

BOROUGH OF LAKEHURST

REDEVELOPMENT MEETING BEGINNING: CANCELLED

WORK SESSION/REGULAR MEETING NOVEMBER 3, 2022 TENTATIVE AGENDA

1. Announcement of Winners of Halloween Decorating Contest
2. Payment of Bills
3. Approval of Minutes of October 20, 2022 Regular Meeting
4. Resolution reappointing Melissa Morelli as SLEO I police officer
5. Resolution regarding shared services agreement with Ocean Prosecutor's Office for Drug Recognition Expert Callout Program
6. Resolution regarding shared services agreement with Ocean County Prosecutor's Office for Driving While Intoxicated Enforcement Program
7. Resolution regarding shared services agreement with Ocean County Prosecutor's Office for "Move Over" Law Enforcement Program
8. Resolution regarding Best Practices Checklist
9. Resolution regarding Capital Budget Amendment
10. Introduction and first reading of Ordinance #2022-11 entitled: "AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT, OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS SYSTEM IN THE MUNICIPALITY OF LAKEHURST, OCEAN COUNTY, NEW JERSEY"
11. Introduction and first reading of Ordinance #2022-12 entitled: "BOND ORDINANCE PROVIDING FOR WATER TREATMENT PLANT UPGRADES, APPROPRIATING \$805,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$805,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, NEW JERSEY"

12. Second Reading and Public Hearing of Ordinance #2022-10 “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH, CHAPTER XXV ENTITLED “LAND DEVELOPMENT”, SECTION 25-32; AND CHAPTER IV ENTITLED “GENERAL LICENSING”, SECTION 4-5”
13. Acceptance of resignation of Police Officer Gavin M. Cecchini
14. Executive/closed session to discuss personnel matters

Maryanne Capasso, RMC
Municipal Clerk

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

**RESOLUTION
NOVEMBER 3, 2022**

WHEREAS, the governing body of the Borough of Lakehurst, in the County of Ocean and State of New Jersey has carefully examined all vouchers presented to the Borough Clerk for payment of claims; finding all to be accurate and legitimate;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the bills list as presented in the amount of \$242,403.17 is hereby approved.

I, Maryanne Capasso, 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 November 3, 2022.

**Maryanne Capasso
Municipal Clerk, RMC**

P.O. Type: All
 Range: First to Last
 Format: Detail without Line Item Notes
 Vendors: All
 Rcvd Batch Id Range: First to Last
 Open: N Paid: N Void: N
 Rcvd: Y Held: Y Aprv: N
 Bid: Y State: Y Other: Y Exempt: Y
 Include Non-Budgeted: Y

PO #	PO Date	Vendor	Amount	Charge Account	Contract PO Type	Stat/Chk	First Rcvd	Chk/Void	Invoice
Item Description					Acct Type Description		Enc Date Date	Date	
22-00103	02/04/22	R0158			REMINGTON & VERNICK ENGINEERS	B			
12		CDBG - Orange St	479.75	G-02-00-200-641	B CDBG - Orange St	R	02/04/22	11/02/22	1514U078-9
22-00479	07/15/22	C0025			C. W. SALES CORP	B			
1		NEW PUMP	7,510.00	C-08-01-581-001	B Various Utility System Improvements	R	07/15/22	11/02/22	
22-00487	07/20/22	M0963			MGL PRINTING SOLUTIONS	B			
1		2023 DOG TAGS AND LINKS	179.00	2-15-00-900-001	B Animal Control Expenditures	R	07/20/22	11/02/22	192219
22-00629	09/08/22	U0562			USA BLUE BOOK	B			
1		33 GPD 100 PSI CHEMTECH	1,059.95	2-09-00-101-212	B MAINTENANCE SUPPLIES	R	09/08/22	11/02/22	106540
2		SHIPPING	13.05	2-09-00-101-212	B MAINTENANCE SUPPLIES	R	09/08/22	11/02/22	
			1,073.00						
22-00674	09/19/22	M0118			MIRACLE CHEMICAL CO.	B			
1		200 GAL SODIUM HYPOCHLORITE	992.00	2-09-00-101-267	B CHEMICALS	R	09/19/22	11/02/22	52380
2		FUEL SURCHARGE	75.00	2-09-00-101-267	B CHEMICALS	R	09/19/22	11/02/22	
			1,067.00						
22-00681	09/30/22	J0007			JERSEY RENTS	B			
1		8 X 10 BOX RENTAL	175.00	2-09-00-101-299	B MISCELLANEOUS	R	09/30/22	11/02/22	0123983-02
22-00683	09/30/22	R0028			RUTGERS, THE STATE UNIVERSITY	B			
1		BEST PRACTICES FOR TREE CARE	195.00	2-01-26-310-284	B TRAINING & EDUCATION	R	09/30/22	11/02/22	118564
22-00684	09/30/22	A0093			ACTION UNIFORM CO.	B			
1		DARK NAVY WOOL L/S ARMORSKIN	72.00	2-01-25-240-272	B UNIFORM REPAIRS - REPLACE	R	09/30/22	11/02/22	46542
2		DARK NAVY WINTER L/S ARMORSKIN	106.00	2-01-25-240-272	B UNIFORM REPAIRS - REPLACE	R	09/30/22	11/02/22	
			178.00						
22-00685	09/30/22	A0093			ACTION UNIFORM CO.	B			
1		DARK NAVY WOOL L/S ARMORSKIN	72.00	2-01-25-240-272	B UNIFORM REPAIRS - REPLACE	R	09/30/22	11/02/22	46436

