

BOROUGH OF LAKEHURST
WORK SESSION/REGULAR MEETING
MARCH 16, 2023
TENTATIVE AGENDA

1. Approval of Minutes of March 2, 2023 Regular Meeting
2. Payment of Bills
3. Resolution regarding appointment of Vanceanthony Pelino as a Police Officer
4. Resolution regarding professional services agreement for engineering services relating to the re-examination of the Master Plan
5. Resolution regarding professional services agreement for engineering services relating to the update of the Borough's Stormwater Management Plan & Stormwater Control Ordinance
6. Resolution regarding professional services agreement for engineering services relating to update of the Borough's Storm Water Pollution Plan & related ordinances.
7. Resolution authorizing shared services agreement with Manchester Township to provide Municipal Court Services
8. Resolution regarding Refund of Escrow Fees for 117 Union Road LLC
9. Introduction and First Reading of Ordinance #2023-06 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 XIII ENTITLED "HOUSING AND PROPERTY MAINTAINCE", SECTION 13-4 RESERVED" (#2023-06)
10. Introduction and First Reading of Ordinance #2023-07 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING SECTION 7-4 OF CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED TRAFFIC" (#2023-07)
11. Second reading and public hearing of Ordinance #2023-04 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH, CHAPTER VIII ENTITLED "TOWING" PERTAINING TO FEES"

12. Second reading and public hearing of Ordinance #2023-05 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 X, TITLED “PARKS, LAKES, AND RECREATION AREAS”
13. Acceptance of resignation of Police Officer William Bowers
14. Acceptance of resignation of Police Officer Jacob Schilling
15. Acceptance of resignation of Police Officer Anthony D’Angelo
16. 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
MARCH 16, 2023**

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 \$58,615.81 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 March 16, 2023.

**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

Include Non-Budgeted: Y

Open: N Paid: N Void: N
 Rcvd: Y Held: Y Aprv: N
 Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
22-00798	11/09/22	F0006				FIRE & SAFETY SERVICES					
1		6201 PM SERVICES	182.66	2-01-26-292-299	B	Vehicle Maintenance - Fire Department	R	11/09/22	03/15/23		
2		6201 PM SERVICES FD O/E SHARE	2,617.34	2-01-25-265-244	B	EQUIPMENT - MAINTENANCE/REPAIR	R	11/09/22	03/15/23		
3		6223 PM SERVICES	<u>2,800.00</u>	2-01-25-265-244	B	EQUIPMENT - MAINTENANCE/REPAIR	R	11/09/22	03/15/23		
			5,600.00								
22-00860	12/05/22	C0967				CONTINENTAL FIRE & SAFETY, INC					
1		GLOBE SUPREME 14" BUNKER BOOTS	600.00	2-01-25-265-246	B	EQUIPMENT - SAFETY	R	12/05/22	03/15/23		
23-00006	01/12/23	C0074				CUSTOM BANDAG, INC					
1		10.00-20 AEOLUS	461.25	3-01-26-305-253	B	MOTOR VEHICLES - TIRES	R	01/12/23	03/15/23		
2		STK 11R22.5 STK RIB MIXED	189.00	3-01-26-305-253	B	MOTOR VEHICLES - TIRES	R	01/12/23	03/15/23		
3		11R22.5 RADIAL CASING	90.00	3-01-26-305-253	B	MOTOR VEHICLES - TIRES	R	01/12/23	03/15/23		
4		MEDIUM SCRAP TIRE	<u>15.00</u>	3-01-26-305-253	B	MOTOR VEHICLES - TIRES	R	01/12/23	03/15/23		
			755.25								
23-00110	02/07/23	T0067				TARGET SOLUTIONS LEARNING					
1		GUARDIAN TRACKING SOFTWARE	1,335.00	3-01-25-240-222	B	CONTRACTUAL SERVICES	R	02/07/23	03/15/23		INV66134
23-00115	02/09/23	E0924				EAST COAST FLAG AND FLAGPOLE					
1		3X5' US 2 PLY POLY	200.00	3-01-26-310-299	B	MISCELLANEOUS	R	02/09/23	03/15/23		
2		5X8' US 2 PLY POLY	200.00	3-01-26-310-299	B	MISCELLANEOUS	R	02/09/23	03/15/23		
3		2X3 NJ (C)	152.00	3-01-26-310-299	B	MISCELLANEOUS	R	02/09/23	03/15/23		
4		2X3 POW/MIA (S/R)	<u>112.00</u>	3-01-26-310-299	B	MISCELLANEOUS	R	02/09/23	03/15/23		
			664.00								
23-00119	02/14/23	A0067				AMERICAN LEAK DETECTION					
1		2 DAY LEAK DETECTION	4,800.00	3-09-00-101-221	B	SPECIAL CONSULTANT	R	02/14/23	03/15/23		
23-00122	02/14/23	A0090				ACCURATE TOWING					
1		IMPOUND INVOICE: 84943	125.00	3-01-25-240-298	B	Police - Towing Charges	R	02/14/23	03/15/23		84943
2		IMPOUND INVOICE: 86204	125.00	3-01-25-240-298	B	Police - Towing Charges	R	02/14/23	03/15/23		86204
3		IMPOUND INVOICE: 85199	125.00	3-01-25-240-298	B	Police - Towing Charges	R	02/14/23	03/15/23		85199

