

**BOROUGH OF LAKEHURST**

**WORK SESSION/REGULAR MEETING  
JANUARY 16, 2014  
TENTATIVE AGENDA**

1. Approval of Minutes of December 19, 2013 Regular Meeting
2. Approval of Minutes of January 1, 2014 Reorganization Meeting
3. Resolution regarding person-to-person, place-to-place transfer of liquor license of Joseph Albero and Frank D'Apolito to Boemio's Market, LLC
4. Resolution regarding Corrective Action Plan for 2012 Audit
5. Resolution regarding raffles licenses for Borough of Lakehurst Historical Society
6. Resolution regarding raffles licenses for Switlik Parent Teacher Network
7. Resolution approving professional services contract appointing Matthew Giacobbe to provide labor counsel services
8. Request from Robin Busch to serve alcoholic beverages at private event at the Community Center scheduled for January 19, 2014
9. Introduction and First Reading of Ordinance #2014-01 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT"
10. 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.*

**BOROUGH OF LAKEHURST  
COUNTY OF OCEAN, STATE OF NEW JERSEY  
CORRECTIVE ACTION PLAN  
YEAR END DECEMBER 31, 2012**

The following Corrective Action Plan for the Borough of Lakehurst, County of Ocean, and State of New Jersey is in response to all findings and recommendations in the report of audit of December 31, 2012. It includes all State, Federal and general findings.

**Finding/Condition # 12-01:**

In accordance with NJAC 5:30-5.2, "All local units shall maintain an encumbrance accounting system for all funds." Departments ordered goods prior to the recording of the encumbrance against the amount appropriated.

**Recommendation:**

That internal control procedures be instituted in order to insure that the encumbrance accounting system is maintained.

**Corrective Action:**

Internal control procedures will be structured so that all funds are encumbered at the time goods are ordered. The finance office has generated a memo to all department heads reminding them of our policies.

**Finding/Condition # 12-02:**

Various funds had interfund balances as of December 31.

**Recommendation:**

In accordance with the Division of Local Government Service Directives, all interfunds balances should be liquidated as of December 31.

**Corrective Action:**

All 2012 interfund balances will be liquidated.

**Finding/Condition # 12-03:**

There were seventy-three tickets assigned to officers that were not issued within six months.

**Recommendation:**

That all tickets assigned and not issued within six months be recalled.

**Corrective Action:**

The Court currently prints a monthly report for each Officer and highlights any tickets that are six months old with a note to return them to the Court.

**Finding/Condition # 12-04:**

There were fifty-four tickets reported on the "Tickets issued but not Assigned report"

**Recommendation:**

That procedures be implemented to insure that all tickets are assigned prior to being issued.

**Corrective Action:**

Procedures will be implemented by the Court Administrator.

**Finding/Condition # 12-05**

The General Capital Fund analysis of cash reflects one ordinance with a cash deficit that is over five years old.

**Recommendation:**

That adequate cash funding be obtained through either the issuance of debt or the raising of said deficits in the budget to provide for capital expenditures.

**Corrective Action:**

The deficits will be raised in the operating budgets of the next two years.

**Finding/Condition # 12-06**

Some grant receivable balances were older than two years

**Recommendation:**

That all grant receivable balances be investigated and cancelled if it is determined that the Borough will not receive the funds.

**Corrective Action:**

All grants are presently under investigation by the Finance Officer.

**Finding/Condition # 12-07**

Salaries and wages payroll checks did not agree to the amounts stated in the employee contracts.

**Recommendation:**

That the disbursement of funds for each individual employee be in accordance with the contracts approved by the governing body.

**Corrective Action:**

The employees have already been retroactively paid to correct the error, and their 2013 salaries were verified to be correct.

## ORDINANCE

### “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING CHAPTER XXV OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED LAND DEVELOPMENT”

2014-01

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

**SECTION 25-27.11 Fences and Walls** is hereby amended to include:

**Section 25-27.11 (a) Fences.** Ornamental screening type fences and other fences shall not exceed six feet in height in any zone. The six-foot height shall be limited to fencing of side yards from the front building line of the most forward dwelling on the lands to be fenced to the rear property line and along the rear property line. In the event lands to be fenced are not those containing a dwelling at the time of fencing, the fence shall not exceed six feet in height from the front building setback line to the rear property line.

Height of fence in front yard.

- (1) No fence from the building setback line of an existing dwelling to the front property line or along the front property line shall be permitted in excess of four feet in height.
- (2) A Fence in excess of four feet but no higher than six feet is permitted in the front yard that abuts the side of the dwelling, provided that:
  - (a) The fence shall be set back at least five feet from the street right-of-way; and
  - (b) The fence shall not encroach on any part of the front yard that abuts the front of the dwelling, i.e., the fence shall not extend beyond the front building setback line; and
  - (c) The fence shall comply with all other provisions of the ordinance.

Height of living fences. Fencing or screening composed of living plants, hedges, or bushes or of evergreen or deciduous living plants or trees shall be permitted in excess of six feet in height to be used as fencing or screening along any property lines.