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Borough of Lakehurst
Bill List By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
22-00759	10/31/22	P0038 PRO-SHRED SOUTHERN NJ									
		1 PD SHRED INVOICE# 41842	45.00	2-01-25-240-297	B	Police - Miscellaneous	R	10/31/22	11/02/22		41842
22-00761	10/31/22	P0057 DR PHILIP L. BEGUN									
		1 VET SERVICES FOR RABIES CLINIC	1,060.00	2-01-27-340-299	B	MISCELLANEOUS	R	10/31/22	11/02/22		
22-00763	10/31/22	S0055 SAFEGUARD BUSINESS SYSTEMS									
		1 COURT DEPOSIT TICKETS	122.19	2-01-43-490-211	B	Court - Office Supplies	R	10/31/22	11/02/22		34979950
22-00766	10/31/22	H0520 CORE & MAIN									
		1 SENSUS SOFTWARE SUPPORT RENEW	2,150.00	2-09-00-101-222	B	CONTRACTUAL SERVICES	R	10/31/22	11/02/22		R756030
22-00767	11/01/22	A0118 ATLANTIC PRINTING & DESIGN									
		1 BUSINESS CARDS WINTON/LEVANCE	40.00	2-09-00-101-216	B	PRINTING	R	11/01/22	11/02/22		
22-00768	11/01/22	I0274 ITALY'S BEST PIZZERIA									
		1 PIZZA FOR HALLOWEEN PARTY	63.77	T-03-00-100-030	B	Recreation Trust	R	11/01/22	11/02/22		
22-00771	11/02/22	J0900 JCP&L									
		2 LED STREET LIGHTING	434.96	2-01-31-436-276	B	STREET LIGHTING	R	11/02/22	11/02/22		
22-00772	11/02/22	A0024 ACTION DATA SERVICES									
		1 PAYROLL SERVICE PDEND 9/25/22	337.80	2-01-20-130-299	B	Finance - Miscellaneous	R	11/02/22	11/02/22		79783
		2 PAYROLL SERVICE PDEND 10/9/22	183.29	2-01-20-130-299	B	Finance - Miscellaneous	R	11/02/22	11/02/22		79956
			521.09								
22-00773	11/02/22	C0114 COMPLETE SECURITY SYSTEMS INC.									
		1 ALARM MONITOR ESC 11/1 - 1/31	135.00	2-01-26-310-299	B	MISCELLANEOUS	R	11/02/22	11/02/22		3163453
22-00774	11/02/22	M0081 METROPOLITAN LIFE INSURANCE CO									
		1 DENTAL INSURANCE 10/2022	3,451.01	2-01-23-220-226	B	Insurance - Dental	R	11/02/22	11/02/22		
22-00775	11/02/22	A0102 AFFILIATED TECHNOLOGY SOLUTION									
		1 PHONE BILL - DECEMBER 2022	640.53	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
22-00776	11/02/22	P0022 SUN LIFE									
		1 LIFE INS BILL TO 12/22	102.60	2-01-23-220-227	B	Insurance - Life Insurance	R	11/02/22	11/02/22		

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Borough of Lakehurst
Bill List By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
22-00777	11/02/22	W0030 WEX BANK									
		1 WAWA GAS CHARGES OCT 2022	3,957.77	2-01-31-447-265	B	GASOLINE	R	11/02/22	11/02/22		84832992
22-00778	11/02/22	S0896 SHORE BUSINESS SOLUTIONS									
		2 PD COPIER INVOICE # AR68251	92.61	2-01-25-240-297	B	Police - Miscellaneous	R	11/02/22	11/02/22		AR68251
22-00779	11/02/22	M0113 MANCHESTER TOWNSHIP									
		1 COURT WARRANT CALLOUTS	942.99	1-01-43-490-222	B	Court - Contractual Services	R	11/02/22	11/02/22		
		2 COURT WARRANT CALLOUTS	1,060.76	1-01-43-490-222	B	Court - Contractual Services	R	11/02/22	11/02/22		
		3 COURT WARRANT CALLOUTS	1,646.28	1-01-43-490-222	B	Court - Contractual Services	R	11/02/22	11/02/22		
			<u>3,650.03</u>								
22-00780	11/02/22	M0113 MANCHESTER TOWNSHIP									
		1 COURT WARRANT CALLOUTS	3,772.14	2-01-43-490-222	B	Court - Contractual Services	R	11/02/22	11/02/22		
		2 COURT WARRANT CALLOUTS	1,320.91	2-01-43-490-222	B	Court - Contractual Services	R	11/02/22	11/02/22		
		3 COURT WARRANT CALLOUTS	2,682.35	2-01-43-490-222	B	Court - Contractual Services	R	11/02/22	11/02/22		
			<u>7,775.40</u>								
22-00781	11/02/22	R0046 RUMPF LAW									
		1 PUBLIC DEFENDER	375.00	T-03-00-100-005	B	Public Defender	R	11/02/22	11/02/22		
22-00782	11/02/22	V0855 VERIZON									
		1 PHONE BILL	359.66	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
22-00783	11/02/22	C0060 COMCAST CABLE									
		1 ESC CABLE MODEM	171.14	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
		2 COMM CENTER CABLE MODEM	93.22	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
		3 BORO HALL CABLE MODEM	199.17	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
		4 PD CABLE MODEM	136.21	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
		5 PW CABLE MODEM	110.84	2-01-31-440-275	B	TELEPHONE	R	11/02/22	11/02/22		
			<u>710.58</u>								
22-00784	11/02/22	J0900 JCP&L									
		1 ELECTRIC BILL STREET LIGHTING	1,498.27	2-01-31-436-276	B	STREET LIGHTING	R	11/02/22	11/02/22		
22-00785	11/02/22	J0900 JCP&L									
		1 ELECTRIC BILL CF	2,713.52	2-01-31-435-276	B	ELECTRICITY	R	11/02/22	11/02/22		

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Borough of Lakehurst
Bill List By P.O. Number