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Borough of Lakehurst
Bill List By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
23-00122	02/14/23	A0090 ACCURATE TOWING		Continued							
4		IMPOUND INVOICE: 84914	125.00	3-01-25-240-298	B Police - Towing Charges		R	02/14/23	03/15/23		84914
5		IMPOUND INVOICE: 86240	125.00	3-01-25-240-298	B Police - Towing Charges		R	02/14/23	03/15/23		86240
6		IMPOUND INVOICE: 84918	125.00	3-01-25-240-298	B Police - Towing Charges		R	02/14/23	03/15/23		84918
			<u>750.00</u>								
23-00154	02/27/23	C0101 CONNELL CONSULTING LLC									
1		OPRA FOR PRACTITIONERS SEMINAR	149.00	3-01-20-120-284	B TRAINING & EDUCATION		R	02/27/23	03/15/23		4590-23
2		OPRA FOR PRACTITIONERS SEMINAR	149.00	3-01-25-240-284	B TRAINING & EDUCATION		R	02/27/23	03/15/23		
			<u>298.00</u>								
23-00155	02/27/23	A0114 ASSOC OF MUNI ASSESSORS OF OC									
1		2023 MEMBERSHIP DUES	125.00	3-01-20-150-281	B PROFESSIONAL MEMBERSHIP & DUES		R	02/27/23	03/15/23		
2		2023 MEMBERSHIP DUES	75.00	3-01-20-150-281	B PROFESSIONAL MEMBERSHIP & DUES		R	02/27/23	03/15/23		
			<u>200.00</u>								
23-00158	02/27/23	D0024 D. GORDON CONTROLS									
1		2 THERMOCOULERS	45.35	3-01-26-310-244	B EQUIPMENT - MAINTENANCE/REPAIR		R	02/27/23	03/15/23		
23-00159	02/27/23	H0196 HALL'S SERVICE, INC.									
1		2301-0089: PW DURANGO WATER PU	519.44	3-01-26-291-256	B PUBLIC WKS VEHICLE MAINT/REP		R	02/27/23	03/15/23		2301-0089
2		2301-0148: PD 1304 DIAGNOSE	40.00	3-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/27/23	03/15/23		2301-0148
3		2301-0297: PD 1305 DIAGNOSTICS	150.94	3-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/27/23	03/15/23		2301-0297
4		2301-0423: PD 1301 HUB BEARING	389.03	3-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/27/23	03/15/23		2301-0423
5		2301-0447: PD 1305 IGNITION	666.98	3-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/27/23	03/15/23		2301-0447
6		2301-0505: PD 1306 OXY SENSOR	174.52	3-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/27/23	03/15/23		2301-0505
			<u>1,940.91</u>								
23-00183	03/03/23	A0067 AMERICAN LEAK DETECTION									
1		1 DAY LEAK DETECTION	2,400.00	3-09-00-101-221	B SPECIAL CONSULTANT		R	03/03/23	03/15/23		
23-00185	03/03/23	S0091 SERPICO PYROTECHNICS, LLC									
1		2023 FIREWORKS DOWN PAYMENT	4,000.00	3-01-28-371-236	B Public Events - Miscellaneous		R	03/03/23	03/15/23		
23-00187	03/03/23	W0026 WARSHAUER GENERATOR									
1		GENERATOR FUEL HOSE 5/16" DIA	183.37	3-01-26-310-244	B EQUIPMENT - MAINTENANCE/REPAIR		R	03/03/23	03/15/23		85384
23-00188	03/03/23	R0040 THE RODGERS GROUP									
1		ACCREDITATION MAINTENANCE	8,721.00	3-01-25-240-222	B CONTRACTUAL SERVICES		R	03/03/23	03/15/23		INVLHI995

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Borough of Lakehurst
Bill List By P.O. Number