Exception for shade trees. The above reference to living plants, however, shall not apply to those trees designated as shade trees that may be planted or growing near the property lines.

Restriction on erection of solid fences. Solid fences shall not be erected between the front setback line and the front property line, if they shall obstruct the vision of the

adjoining property owners so as to become a hazard entering or exiting from potential driveways.

Zoning permit required. A zoning permit for the construction of all fences shall be obtained from the Zoning Officer, and no fence shall be erected or constructed without such a permit. The fee for such a permit is \$10.00. Fences must be installed on the property for which a permit was obtained, with the finished side of the fence facing the neighboring property.

**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 the regular meeting of the governing body of the Borough of Lakehurst, County of Ocean, and State of New Jersey, held on the sixteenth day of January, 2014 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 sixth day of February, 2014 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  
JANUARY 16, 2014**

**WHEREAS**, Boemio's Market, LLC has applied to the Mayor and Council of the Borough of Lakehurst for a person-to-person and place-to-place transfer for the liquor license #1513-33-002-009 held by Joseph Albero and Frank D'Apolito, **and**

**WHEREAS**, the background investigation conducted by the Lakehurst Police Department has not revealed any disqualifying events, **and**

**WHEREAS**, based upon the investigation and verifying documentation provided by the applicant to the Police Department, the investigating officer has recommended that the transfer be approved, **and**

**WHEREAS**, all necessary forms and fees were submitted to the office of the Municipal Clerk, **and**

**WHEREAS**, the notice of the transfer was twice published as required.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that the application of Boemio's Market, LLC for the person-to-person and place-to-place transfer of liquor license #1513-33-002-009 is hereby approved, effective immediately.

**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 January 16, 2014.**

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

**RESOLUTION  
JANUARY 16, 2014**

**WHEREAS**, Local Finance Board Notice 92-15 requires that a Corrective Action Plan for the 2012 Audit be completed by the Chief Financial Officer and approved by the governing body, **and**

**WHEREAS**, the Chief Financial Officer has completed and submitted same Corrective Action Plan to the Governing Body for its review,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that the Corrective Action Plan as prepared by the Chief Financial Officer 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 Mayor and Council at the meeting of January 16, 2014.**

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

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COUNTY OF OCEAN, STATE OF NEW JERSEY  
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**Recommendation:**

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**Corrective Action:**

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**Recommendation:**

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**Recommendation:**



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**Corrective Action:**

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**Finding/Condition # 12-06**

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**Recommendation:**

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**Corrective Action:**

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**Finding/Condition # 12-07**

Salaries and wages payroll checks did not agree to the amounts stated in the employee contracts.

**Recommendation:**

That the disbursement of funds for each individual employee be in accordance with the contracts approved by the governing body.

**Corrective Action:**

The employees have already been retroactively paid to correct the error, and their 2013 salaries were verified to be correct.

**RESOLUTION  
JANUARY 16, 2014**

**WHEREAS**, there exists a need for the appointment of a labor counsel, **and**

**WHEREAS**, the funds are available for this purpose;

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised, and the contract itself must be available for public inspection.

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

That Matthew Giacobbe, Esquire of the firm Cleary, Giacobbe, Alfieri, Jacobs, LLC, 169 Ramapo Valley Road, Upper Level 105, Oakland, New Jersey 07436 is hereby appointed to provide labor counsel services for 2014 at a rate of \$150.00 per hour not to exceed \$7,500.00, subject to full appropriation in 2014 Municipal Budget.

This contract is awarded without competitive bidding as "Professional Services: under the provisions of the Local Public Contracts Law because the above named firm is highly experienced in their specific area of expertise, and, in the opinion of the Mayor and Council of the Borough of Lakehurst, can best provide the appropriate services for the Borough of Lakehurst.

**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 January 16, 2014.**

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

**RESOLUTION  
JANUARY 16, 2014**

**WHEREAS**, the Borough of Lakehurst Historical Society, Inc. has applied for Raffles License to conduct one on-premise draw raffle awarding cash as a prize scheduled for January 25, 2014 with a rain date of January 26, 2014, **and**,

**WHEREAS**, the Statement of Findings and Determinations shows no reason why these licenses should not be issued.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Lakehurst, County of Ocean, State of New Jersey that the Raffles License for the Borough of Lakehurst Historical Society, Inc. is hereby approved.

**I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, hereby certify that the above resolution was approved by the governing body at the meeting of January 16, 2014.**

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

**RESOLUTION  
JANUARY 16, 2014**

**WHEREAS**, the Switlik Parent Teacher Network has applied for Raffle Licenses to conduct one on-premise draw raffle awarding merchandise as a prize and one on-premise draw raffle awarding cash as a prize (50/50) scheduled for February 7, 2014 at LaBove Grande Restaurant, **and**,

**WHEREAS**, the Statement of Findings and Determinations shows no reason why these licenses should not be issued.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Lakehurst, County of Ocean, State of New Jersey that the Raffle Licenses for the Switlik Parent Teacher Network are hereby approved.

**I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, hereby certify that the above resolution was approved by the governing body at the meeting of January 16, 2014.**

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