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PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
22-00786	11/02/22	P0152		PETTY CASH FUND							
		1 Y&R SHARE	99.10	2-01-28-370-299		B MISCELLANEOUS	R	11/02/22	11/02/22		
		2 PW SHARE	104.65	2-01-26-310-299		B MISCELLANEOUS	R	11/02/22	11/02/22		
		3 PD SHARE	20.20	2-01-25-240-297		B Police - Miscellaneous	R	11/02/22	11/02/22		
			<u>223.95</u>								
22-00787	11/02/22	B9112		B & K EQUIPMENT SERVICES							
		1 TRASH TRUCK INVOICE# 36286	231.30	2-01-26-291-254		B SANITATION VEHICLE MAINT/REP	R	11/02/22	11/02/22		36286
22-00788	11/02/22	S0103		STERLING PROPERTY HOLDINGS LLC							
		1 REFUND CANNABIS APPLICATION FE	5,000.00	2-01-16-200-013		R MRNA - Cannabis Application Fees	R	11/02/22	11/02/22		
22-00789	11/02/22	R0052		RS OPERATIONS LLC							
		1 REFUND CANNABIS APPLICATION FE	5,000.00	2-01-16-200-013		R MRNA - Cannabis Application Fees	R	11/02/22	11/02/22		
22-00790	11/02/22	J0037		JERSEY SHORE EXTRACTS LLC							
		1 REFUND CANNABIS APPLICATION FE	5,000.00	2-01-16-200-013		R MRNA - Cannabis Application Fees	R	11/02/22	11/02/22		
22-00791	11/02/22	M0086		MAS FLOWER							
		1 REFUND CANNABIS APPLICATION FE	5,000.00	2-01-16-200-013		R MRNA - Cannabis Application Fees	R	11/02/22	11/02/22		
22-00792	11/02/22	O0284		OCEAN COUNTY DEPART OF FINANCE							
		1 COUNTY LEVY DUE 11/15/2022	176,324.94	2-01-55-900-001		B COUNTY TAXES PAYABLE	R	11/02/22	11/02/22		
22-00793	11/02/22	S0024		NJ MOTOR VEHICLE COMMISSION							
		1 VEHICLE TITLE	60.00	2-01-25-240-297		B Police - Miscellaneous	R	11/02/22	11/02/22		
<hr/>											
Total Purchase Orders:		46	Total P.O. Line Items:		68	Total List Amount:		242,403.17	Total Void Amount:		0.00

Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	1-01	3,650.03	0.00	3,650.03	0.00	0.00	3,650.03
CURRENT FUND APPROPRIATIONS	2-01	204,710.62	0.00	204,710.62	20,300.00	0.00	225,010.62
WATER & SEWER OPERATING	2-09	4,885.00	0.00	4,885.00	0.00	0.00	4,885.00
ANIMAL CONTROL FUND	2-15	<u>179.00</u>	<u>0.00</u>	<u>179.00</u>	<u>0.00</u>	<u>0.00</u>	<u>179.00</u>
Year Total:		209,774.62	0.00	209,774.62	20,300.00	0.00	230,074.62
	C-08	7,510.00	0.00	7,510.00	0.00	0.00	7,510.00
	G-02	729.75	0.00	729.75	0.00	0.00	729.75
	T-03	438.77	0.00	438.77	0.00	0.00	438.77
Total of All Funds:		<u>222,103.17</u>	<u>0.00</u>	<u>222,103.17</u>	<u>20,300.00</u>	<u>0.00</u>	<u>242,403.17</u>

**RESOLUTION
NOVEMBER 3, 2022**

WHEREAS, the Borough of Lakehurst needs to increase the compliment of Class I police officers, **and**

WHEREAS, Melissa Morelli has held the SLEO I position since April 4, 2016, **and**

WHEREAS, Chief Kline has recommended reappointing her as a SLEO I.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that Melissa Morelli be reappointed as a SLEO I with the Lakehurst Police Department.

I, Maryanne Capasso, 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 November 3, 2022.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
NOVEMBER 3, 2022**

WHEREAS, the Drug Recognition Expert Callout Program is a traffic safety program run by the Ocean County Prosecutor's Office for the purpose of utilizing a Drug Recognition Expert Callout Program (D.R.E.C.P.) to assist with identifying and removing intoxicated drivers from the roadways; **and**

WHEREAS, the **D.R.E.C.P.** receives funding from the State of New Jersey and the County of Ocean; **and**

WHEREAS, the Prosecutor's Office and the Borough of Lakehurst have determined it to be in their mutual interest for the Borough of Lakehurst to designate certain police officers to be assigned to **D.R.E.C.P.**; **and**

WHEREAS, the Shared 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 wishes to enter 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 Drug Recognition Expert Callout 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 Drug Recognition Expert Callout 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 October 1, 2022 and shall remain in full force and effect through September 30, 2023.
4. A certified copy of this resolution shall be forwarded to the Ocean County Prosecutor's Office

I, Maryanne Capasso, 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 November 3, 2022.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
NOVEMBER 3, 2022**

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 Shared 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 effective from October 1, 2022 and shall remain in full force and effect through September 30, 2023.
4. A certified copy of this resolution shall be forwarded to the Ocean County Prosecutor's Office

I, Maryanne Capasso, 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 November 3, 2022.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
NOVEMBER 3, 2022**

WHEREAS, the “Move Over” Law Enforcement Program is a traffic safety program (also known as M.O.L.E.P.) by the Ocean County Prosecutor’s Office for the purpose of identifying, educating and removing reckless drivers from roadways; **and**

WHEREAS, the Shared 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 “Move Over” Law 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 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 retroactively from October 1, 2022 and shall remain in full force and effect through September 30, 2023.
4. A certified copy of this resolution shall be forwarded to the Ocean County Prosecutor’s Office

I, Maryanne Capasso, 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 November 3, 2022.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
NOVEMBER 3, 2022**

WHEREAS, the New Jersey Fiscal Year 2023 Appropriations Act (P.L. 2022, c.49) requires the Division of Local Government Services to determine how much of each municipality's aid will be disbursed based upon the results of a Best Practices Inventory to be completed by each municipality; **and**

WHEREAS, the Best Practices Inventory was completed by Chief Financial Officer Wayne M. Sibilio and a copy thereof has been received by each member of the Governing Body; **and**

WHEREAS, the members of the Governing Body have personally reviewed the Best Practice Inventory.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey hereby wish to accept the Best Practice Inventory, **and**

BE IT FURTHER RESOLVED that the Municipal Clerk/Chief Administrative Officer and Chief Financial Officer will certify to the Division of Local Government Services that the Best Practices Inventory for the Borough of Lakehurst (municipal code 1513) was approved by the governing body at the council meeting of November 3, 2022.