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
23-00195	03/13/23	P0038 PRO-SHRED SOUTHERN NJ									
1		PD SHRED INVOICE# 44414	45.00	3-01-25-240-297		B Police - Miscellaneous	R	03/13/23	03/15/23		44414
23-00197	03/15/23	S0896 SHORE BUSINESS SOLUTIONS									
1		PD COPIER INVOICE# AR74163	61.58	3-01-25-240-297		B Police - Miscellaneous	R	03/15/23	03/15/23		AR74163
23-00198	03/15/23	M0261 MACLEAN, NORBERT B, JR.									
1		MEDICARE REIMBURS. 12/22	170.10	3-01-23-220-228		B Insurance - Medicare Reimbursement	R	03/15/23	03/15/23		
2		MEDICARE REIMBURS. 1/23-2/23	329.80	3-01-23-220-228		B Insurance - Medicare Reimbursement	R	03/15/23	03/15/23		
			499.90								
23-00199	03/15/23	A0024 ACTION DATA SERVICES									
1		PAYROLL SERVICEPEND 2/19/23	319.04	3-01-20-130-299		B Finance - Miscellaneous	R	03/15/23	03/15/23		81915
23-00200	03/15/23	R0046 RUMPF LAW									
1		PUBLIC DEFENDER	375.00	T-03-00-100-005		B Public Defender	R	03/15/23	03/15/23		
23-00201	03/15/23	S0973 STAPLES									
1		STAPLES CARD CHARGES 3/23	210.51	3-01-20-120-211		B Clerk - Office Supplies	R	03/15/23	03/15/23		
23-00202	03/15/23	S0028 STATE TOXICOLOGY LABORATORY									
1		LAW ENFORCEMENT DRUG TESTING	45.00	3-01-25-240-297		B Police - Miscellaneous	R	03/15/23	03/15/23		
23-00203	03/15/23	H0030 HOLIDAY CAR WASH									
1		POLICE CAR WASHES FEBRUARY	72.00	3-01-25-240-297		B Police - Miscellaneous	R	03/15/23	03/15/23		1471
23-00204	03/15/23	R0158 REMINGTON & VERNICK ENGINEERS									
1		PROVCO PINEGOOD SITE INSPECT.	310.00	T-03-00-400-416		B Provco Pinegood (Insp Escrow) 1514-P-084	R	03/15/23	03/15/23		1514P084-22
23-00205	03/15/23	R0158 REMINGTON & VERNICK ENGINEERS									
1		NJDOT 2022 ROSE & PINE STREETS	2,897.74	G-02-00-200-628		B NJDOT FY2022 - Rose St & Pine St	R	03/15/23	03/15/23		1514U079-14
23-00206	03/15/23	U0005 UNIFIRST CORPORATION									
1		PW UNIFORM CLEANING 2/23	999.90	3-09-00-101-271		B UNIFORMS	R	03/15/23	03/15/23		
23-00207	03/15/23	O0012 ONE CALL CONCEPTS									
1		ONE CALL MESSAGES 2/23	48.62	3-09-00-101-275		B TELEPHONE	R	03/15/23	03/15/23		3025378

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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
Total Purchase Orders:		36	Total P.O. Line Items:		65	Total List Amount:	52,829.01	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	2-01	6,200.00	0.00	6,200.00	0.00	0.00	6,200.00
CURRENT FUND APPROPRIATIONS	3-01	26,934.65	0.00	26,934.65	0.00	0.00	26,934.65
WATER & SEWER OPERATING	3-09	<u>16,111.62</u>	<u>0.00</u>	<u>16,111.62</u>	<u>0.00</u>	<u>0.00</u>	<u>16,111.62</u>
Year Total:		43,046.27	0.00	43,046.27	0.00	0.00	43,046.27
	G-02	2,897.74	0.00	2,897.74	0.00	0.00	2,897.74
	T-03	685.00	0.00	685.00	0.00	0.00	685.00
Total of All Funds:		<u>52,829.01</u>	<u>0.00</u>	<u>52,829.01</u>	<u>0.00</u>	<u>0.00</u>	<u>52,829.01</u>

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Borough of Lakehurst
Bill List By P.O. Number

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 Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
23-00191	03/03/23	W0030 WEX BANK									
1		WAWA GAS CHARGES FEB 2023	3,078.80	3-01-31-447-265	B	GASOLINE	R	03/03/23	03/03/23		87679372
23-00192	03/03/23	C0115 CHRISTOPHER CONSTRUCTION CO.									
1		REMAINING ESCROW FEE METER WTR	2,708.00	3-09-00-900-903	B	Overpayments Refunded	R	03/03/23	03/03/23		

Total Purchase Orders: 2 Total P.O. Line Items: 2 Total List Amount: 5,786.80 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	3-01	3,078.80	0.00	3,078.80	0.00	0.00	3,078.80
WATER & SEWER OPERATING	3-09	2,708.00	0.00	2,708.00	0.00	0.00	2,708.00
Total of All Funds:		<u>5,786.80</u>	<u>0.00</u>	<u>5,786.80</u>	<u>0.00</u>	<u>0.00</u>	<u>5,786.80</u>

**RESOLUTION
MARCH 16, 2023**

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

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

WHEREAS, the Civil Service Commission has set forth the requirements and procedures for recording an “alternate route” appointment to a law enforcement position, pursuant to *P.L. 2021, c.7*, **and**

WHEREAS, the Borough of Lakehurst has Resolution #21-141 in place authorizing hiring under *P.L. 2021, c.7*, **and**

WHEREAS, Vanceanthony Pelino has successfully completed the Police Training Commission and has been recommended for appointment by Chief Matthew Kline.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey appoints Vanceanthony Pelino to the position of police officer, effective April 1, 2023, at a base salary of \$46,371.39 per annum.

