended:**

In addition to the Construction Code Official, the Zoning Officer and Lakehurst Police Department are authorized to act as enforcing agents for this section.

### **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.

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Hon. Harry Robbins  
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 May 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 seventeenth 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.

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Bernadette Dugan, RMC/CPM  
Municipal Clerk

**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, **and**

**WHEREAS**, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, **and**

**WHEREAS**, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Borough of Lakehurst has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the Borough meets the necessary conditions to participate in the program for the 2012 budget year,

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Borough of Lakehurst, County of Ocean, State of New Jersey that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at 40A:4-45.3 et seq. are fully met. (Complies with the "CAP" law)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated
  - b. Items of appropriations are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality

5. That budget and associated amendments have been introduced, publicly advertised, and adopted in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That other applicable statutory requirements have been further fulfilled.

**BE IT FURTHER RESOLVED**, that a copy of this resolution be forwarded to the Director of the Division of Local Government Services.

RECORDED VOTE:

Motion by:

Seconded by:

Robin Busch:

Glenn McComas:

James Davis:

Steven Oglesby:

Gary Lowe:

Edward Seaman:

**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 May 17, 2012.**

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

**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, there were 633 motor vehicle fatalities in New Jersey in 2011,  
**and**

**WHEREAS**, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt, **and**

**WHEREAS**, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash, **and**

**WHEREAS**, the National Highway Traffic Safety Administration estimates that 135,000 lives have been saved by safety belt usage nationally between 1975 – 2000, **and**

**WHEREAS**, the State of New Jersey will participate in the nationwide *Click It or Ticket* safety belt mobilization from May 21 – June 3, 2012 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education, **and**

**WHEREAS**, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the state from the current level of 94.51% to 100%, **and**

**WHEREAS**, each further increase in seat belt usage in New Jersey will save lives on our roadways.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the Borough of Lakehurst declares its support for the *Click It or Ticket* seat belt mobilization both locally and nationally from May 21 – June 3, 2012 and pledges to increase awareness of the mobilization and the benefits of safety belt use.

**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 May 17, 2012.**

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



**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, the Borough of Lakehurst wishes to sponsor the July 4<sup>th</sup> fireworks display, **and**

**WHEREAS**, the Mayor and Council desire to approve the discharge of fireworks within the Borough of Lakehurst, consistent with the provisions of the Uniform Fire Code of the State of New Jersey and the National Fire Protection Association Standards 1123 and 1124,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the fireworks display in commemoration of July 4<sup>th</sup> (with a rain date of July 7<sup>th</sup>) is hereby approved and permission is sought to have a permit issued by the Fire Official for the discharge of said fireworks under the standards required by law,

**BE IT FURTHER RESOLVED** that the Borough of Lakehurst wishes to contract with Schaefer Pyrotechnics, Inc., 376 Hartmann Bridge Road, Ronks, Pennsylvania 17572 to provide said fireworks display for the Borough of Lakehurst based on their professionalism as the fireworks vendor in the amount of \$7,000.00.

**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 May 17, 2012.**

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

**RESOLUTION  
MAY 17, 2012**

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

**WHEREAS**, Emily Zahn 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 Emily Zahn be appointed as a lifeguard at a salary of \$10.25 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 May 17, 2012.**

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

**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, two bids were received by the Municipal Clerk on April 11, 2012 in response to an Request for Proposal for wireless communications consulting services; **and**

**WHEREAS**, Municipal Attorney Sean Gertner has reviewed the two bids and recommended that a contract be awarded to the lowest responsible bidder, FSD Enterprises, LLC.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the contract to provide consulting services for initial investigation and marketing services, design bid specifications, and post bid phase services to solicit proposals for additional cellular antennas at a rate of \$3,500.00 for initial retainer and 35% of the gross first year lease value from any additional wireless telecommunications tenant be awarded to FSD Enterprises, LLC, 65 Mechanic Street, Suite 201, Red Bank, New Jersey 07701.

**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 May 17, 2012.**

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

**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, Huntington National Bank paid taxes for Block 16; Lot 3 on February 10, 2012 in the amount of \$961.81, **and**

**WHEREAS**, as a result of submitting the wrong payment stub with the payment, an error occurred by crediting the account for Block 16; Lot 3 instead of the correct account of Block 7; Lot 26 **and**

**WHEREAS**, Tax/Utility Collector Marie Bell has determined that the account for Block 7; Lot 26 needs to be credited with the \$961.81 payment and the account for Block 16; Lot 3 debited in the amount of \$961.81.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that Tax/Utility Collector Marie Bell be directed to post the payment of \$961.81 to the tax account for Block 7; Lot 26 and remove the posting of the payment from the tax account of Block 16; Lot 3

**I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey that the above resolution was approved by the Mayor and Council at the meeting of May 17, 2012.**

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

**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, Tax/Utility Collector Marie Bell has indicated that due to a clerical error, an off/on charge of \$50 was incorrectly charged to the utility account for Block 36; Lot 1 which should have been charged to the utility account for Block 37; Lot 2,

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey hereby authorizes Tax/Collector Marie Bell to correctly charge the off/on charge of \$50 to the utility account of Block 37; Lot 2 and remove the incorrect charge from the utility account of Block 36; Lot 1.

**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 May 17, 2012.**

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

**RESOLUTION  
MAY 17, 2012**

**WHEREAS**, Tax/Utility Collector Marie Bell has indicated that due to a clerical error, the utility bill for Block 64; Lot 8 needs to be corrected, **and**

**WHEREAS**, the error occurred as the forth quarter 2011 reading was missed causing the account to receive a minimum bill resulting in a overage in the first quarter 2012 reading, **and**

**WHEREAS**, of the 30,050 gallons used, 15,390 gallons were used during the forth quarter of 2011 and 14,660 were used during the first quarter of 2012, **and**

**WHEREAS**, Tax/Utility Collector Marie Bell has determined that the correct bills should be:

|                          |                 |
|--------------------------|-----------------|
| Period 10/01/11-12/31/11 | Water: \$ 63.03 |
|                          | Sewer: \$123.38 |
| Period 1/01/12-3/31/12   | Water: \$ 70.54 |
|                          | Sewer: \$130.52 |

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey hereby authorizes the utility bill for Block 64 Lot 8 be corrected to bill the amount of \$ 63.03 for water and \$123.38 for sewer for the forth quarter 2011 and the amount of \$ 70.54 for water and \$130.52 for sewer for the first quarter 2012.

**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 May 17, 2012.**

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