CERTIFICATION

I, Maryanne Capasso, Municipal Clerk of the Borough of Lakehurst, County of Ocean, and State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Governing Body at the regular meeting held on the November 3, 2022.

**Maryanne Capasso, RMC
Municipal Clerk**

BOROUGH OF LAKEHURST - COUNTY OF OCEAN

CAPITAL BUDGET AMENDMENT

RESOLUTION 2022-

WHEREAS, the local capital budget for the year 2022 was adopted on the 21st day of April 2022,

WHEREAS, it is desired to amend said adopted capital budget section,

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Borough of Lakehurst, County of Ocean, that the following amendment to the introduced capital budget be made:

Recorded Vote: (insert last names)

(((
(((
Ayes (Nays (Abstain (
(((
((Absent (
(((

**FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
2022**

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2022					To Be Funded in Future Years
			2022 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants-in-Aid & Other Funds	Debt Authorized	
NJ DOT Road Project - Rose St	\$ 234,000	\$	\$	\$	\$	\$ 234,000	\$	\$
CDBG - Orange St	35,000					35,000		
Garbage Truck	400,000							400,000
Phase II Water Sewer Improvements	2,500,000			125,000			2,375,000	
Jet-Vac Truck	250,000			12,500				237,500
Total All Projects	\$ 3,419,000	\$	\$	\$ 137,500	\$	\$ 269,000	\$ 2,375,000	\$ 637,500

FROM
3 YEAR CAPITAL PROGRAM 2022 - 2024
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Budget Year					
			2022	2023	2024			
NJ DOT Road Project - Rose St	\$ 234,000		\$ 234,000	\$	\$	\$	\$	\$
CDBG - Orange St	35,000		35,000					
Garbage Truck	400,000				400,000			
Phase II Water Sewer Improvements	2,500,000			2,500,000				
Jet-Vac Truck	250,000				250,000			
Total All Funds	\$ 3,419,000		\$ 269,000	\$ 2,500,000	\$ 650,000	\$	\$	\$

FROM
3 YEAR CAPITAL PROGRAM 2022 - 2024
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	Estimated Total Cost	Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in-Aid and Other Funds	Bonds and Notes	
		Current Year 2022	Future Years				General	Self-Liquidating
NJ DOT Road Project - Rose St	\$ 234,000	\$	\$	\$	\$	\$ 234,000.00	\$	\$
CDBG - Orange St	35,000					35,000.00		
Garbage Truck	400,000			20,000.00			380,000.00	
Phase II Water Sewer Improvements	2,500,000			125,000.00				2,375,000.00
Jet-Vac Truck	250,000			12,500.00			237,500.00	
Total All Funds	\$ 3,419,000	\$	\$	\$ 157,500	\$	\$ 269,000	\$ 617,500	\$ 2,375,000

**TO
CAPITAL BUDGET (CURRENT YEAR ACTION)
2022**

Project	Estimated Total Cost	Amounts Reserved in Prior Years	Planned Funding Services for Current Year 2022					To Be Funded in Future Years
			2022 Budget Appropriation	Capital Improvement Fund	Capital Surplus	Grants-in-Aid & Other Funds	Debt Authorized	
NJ DOT Road Project - Rose St	\$ 234,000	\$	\$	\$	\$	\$ 234,000	\$	\$
CDBG - Orange St	35,000					35,000		
Garbage Truck	400,000			20,000			380,000	
Various Improvements	38,000			38,000				
Phase II Water Sewer Improvements	2,500,000			125,000			2,375,000	
Jet-Vac Truck	250,000			12,500			237,500	
Utility Vehicle and Equipment Repairs	20,000			20,000				
Water Treatment Plant Upgrades	805,000						805,000	
Total All Funds	\$ 4,282,000	\$	\$	\$ 215,500	\$	\$ 269,000	\$ 3,797,500	\$

**3 YEAR CAPITAL PROGRAM 2022 - 2024
ANTICIPATED PROJECT SCHEDULE AND FUNDING REQUIREMENT**

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts per Budget Year					
			2022	2023	2024			
NJ DOT Road Project - Rose St	\$ 234,000		\$ 234,000	\$	\$	\$	\$	\$
CDBG - Orange St	35,000		35,000					
Garbage Truck	400,000				400,000			
Various Improvements	38,000		38,000					
Phase II Water Sewer Improvements	2,500,000			2,500,000				
Jet-Vac Truck	250,000				250,000			
Utility Vehicle and Equipment Repairs	20,000		20,000					
Water Treatment Plant Upgrades	805,000		805,000					
Total All Funds	\$ 4,282,000		\$ 1,132,000	\$ 2,500,000	\$ 650,000	\$	\$	\$

TO
3 YEAR CAPITAL PROGRAM 2022 - 2023
SUMMARY OF ANTICIPATED FUNDING SOURCES AND AMOUNTS

Project	Estimated Total Cost	Budget Appropriations		Capital Improvement Fund	Capital Surplus	Grants in-Aid and Other Funds	Bonds and Notes	
		Current Year 2022	Future Years				General	Self- Liquidating
NJ DOT Road Project - Rose St	\$ 234,000	\$	\$	\$	\$	\$ 234,000	\$	\$
CDBG - Orange St	35,000					35,000		
Garbage Truck	400,000			20,000			380,000	
Various Improvements	38,000			38,000				
Phase II Water Sewer Improvements	2,500,000			125,000				2,375,000
Jet-Vac Truck	250,000			12,500			237,500	
Utility Vehicle and Equipment Repairs	20,000			20,000				
Water Treatment Plant Upgrades	805,000							805,000
Total All Funds	\$ 4,282,000	\$	\$	\$ 215,500	\$	\$ 269,000	\$ 617,500	\$ 3,180,000

BE IT FURTHER RESOLVED, that three certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

It is hereby certified that this is a true copy of a resolution amending the capital budget section adopted by the governing body on the 3rd day of November, 2022.