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 March 16, 2023.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
MARCH 16, 2023**

WHEREAS, there exists a need for the appointment of an engineer to provide engineering services for the general reexamination of the Borough's Master Plan, **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 Alan Dittenhofer of Remington, Vernick, & Vena Engineers, 9 Allen Street, Toms River, NJ 08753 is appointed to provide engineering services for the general reexamination of the Borough's Master Plan in an amount not to exceed \$5,900; **and**

CERTIFICATION OF FUNDS: I, Wayne M. Sibilias, Chief Financial Officer of the Borough of Lakehurst, do hereby certify that funds in the amount of \$5,900 are available contingent on the adoption of the 2023 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, 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 March 16, 2023.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
MARCH 16, 2023**

WHEREAS, there exists a need for the appointment of an engineer to provide engineering services for the update of the Borough's Stormwater Management Plan and Stormwater Control Ordinances, **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 Alan Dittenhofer of Remington, Vernick, & Vena Engineers, 9 Allen Street, Toms River, NJ 08753 is appointed to provide engineering services for the update of the Borough's Stormwater Management Plan and Stormwater Control Ordinances in an amount not to exceed \$4,100; **and**

CERTIFICATION OF FUNDS: I, Wayne M. Sibia, Chief Financial Officer of the Borough of Lakehurst, do hereby certify that funds in the amount of \$4,100 are available contingent on the adoption of the 2023 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, 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 March 16, 2023.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
MARCH 16, 2023**

WHEREAS, there exists a need for the appointment of an engineer to provide engineering services for the update of the Borough's Storm Water Pollution Plan and related ordinances, **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 Alan Dittenhofer of Remington, Vernick, & Vena Engineers, 9 Allen Street, Toms River, NJ 08753 is appointed to provide engineering services for the update of the Borough's Storm Water Pollution Plan and related ordinances in an amount not to exceed \$4,100; **and**

CERTIFICATION OF FUNDS: I, Wayne M. Sibia, Chief Financial Officer of the Borough of Lakehurst, do hereby certify that funds in the amount of \$4,100 are available contingent on the adoption of the 2023 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, 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 March 16, 2023.

**Maryanne Capasso, RMC
Municipal Clerk**

**RESOLUTION
MARCH 16, 2023**

WHEREAS, pursuant to NJSA 40A:65-1 et seq., a municipality may enter into agreements for shared services with another municipality to provide or receive any service that the units participating in the agreement are empowered to provide or receive within their own jurisdiction; **and**,

WHEREAS, each local unit authorized to enter into an agreement under the Shared Services and Consolidation Act must do so by the adoption of a resolution; **and**,

WHEREAS, the agreement must comply with the requirements of NJSA 40A :65-7 and specify the services to be performed under the agreement, procedures for payment, and assignment and allocation of responsibility for meeting standards between and among the parties; **and**,

WHEREAS, Manchester Township operates a municipal court and as part of this function provides certain municipal court administration services, as required by the Administrative Offices of the Court, and the regulations promulgated pursuant thereto; **and**

WHEREAS, the Borough of Lakehurst ("Borough") wishes to enter into a shared Service Agreement with the Township of Manchester ("Township") for the provisions and sharing *of* the Municipal Court, facilities, personnel and services of the Township **and**;

WHEREAS, Lakehurst Borough has authorized the execution of this Agreement through Resolution passed by its Governing Body which is on file in the Municipal Clerk's office for public review **and**;

WHEREAS, The Governing Body and Mayor of both Manchester Township and Lakehurst Borough deems it to be in the best interests of the Borough of Lakehurst and Manchester Township to enter into a shared service agreement from January 1, 2023 to December 31, 2025;

NOW, THEREFORE; in consideration of the mutual covenants, agreements and considerations contained herein, Manchester Township and Lakehurst Borough do hereby agree as follows:

1. That the Mayor is hereby authorized to execute and the Clerk to attest to the shared service agreement with the Township of Manchester for the provision and sharing of the Municipal Court facilities, personnel, and services of the Township to the Borough.

2. Lakehurst Borough agrees to pay Manchester Township a fee of \$50,000.00 per annum for a period commencing January 1, 2023 and terminating December 31, 2025 to utilize Manchester Township for the provisions and sharing of the Municipal Court, facilities, personnel and services of the Township pending approval of the Administrative Offices of the Courts of New Jersey.
3. Manchester Township and Lakehurst Borough agree to the terms and conditions set forth within said Shared Services Agreement, which is on file in the Municipal Clerk's office for public review.
4. That the Borough Clerk shall forward a certified copy of this Resolution to the following:
 - A. Mayor;
 - B. Business Administrator;
 - C. Chief Financial Officer;
 - D. Personnel Officer;
 - E. Court Administrator;
 - F. Chief of Police

CERTIFICATION

I, Maryanne Capasso, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of a Resolution adopted by the Mayor and Council at a meeting held on March 16, 2023.

Maryanne Capasso, RMC
Municipal Clerk

**RESOLUTION
MARCH 16, 2023**

WHEREAS, 117 Union Road LLC had posted required escrows fees associated with their application before the Land Use Board; **and**

WHEREAS, all required fees have been deducted; **and**

WHEREAS, there remains a balance in the amount of \$2218.00.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the remaining escrow fees in the amount of \$2218.00 be refunded to 117 Union Road LLC.

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 March 16, 2023.

**Maryanne Capasso, RMC
Municipal Clerk**

“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 XIII ENTITLED “HOUSING AND PROPERTY MAINTAINCE”, SECTION 13-4 RESERVED”

ORDINANCE 2023-06

WHEREAS, the Governing Body desires to protect the public health, safety, and welfare of the citizens of the Borough of Lakehurst and to maintain a high quality of life for its citizens through the maintenance of structures and properties in the Borough; **and**

WHEREAS, the Governing Body recognizes properties subject to foreclosure action or foreclosed upon and vacant properties (hereinafter referred to as "Registrable Properties") located throughout the Borough can lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; **and**

WHEREAS, the Governing Body has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; **and**

WHEREAS, the Governing Body recognizes that it is in the best interest of the public health, safety, and welfare to adopt a more regulated method to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected, or left unsupervised; **and**

WHEREAS, pursuant to N.J.S.A 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law; **and**

WHEREAS, pursuant to P.L. 2021, c. 444, the Governing Body is authorized to adopt or amend ordinances creating a property registration program for the purpose of identifying and monitoring properties within the Borough for which a summons and compliant in an action to foreclosure on a mortgage has been filed, regulate the care, maintenance, security, and upkeep of such properties, and impose a registration fee on the mortgagee of such properties; **and**

WHEREAS, the Governing Body desires to protect neighborhoods against decay caused by Registrable Property and concludes that it is in the best interests of the health, safety, and welfare of the Borough's residents to amend, in light of recent State legislation P.L. 2021, c. 444, the registration requirements of Registrable Property located within the Borough to discourage Registrable Property Owners and Mortgagees from allowing their properties to be abandoned, neglected, or left unsupervised.

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

SECTION 1.

Chapter 13 of the Borough Code of the Borough of Lakehurst is hereby amended with the provisions set forth in this Ordinance.

SECTION 2.

Chapter 13, Section 13-4 is hereby amended and shall be entitled "Registration of Foreclosure Mortgages and Vacant Property," and shall read as follows:

CHAPTER 13-4 REGISTRATION OF FORECLOSURE MORTGAGES AND VACANT PROPERTY

§ 13-4.1. Purpose and Intent.

It is the purpose and intent of the Governing Body to amend in light of recent State legislation P.L. 2021, c. 444 the process to address the deterioration, crime, and decline in value of Borough neighborhoods caused by property with foreclosing or foreclosed mortgages located within the Borough, and to identify, regulate, limit, and reduce the number of these properties located within the Borough. It has been determined that Owner-occupied structures are generally better maintained when compared to vacant structures, even with a diligent off-site property owner. Vacant structures or structures owned by individuals who are economically strained and unable to meet their mortgage obligations are often not properly or diligently maintained, which contribute to blight, declined property values, and have a negative impact on social perception of the residential areas where they are located. It is the Governing Body's further intent to establish a registration program as a mechanism to help protect neighborhoods from becoming blighted through the lack of adequate maintenance of properties that are in in Foreclosure or Foreclosed, and to provide a mechanism to avert foreclosure actions through timely intervention, education, or counseling of property owners.

§ 13-4.2. Definitions.

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Annual Registration shall mean one (1) year from the date of the first action that requires registration pursuant to this Chapter, and every subsequent year that the property is still a registerable property. The date of the initial registration may be different than the date of the first action that required registration.

Default shall mean that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Creditor shall mean a mortgagee or an agent or assignee of a mortgagee, such as the servicer, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. If the entity seeking to foreclose upon the residential or commercial mortgage changes as a result of an assignment, transfer, or otherwise after the filing of the foreclosure complaint in the Superior Court, the new entity shall be deemed the creditor for purposes of this ordinance. For purposes of this ordinance, a creditor shall not include the State, a political subdivision of the State, a State, county, or local government entity, or their agent or assignee, such as the servicer.

Enforcement Officer shall mean any law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector, building inspector, or other person authorized by the Borough to enforce the applicable code(s).

Foreclosure or Foreclosure Action shall mean the legal process by which a mortgagee, or other lien holder, terminates or attempts to terminate a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, a complaint and summons filed with respect to foreclosure on a mortgage, a list pendens filed against it by the lender holding a mortgage on the property, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities, and

actions, by whatever name, associated with the described process. The legal process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm's length transaction to satisfy the debt or lien.

Mortgagee shall mean the creditor, including but not limited to, trustees; mortgage servicing companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor's rights, interests, or obligations under the mortgage agreement; or any other person or entity with the legal right to foreclose on the Real Property, excluding governmental entities.

Owner shall mean every person, entity, or mortgagee, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Chapter; has legal care, charge, or control of any such property; is in possession or control of any such property; and/or is vested with possession or control of any such property.