Certified by me

Date
TRENTON, NEW JERSEY
APPROVED _____, 2022

Maryanne Capasso
Borough Clerk

Director of Local Government Services

ORDINANCE NO 2022-11

AN ORDINANCE GRANTING RENEWAL OF MUNICIPAL CONSENT TO
COMCAST OF NEW JERSEY, LLC. TO CONSTRUCT, CONNECT,
OPERATE AND MAINTAIN A CABLE TELEVISION AND COMMUNICATIONS
SYSTEM IN THE MUNICIPALITY OF LAKEHURST, OCEAN COUNTY, NEW JERSEY

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE BOROUGH OF
LAKEHURST, OCEAN COUNTY, NEW JERSEY, AS FOLLOWS:

SECTION 1. PURPOSE OF THE ORDINANCE.

The Borough hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets alleys, sidewalks, easements, public ways and public places in the Borough, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus, and equipment as may be necessary for the construction, operation, and maintenance in the Borough of a cable television and communications system.

SECTION 2. DEFINITIONS.

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. Such meaning or definition of terms in supplemental to those definitions of the Federal Communications Commission (“FCC”) rules and regulations, 47 C.F.R. Subsection 76.1 et seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et seq., as amended, and the Cable Television Act, N.J.S.A. § 48:5A-1 et seq., and shall in no way be construed to broaden, alter, or conflict with the federal and state definitions:

- a. “Borough” is the Borough of Lakehurst, County of Ocean, State of New Jersey.
- b. “Company” or “Comcast” is the grantee of rights under this Ordinance and is known as Comcast of New Jersey, LLC.
- c. “Act” or “Cable Television Act” is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. § 48:5A-1, et seq.
- d. “FCC” is the Federal Communications Commission.
- e. “Board” or “BPU” is the Board of Public Utilities, State of New Jersey.
- f. “Office” or “OCTV” is the Office of Cable Television of the Board.
- g. “Basic Cable Service” means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.

- h. “Application” is the Company’s Application for Renewal of Municipal Consent.
- i. “Primary Service Area” or ‘PSA” consists of the area of the Borough currently served with existing plant as set forth in the map annexed to the Company’s Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS.

Public hearings conducted by the Borough, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the Borough, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Borough hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company’s operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE.

The non-exclusive Municipal Consent granted herein shall expire 10 years from the date of expiration of the previous Certificate of Approval issued by the Board.

In the event that the Borough shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Borough shall have the right to petition the OCTV, pursuant to N.J.S.A. § 48:5A-47, for appropriate action, including modification AND/OR termination of the Certificate of Approval; provided, however, that the Borough shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE.

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Borough two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Borough or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY.

The consent granted under this Ordinance for the renewal of the franchise shall apply to the entirety of the Borough and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE.

The Company shall be required to proffer service to any residence along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application, with a HPM ("homes-per-mile") of 30 dwellings per linear mile from the nearest active trunk or feeder line.

SECTION 8. CONSTRUCTION REQUIREMENTS.

a. Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good a condition as existed prior to the commencement of said work.

b. Relocation: If at any time during the period of this consent, the Borough shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Borough, shall remove, re-lay, or relocate its equipment, at the expense of the Company prior to approval of the board.

c. Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, or other public places of the Borough so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

d. Temporary removal of cables: The Company shall, upon request of the Borough, at the company's expense, temporarily raise, lower, or remove its lines in order to facilitate the moving of buildings or machinery or in other like circumstances, subject to the prior approval of the board.

e. Installation of equipment: The Company shall install equipment in the same location and manner as existing public utilities whenever possible, in order to minimize the impact of same on surrounding property.

SECTION 9. CUSTOMER SERVICE.

In providing services to its customers, the Company shall comply with N.J.A.C. § 14:18-1, et seq. and all applicable state and federal statutes and regulations. The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service.

a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.

b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.

c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (“NCTA”).

d. Nothing herein shall impair the right of any subscriber or the Borough to express any comment with respect to telephone accessibility to the Complaint Officer or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLAINT OFFICER.

The Office of Cable Television is hereby designated as the Complaint Officer for the Borough pursuant to N.J.S.A. § 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. § 14:17-6.5. The Borough shall have the right to request copies of records and reports pertaining to complaints by Borough customers from the OCTV.

SECTION 11. LOCAL OFFICE.

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. § 14:18-5.1 for the purpose of receiving, investigating, and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters

SECTION 12. PERFORMANCE BOND.

During the life of the franchise the Company shall give to the Borough a bond in the amount of Twenty-Five Thousand Dollars (\$25,000). Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES.

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY.

a. The Company shall continue to provide Basic cable television service to one (1) to outlet at no cost to each qualified existing school and library in the Borough, public and private, elementary, intermediate, and secondary, provided the school building is within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school or library requesting service.

b. The Company shall continue to provide Basic cable television service to one (1) to outlet at no cost to each qualified existing and future municipal building, police, fire, emergency management facility and public library in the Borough, provided the facility is located within two hundred (200) feet of active cable distribution plant or through customer owned conduit. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Borough.

c. Within six months of the issuance of a Renewal Certificate of Approval by the BPU, the Company shall provide to the Borough a one-time E/G Access Capital Grant in the amount of \$10,000 to meet the Access capital needs of the community.

d. The Communications Act of 1934, as amended [47 U.S.C. § 543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, education, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves its external cost, pass-through rights to the full extent permitted by law.