Property Manager shall mean any in-state party designated by the owner or mortgagee as responsible for inspecting, maintaining, and securing the property as required in this Chapter. The in-state property manager shall be capable of receiving notices issued for violations of Borough codes or summons to appear in court, unless a different in-state individual has been identified for that purpose. The property manager shall not be considered the owner.

Real Property shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Borough limits.

Registrable Property shall mean:

- A. Any Real Property located in the Borough, whether vacant or occupied, that is encumbered by a mortgage subject to an ongoing foreclosure action by the mortgagee or trustee, has been the subject of a Foreclosure Action by a mortgagee or Trustee and a judgement has been entered, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction and/or the Foreclosure Action has been dismissed; or
- B. Any property that is vacant for more than thirty (30) days or any cancellation of utility or service, whichever occurs first.
 - a) Exception: If an owner can demonstrate that the vacant property has historically been used as a part-time residence, as a seasonal home, or as a rental unit the property registration is not required based on vacancy. If the property remains vacant for 180 days registration is required.

Registry shall mean file a registration statement, used by the Borough, to allow mortgagees and owners the opportunity to register properties and pay applicable fees as required in this Chapter.

Utilities and Services shall mean any utility and/or service that is essential for a building to be habitable and/or perform a service necessary to comply with all Borough codes. This includes, but is not limited to, electrical, gas, water, sewer, lawn maintenance, pool maintenance, and snow removal.

Vacant and Abandoned shall mean in accordance with N.J.S.A. 40:48-2.12s3(b)(8), a property shall be considered vacant and abandoned if it is not legally occupied by a mortgagor or tenant, which is in such

condition that it cannot be legally reoccupied, because of the presence or finding of at least two of the following:

- A. overgrown or neglected vegetation;
- B. the accumulation of newspapers, circulars, flyers, or mail on the property;
- C. disconnected gas, electric, or water utility services to the property;
- D. the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- E. the accumulation of junk, litter, trash, or debris on the property;
- F. the absence of window treatments such as blinds, curtains, or shutters;
- G. the absence of furnishings and personal items;
- H. statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- I. windows or entrances to the property that are boarded up or closed off, or multiple windowpanes that are damaged, broken, and unrepaired;
- J. doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- K. a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- L. an uncorrected violation of a municipal building, housing, or similar code during the preceding year, or an order by municipal authorities declaring the property to be unfit for occupancy and to remain vacant and unoccupied;
- M. the mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- N. a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- O. any other reasonable indicia of abandonment

§ 13-4.3. Applicability and Jurisdiction.

This Chapter applies to Foreclosure and Vacant property within the Borough.

§ 13-4.4. Establishment of a Registry.

Pursuant to the provisions of Section 13-4.2, the Borough, or its designee, shall establish a registry cataloging

each Registrable Property within the Borough, containing the information required by this Chapter.

§ 13-4.5. Inspection and registration of real property under foreclosure.

- A. Any creditor or mortgagee filing a summons and complaint in an action to foreclose real property in the Borough of Lakehurst shall, in addition to the notice provided to the municipality pursuant to N.J.S.A. 46:10B-51 or N.J.S.A. 40:48-2.12s2, register the residential or commercial property with the Township's property registration program within 10 days of filing the summons and complain in an action to foreclose, as a property in foreclosure and, as part of that registration:
 1. Provide the Borough with the information regarding the creditor required by N.J.S.A. 46:10B-51 or N.J.S.A. 40:48-2.12s2;
 2. Appoint a property manager to inspect, maintain and secure the real property subject to the mortgage in foreclosure;
 3. Provide the name of the creditor or mortgagee, the mailing address of the mortgagee, email address, telephone number and name of the property manager and said person's address, email address, and telephone number, regardless of whether it is occupied or vacant.
 4. Identify the date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing; and
 5. Identify whether the property is vacant and abandoned in accordance with the definition herein under §13-4.2.
 6. Register a separate registration for each property subject to a filing a summons and complaint in an action to foreclose real property
- B. Any mortgagee who holds a mortgage on real property located within the Borough shall perform an inspection of the property upon default by the mortgagor as evidenced by the filing of a foreclosure action.
- C. Property inspected pursuant to Subsection A above that remains in foreclosure shall be inspected every 30 days by the creditor or mortgagee. If an inspection shows a change in the property's occupancy status, the creditor or mortgagee shall, within 10 days of that inspection, update the occupancy status of the property registration.
- D. If there is any change in the name, address, or telephone number for a representative, agent, or individual authorized to accept service on behalf of a creditor required to register pursuant to the property registration program following the filing of the summons and complaint, the creditor shall update the property registration program within 10 days of the change in that information;
- E. A creditor filing a summons and complaint in an action to foreclose shall, if the registered property becomes vacant and abandoned as defined in § 13-4.2 after the property is initially registered with the Borough, update the property registration with the Borough to reflect the change in the property's status within 10 days of the inspection performed under Section C above.
- F. A creditor filing a summons and complaint in an action to foreclose shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if the property is vacant and abandoned at any time while the property is registered with the property registration program;
- G. Any mortgagee or creditor located out-of-State shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor and shall provide the name and contact of said in-State representative or agent to the Borough Clerk within 10 days of the appointment of same.
- H. At the time of initial registration, each registrant shall pay a nonrefundable annual registration fee of \$500 for each property that is required to be registered because a summons and complaint in an action to foreclose was filed by the creditor. Subsequent nonrefundable annual registrations of properties and fees in the amount of \$500 are due within 10 days of the expiration of the previous

registration. An additional \$2,000 per property shall be assessed annually if the property is vacant or abandoned pursuant to § 13-4.2 when the summons and complaint in an action to foreclose is filed or becomes vacant and abandoned pursuant to § 13-4.2 at any time thereafter while the property is in foreclosure. Said fees shall be deposited to a special account in the Borough's department dedicated to the cost of implementation and enforcement of this chapter and fulfilling the purpose and intent of this chapter. None of the funds provided for in this section shall be utilized for the legal defense of foreclosure actions.

- I. If the mortgage and/or servicing on a property is sold or transferred, the new mortgagee is subject to all the terms of this chapter. Within 10 days of the transfer, the new mortgagee shall register the property or update the existing registration. The previous mortgagee(s) will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the registrable property.
- J. If the mortgagee sells or transfers the registrable property in a non-arm's-length transaction to a related entity or person, the transferee is subject to all the terms of this chapter. Within 10 days of the transfer, the transferee shall register the property or update the existing registration. Any and all previous unpaid fees, fines, and penalties, regardless of who the mortgagee was at the time registration was required, including but not limited to unregistered periods during the foreclosure process, are the responsibility of the transferee and are due and payable with the updated registration. The previous mortgagee will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during that mortgagee's involvement with the registrable property.
- K. This section shall also apply to properties that have been the subject of a foreclosure sale where title is transferred to the mortgagee as well as any properties transferred to the mortgagee under a deed in lieu of foreclosure or by any other legal means.
- L. Properties subject to this section shall remain subject to the annual registration requirement and the inspection, security, and maintenance standards of this section as long as the property remains registrable.
- M. Failure of the mortgagee and/or property owner of record to properly register or to modify the registration to reflect a change of circumstances as required by this chapter is a violation of this chapter and shall be subject to enforcement by any of the enforcement means available to the Township.
- N. If any property is in violation of this chapter, the Borough may take the necessary action to ensure compliance with and/or place a lien on the property for the cost of the outstanding obligation and any additional cost incurred to bring the property into compliance.
- O. Registration of foreclosure property does not alleviate the mortgagee and/or owner from obtaining all required licenses, permits and inspections required by applicable code or state statutes. Acquisition of required licenses, permits and inspections or registration of rental property does not alleviate the requirement for the property to be registered under this section. The mortgagee and/or owner is expected to update the status of the property in the event of a mortgagee-managed rental.

§ 13-4.6 Maintenance Requirements.

- A. Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material, or any other items that give the appearance that the property is abandoned.
- B. Registrable Property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior front, side, and rear yards,

including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.

- C. Front, side, and rear yards, including landscaping, of Registrable Property shall be maintained in accordance with the applicable code(s) at the time registration is required.
- D. Registrable yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt, or similar material.
- E. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings. All Trimmings and cuttings must be removed immediately. Any vegetation waste onsite after three days will be considered the accumulation of rubbish which is subject to penalties.
- F. Pools and spas of shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).
- G. Failure of the Mortgagee, Owner, and transferees to properly maintain the property as required by this Chapter may result in a violation of the applicable code(s) and issuance of a citation or notice of violation in accordance with the applicable code of the Borough. Pursuant to a finding and determination by the Borough Police, Magistrate or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section.
- H. In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough.
- I. Dispose of tin cans, plastic containers, ceramic pots, or similar water-holding containers that have accumulated on your property to reduce mosquito breeding.

§ 13.4-7 Security Requirements.

- A. Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.
- B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates, and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.
- C. If a property is Registrable, and the property has become vacant or blighted, a Property Manager shall be designated by the Mortgagee and/or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the Property Manager must perform regular inspections to verify compliance with the requirements of this Chapter, and any other applicable laws.
- D. In addition to the above, the property is required to be secured in accordance with the applicable code(s) of the Borough.
- E. Post a sign with the name, address and telephone number of the creditor or out-of-state creditor's in-

state representative or agent for the purpose of receiving service of process. There shall also be posted the name of the property manager, email address and twenty-four-hour contact telephone number of the property manager. The property manager shall be available to be contacted by the Borough Monday through Friday between 8:30 a.m. and 4:00 p.m., legal holidays excepted. The sign shall be placed in a window facing the street and shall be visible from the street. The posting shall be no less than 18 inches by 24 inches and shall be of a font that is legible from a distance of 45 feet.