SECTION 15. PUBLIC, EDUCATIONAL AND GOVERNMENTAL ACCESS

a. The Company shall continue to make available a system-wide public, educational and government access channels maintained by the Company. Qualified individuals and organizations may utilize public access for the purpose of cablecasting non-commercial access programming in conformance with the Company's published public access rules.

b. The Company shall not exercise editorial control over any educational or governmental use

PEG Access channels, except Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.

d. The Company shall take any steps that are necessary to ensure that the signals originated on the access channels are carried without material degradation, and with a signal whose quality is equal to that of the other standard channels that the Company transmits.

SECTION 16. EMERGENCY USES.

a. The Company will comply with the Emergency Alert System (“EAS”) rules in accordance with applicable state and federal statutes and regulations.

b. The Company shall in no way be held liable for any injury suffered by the Borough or any other person, during an emergency, if for any reason the Borough is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE.

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of One Million Dollars (\$1,000,000) covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or “umbrella”) policy in the amount of Five Million Dollars (\$5,000,000).

SECTION 18. INCORPORATION OF THE APPLICATION.

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with application State or Federal law.

SECTION 19. COMPETITIVE EQUITY.

Should the Borough grant municipal consent for a franchise to construct, operate and maintain a cable television system to any other person, corporation, or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of

N.J.A.C. § 14:17-6.7.

SECTION 20. SEPARABILITY.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES.

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

MUNICIPAL COUNCIL
BOROUGH OF LAKEHURST

BY: _____
Harry Robbins, Mayor

PASSED ON FIRST READING ON: November 3, 2022

INTRODUCTION PUBLISHED ON: _____

PASSED ON FINAL READING ON: _____

FINAL PUBLICATION ON: _____

ATTEST:

Maryanne Capasso, RMC

**BOROUGH OF LAKEHURST
COUNTY OF OCEAN**

Bond Ordinance No. 2022-12

BOND ORDINANCE PROVIDING FOR WATER TREATMENT PLANT UPGRADES, APPROPRIATING \$805,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$805,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Lakehurst in the County of Ocean, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$805,000, said sum being inclusive of all appropriations heretofore made therefor. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$805,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued consist of water treatment plant upgrades, together with all items necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$805,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$805,000, which is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined,

declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is thirty (30) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is not increased by the authorization of the \$805,000 bonds and notes provided in this bond ordinance because the purposes authorized herein are self-liquidating and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$161,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant

hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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 3rd day of November, 2022 and that said ordinance will be considered for final passage at the meeting of said governing body to be held at the Community Center, 207 Center Street, Lakehurst, New Jersey on the 1st day of December, 2022 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.

Maryanne Capasso, RMC
Municipal Clerk

“ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH, CHAPTER XXV ENTITLED “LAND DEVELOPMENT”, SECTION 25-32; AND CHAPTER IV ENTITLED “GENERAL LICENSING” SECTION 4-5”

#2022-10

WHEREAS, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal, and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety, and welfare of the municipality and its inhabitants; and

WHEREAS, Governor Murphy signed into law legislation legalizing and regulating cannabis use and possession for adults 21 years and older, [A-21](#) (P.L.2021, c.16); and Governor Murphy signed the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act, and decriminalizing marijuana and hashish possession, [A-1897](#) (P.L.2021, c.19). The Governor also signed [S-3454](#) (P.L.2021, c.25), clarifying marijuana and cannabis use and possession penalties for individuals younger than 21 years old; and

WHEREAS, New Jersey law enforcement officers made over 24,000 arrests for marijuana possession in 2012, more than in the previous 20 years, which equated to roughly three out of every five arrests; and

WHEREAS, the Legislature of the State of New Jersey recognizes the need to eliminate the illegal market for marijuana and provide relief to those who have been, or will continue to be adversely affected by arrests resulting from illegal marijuana sales, through a statewide legislative effort providing for decriminalization and record expungement; and

WHEREAS, the Legislature of the State of New Jersey also recognizes the need to utilize tax revenue from legalized marijuana business operations to support drug treatment and education efforts, and community reinvestment initiatives; and

WHEREAS, the Governing Body has determined that the State Legislature has adequately addressed, and will continue to adequately address, the majority of statewide public health, safety, and welfare concerns which may arise from the legal adult use of marijuana; and

WHEREAS, the Borough of Lakehurst has determined that State licensed businesses that legally cultivate, process, sell, and/or distribute marijuana under such State licenses require special attention in the form of an ordinance tailored toward the Borough of Lakehurst, to preserve the public health, safety, and welfare of the Borough and its inhabitants; and

WHEREAS, the new legislation expressly preserves local control over marijuana facilities and land uses, including the authority to control both medical and legal cannabis/marijuana-based businesses in their town; and

WHEREAS, municipalities have until August 21, 2021, to pass ordinances that either bans cannabis businesses, welcomes them, or sets limits for the type of businesses or number of dispensaries and those that do nothing will lock in a standard set of rules for five years; and

WHEREAS, if a municipality fails to adopt an ordinance prohibiting a particular class by August 21, 2021, a five-year lock in period will be triggered; and

WHEREAS, this Ordinance shall rely upon and be interpreted in accordance with the statutes, rules, and regulations enacted by the New Jersey Legislature and the various State Agencies, Authorities, and Departments governing the legal adult use of marijuana in the State of New Jersey; and

WHEREAS, the Borough of Lakehurst has a Master Plan which contains zoning classifications and districts as outlined in same; and

WHEREAS, medical marijuana and cannabis businesses, dispensaries, commercial operations, and delivery operations are not listed in the Zoning Code as either permitted or conditionally permitted land uses and are, therefore, prohibited under the Borough's permissive zoning provisions, as set forth in the Borough's Municipal Code.

NOW THEREFORE BE IT ORDAINED by the Lakehurst Borough council that that the within sections permit certain uses and establish site standards as follows:

SECTION 1: The Land Development Ordinance of the Borough of Lakehurst, Chapter 25, section 25-32 entitled reserved is hereby created to permit and govern legal marijuana operations within the Borough of Lakehurst as follows:

25-32 MARIJUANA CANNABIS OPERATIONS

25-32.1 LAND USE & ZONING FOR MARIJUANA CANNABIS OPERATIONS

- a) All residential zones are barred from retail and growing facilities. Pre-existing non-conforming retail uses are explicitly barred from marijuana/cannabis retail use.
- b) ~~Two marijuana and~~ Three cannabis retail licenses shall be permitted in the Borough. One retail license shall be permitted in the B1 Zone, and ~~one two~~ two retail licenses shall be permitted in the B2 Zone. ~~There shall not be two retail licenses in the same zone.~~
- c) [INSERT] In the B2 Zone, one Cannabis Retailer License shall be permitted on the west side of Lake Street and one Cannabis Retailer License shall be permitted on the east side of Lake Street as per the attached Exhibit.
- d) [*Change from #c to #d]. In the light industrial zone, the Borough shall allow only one entity to hold a Class 1 Cannabis Cultivation License and/or a Class 2 Cannabis Manufacturer License and/or a Class 3 Cannabis Wholesaler License and/or or a Class 4 Cannabis Distributor License if the licenses are owned by the same entity
 1. A Class 5 Cannabis Retail site shall not be permitted in the light industrial zone.
- e) [Change from #d to #e]. Class 6 Cannabis Delivery Licenses ~~are not~~ shall be permitted in the Borough on the condition the entity also possesses a Class 5 Retailer License.

- f) [Change from #e to #f]. Distance from schools and parks. All Cannabis operated facilities shall be located a minimum of two hundred (200) feet from schools having full time enrollment of 100 or more students, as measured from the nearest property boundary of such school use to the front door or primary access of the proposed licensed premises and any public parks. Prior to issuing a retail ~~marijuana~~ cannabis business license, the Borough shall confirm the proposed licensed premises boundaries meet such requirements.

25-32.2 LIMITATION ON THE NUMBER OF LICENSES THAT MAY BE ISSUED WITHIN THE BOROUGH.

The “New Jersey Regulatory Enforcement Assistance and Marketplace Modernization Act” establishes six “marketplace” classes of licensed businesses: Namely,

- Class 1 Cannabis Cultivation License
- Class 2 Cannabis Manufacturer License
- Class 3 Cannabis Wholesaler License
- Class 4 Cannabis Distributor License
- Class 5 Cannabis Retailer License
- Class 6 Cannabis Delivery License

- a) ~~As stated above in Article II, two marijuana and~~ Three cannabis retail licenses shall be permitted in the Borough. One retail license shall be permitted in the B1 Zone, and one two retail licenses shall be permitted in the B2 Zone. ~~There shall not be two retail licenses in the same zone.~~
- b) In the light industrial zone, the Borough shall ~~allow~~ permit only one entity to hold a Class 1 Cannabis Cultivation License and/or a Class 2 Cannabis Manufacturer License and/or a Class 3 Cannabis Wholesaler License and/or or a Class 4 Cannabis Distributor License if the licenses are owned by the same entity.
- c) A Class 5 Cannabis Retail site shall not be permitted in the light industrial zone.
- d) A Class 6 Cannabis Delivery Licenses shall not be permitted on the condition the entity also possesses a Class 5 Retailer License. ~~No marijuana business shall be in a movable or mobile vehicle or structure.~~
- e) Storage of products. All products and accessories for a Class 5 Retail License shall be at a minimum at or near the center of the store, completely indoors and onsite.

25-32.3 STATE LICENSED ~~MARIJUANA~~-CANNABIS MANUFACTURING, CULTIVATION, PROCESSING, DISTRIBUTION AND DISPENSARIES PERMITTED.

1. Any business duly licensed by the State of New Jersey to conduct legal use marijuana operations, as defined by State law, may operate within the zones referenced in Article II and Article III so long as: (i) the entity maintains its State and local (if applicable) license

in good standing and the entity otherwise remains in full compliance with the laws and regulations established by the State of New Jersey and the applicable Agency, Authority, and/or Department governing the licensed activity, as may be amended.

2. No Business License to operate within the Borough shall be granted or renewed without such evidence as may be required by the Clerk's Office to determine that the entity maintains all valid State and/or Departmental licenses and approvals, and that all such licenses and/or approvals remain in good standing at the time of registration.

25-32.4 SITE STANDARDS

- a) There shall be no on-site sales of alcohol or tobacco products.
- b) There shall be no on-site sales of food, beverage, and other refreshments.
- c) The consumption of marijuana on any retail site, either indoor or outdoor is strictly prohibited. No consumption of any marijuana product shall be allowed or permitted on the licensed premises or adjacent grounds.
- d) Hours of public operation shall be limited to 10am to 9pm daily. No licensed marijuana business shall be open to the public between the hours outside of 10am to 9pm any day.
- e) For any of the Class 1-5 licenses, the facility or retail store shall provide an air treatment system with sufficient odor absorbing ventilation and exhaust systems such that any odors generated inside the facility are not detectable by a person of reasonable sensitivity anywhere on adjacent property, within public rights of way, or within any other unit located within the same building as the licensed facility if the use only occupies a portion of a building.
- f) To the extent not already required by the entity's State license, all sites must be equipped with security cameras requiring identification quality imaging, which covers all areas, including, but not limited to, all exterior parking and loading areas, points of entry, and interior spaces which are either open to the public or used for the storage or processing of marijuana products. Footage must be maintained for the duration required under State law.
- g) All licensed cannabis facilities must provide the Lakehurst Borough Police Department with access to security footage immediately upon request by the Department.
- h) To the extent not already required by the entity's State license, all licensed facilities must provide at least one security guard who is certified by the police training commission, or more if required by the State, during all times the facility is open to the public.

25-32.5 ON SITE SIGNAGE

- a) [INSERT]No State licensed cannabis business shall display signage containing text and/or images intended to promote excessive consumption of legal cannabis products.
- b) [INSERT]Signage shall otherwise comply with the requirements of Article XXV (Signs) of the Lakehurst Borough Ordinance, to the extent permissible by applicable State laws and regulations governing signage standards for licensed marijuana businesses.

SECTION 2: The Revised General Ordinance of the Borough of Lakehurst, Chapter 4, section

4-5 entitled reserved is hereby created within the Borough of Lakehurst as follows:

4-5 LICENSED MARIJUANA CANNABIS OPERATIONS

4-5.1 LICENSING & FEES.

- a) To be granted a business license for the operation of any State Licensed ~~Marijuana~~ cannabis facility within the Borough, the following conditions must be satisfied:
- 1) Completion of all forms, checklists, and other submissions as may be required by the Clerk's Office;
 - 2) Payment of all applicable local fees, including inspection and licensing fees;
 - 3) Demonstration that all applicable State licenses have been obtained;
 - 4) Passage of all applicable State and local inspections required to be completed prior to the beginning of operations and/or renewal of any State and/or local license;
 - 5) Emergency contact information to be utilized by police, fire, and EMT personnel in the event of an on-site emergency; and,
 - 6) Submission of a full copy of the Application for State Licensure, via hard copy or digitally, with pages prominently marked "CONFIDENTIAL" as appropriate for purposes of compliance with New Jersey's Open Public Records Act (NOTE: pages not marked as confidential will be disclosed in response to an applicable OPRA request).
- b) Application and License Fees: Application and license fees (which are in addition to any state license fees), whether or not shared with the Borough and in addition to any applicable fees required under the Borough Land Use Code and Building Code for ~~marijuana~~ cannabis businesses shall be as follows:
- a. New license application fees:
 - i. First submittal: \$10,000.00. The following is required with a first submittal:
 1. All applicants must submit a \$10,000.00 application fee via certified bank check.
 2. All applicants must concurrently submit a business proposal with one (1) original and two (2) copies along with the license application and license application fee.
 - ii. A ~~marijuana~~ cannabis business license selection committee will be appointed by the Mayor to administratively sort, review and consider each business. Final selections to be made by the full council.
 - iii. If a business is not selected, \$5,000.00 of the first submittal license application fee will be returned.
 - b. Fingerprint-based criminal background check fee, per person checked: actual cost.
 - c. Renewal application fee: \$5,000.00 which is non-refundable.
 - d. Late renewal fee: \$750.00.
 - e. Change of business manager: \$150.00 (plus actual fingerprint-based background check fees).
 - f. Transfer of location: \$1,000.00.
 - g. Modification of premises or other activities for which a fee is permitted, but for

which a fixed amount is not set in this Article: \$250.00.

- h. Change of corporate structure or change of a Controlling Beneficial Owner: \$150.00 per person (plus actual fingerprint-based background check fees).
 - i. Other change in financial interests: \$100.00 minimum, or actual cost if more than \$100.00.
- c) The primary purpose of the fees established in this Section is to defray the costs of the particular municipal services provided and not to defray the costs of general services provided by the Borough or to raise general revenues. The fees provided in this Section are reasonably related and proportional to the costs of the services provided and do not generate additional net revenue.
 - d) Fees described in this section are non-refundable even if a license or application is denied, approved but not issued, lapsed, abandoned, or withdrawn.

4-5.2 VIOLATIONS; PENALTY

- a) Any person, other than a licensee of a retail ~~marijuana~~ cannabis business, who violates any provision of this Article shall be deemed guilty of a municipal offense and may be punished by a fine not to exceed one thousand dollars (\$1,000.00), imprisonment for a period not to exceed ninety (90) days, or by both such fine and imprisonment.
- b) Any licensee of a retail ~~marijuana~~ cannabis business who violates any provisions of this Article shall be subject to civil penalties of up to one thousand dollars (\$1,000.00) for each day during which such violation occurs or continues. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. Following notice and hearing, the Local Licensing Authority may impose such civil penalties.

4-5.3 GROSS RECEIPTS, TAXES

- a) Pursuant to the authority granted by the State of New Jersey, the Borough is levying a Two Percent (2%) tax per sales transaction on all cannabis related sales from ~~marijuana-~~cannabis based businesses.
- b) Every ~~marijuana-~~cannabis based business shall ~~remit such tax on or before the tenth day of each month on account of marijuana and/or cannabis based transactions in the preceding month to the Borough Clerk.~~ [submit a quarterly tax report to the Borough Clerk.](#)
- c) [The Borough may request an audit at the licensee's request for any and all reasons or no reason at all.](#) The burden of proving that any transaction is exempt from the tax shall be upon the seller. It shall be the duty of every seller to maintain, keep and preserve suitable records of all sales made by the seller and such other books or accounts as may be required ~~by the Borough Clerk~~ to determine the amount of the tax of which the Seller is liable under this Article. It shall be the duty of every such seller to keep and preserve for a period of five (5) years all such books, invoices, and other records and the same shall be open for examination by the Borough Clerk or designee.
- d) [\[INSERT\]The Borough has the right to revoke the seller's license in the event seller does](#)

not satisfy the Two Percent (2%) sales tax within thirty (30) days of submitting its quarterly tax reports of which must be submitted in a reasonably timely manner.

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. Harry Robbins
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2022-10 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH, CHAPTER XXV ENTITLED “LAND DEVELOPMENT”, SECTION 25-32; AND CHAPTER IV ENTITLED “GENERAL LICENSING”, SECTION 4-5” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the third day of November 2022.

Maryanne Capasso, RMC
Municipal Clerk