- F. Failure of the Mortgagee and/or property Owner of record to properly inspect and secure a property subject to this Chapter, and post and maintain the signage noted in this section, is a violation and shall be subject to enforcement by any of the enforcement means available to the Borough. The Borough may take the necessary action to ensure compliance with this section and recover costs and expenses in support thereof.

§ 13.4-8 Supplemental Provisions.

The provisions of this Chapter are cumulative with and in addition to other available remedies. Nothing contained in this Chapter shall prohibit the Borough from collecting on fees, fines, and penalties in any lawful manner; or enforcing its codes by any other means, including, but not limited to, injunction, abatement, or as otherwise provided by law or ordinance.

§ 13.4-9 Public Nuisance.

All Registrable Property is at risk of being a public nuisance and if vacant or blighted can constitute a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare, and safety of the residents of the Borough.

§ 13.4.10 Additional Authority.

- A. If the Code Enforcement Officer has reason to believe that a property subject to the provisions of this Chapter is posing a serious threat to the public health, safety, and welfare, the Code Enforcement Officer may temporarily secure the property at the expense of the Mortgagee or Owner, and may bring the violations before the code enforcement, Governing Body, or municipal court as soon as possible to address the conditions of the property. Nothing herein shall limit the Borough from abating any nuisance or unsafe condition by any other legal means available to it.
- B. The Police Chief, Code Enforcement Officer, Governing Body, or municipal court shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.
- C. If there is a finding that the condition of the property is posing a serious threat to the public health, safety, and welfare, then the Police Chief, Code Enforcement, Governing Body, or municipal court may direct the Borough to abate the violations and charge the Mortgagee or Owner with the cost of the abatement.
- D. If the Mortgagee or Owner does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the Police Chief, Code Enforcement officer, Governing Body, or municipal court, within thirty (30) days of the Boroughs ending the Mortgagee or Owner the invoice then the Borough may lien the property with such cost, along with an administrative fee as

determined in the Township's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Borough may pursue financial penalties against the Mortgagee or Owner.

- E. The Borough may contract with an entity to implement this Chapter, and, if so, any reference to the Code Enforcement Officer herein shall include the entity the Borough contracts with for that purpose.

§ 13.4-11. Opposing, Obstructing Enforcement Officer; Penalty.

Whoever opposes obstructs or resists any Enforcement Officer or any person authorized by the enforcement office in the discharge of duties as provided in this chapter shall be punishable as provided in the applicable code(s) or a court of competent jurisdiction.

§ 13.4-12. Immunity of Enforcement Officer.

Any Enforcement Officer or any person authorized by the Borough to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon Real Property while in the discharge of duties imposed by this Chapter.

§ 13.4-13. Penalties.

- A. A creditor or mortgagee found by the municipal court of the Borough in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation, shall be subject to a fine of \$1,500 for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following receipt of the notice of violation, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice.
- B. An out-of-State creditor found by the municipal court of the Borough in which the property subject to the ordinance is located, or by any other court of competent jurisdiction, to be in violation of the requirement to appoint an in-State representative or agent pursuant to the ordinance shall be subject to a fine of \$2,500 for each day of the violation. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period set forth in N.J.S.A. 46:10B-51 or N.J.S.A. 40:48-2.12s3 for providing notice to the municipal clerk that a summons and complaint in an action to foreclose on a mortgage has been served.

Registration fees and penalties outlined in this Chapter may be modified by an amendment to this Chapter, passed and adopted by the Governing Body of the Borough of Lakehurst.

SECTION 3.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4.

In accordance with the provisions of P.L. 2021, Chapter 444, this ordinance, and the amendments to Chapter 13 of the Borough Code shall take effective immediately upon final passage and publication as required by law.

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 16th day of March 2023 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 6th day of April 2023 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

“AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING SECTION 7-4 OF CHAPTER VII OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED TRAFFIC”

2023-07

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

7-4 Penalties is hereby amended as follows:

Unless another penalty is expressly provided by New Jersey Statute, every person convicted of a violation of a provision of this chapter or any supplement thereto shall be liable for a penalty of not less than fifty (\$50.00) dollars or imprisonment for a term not exceeding fifteen (15) days or both.

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.

Harry Robbins
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that the ordinance entitled as of above was introduced and passed on first reading at a regular meeting of the Mayor and Council of the Borough of Lakehurst held on the 16th day of March, 2023 and will be further considered upon second reading for final passage at a regular meeting of the said Mayor and Council of the Borough of Lakehurst to be held on the 6th day of April, 2023 at the Lakehurst Community Center, 207 Center Street, Lakehurst, New Jersey, at 7:30 p.m. or as soon thereafter as the matter may be reached, at which time and place any person desiring to be heard thereon will be given such opportunity.

Maryanne Capasso, RMC
Municipal Clerk

AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH CHAPTER VIII ENTITLED "TOWING" PERTAINING TO FEES

#2023-04

WHEREAS, the Mayor and Council of the Borough of Lakehurst find it necessary to amend certain provisions in the towing ordinance to ensure more compliance with existing regulations, provide for towing contractors and properly allocate fees; and

WHEREAS, the Chief of Police has recommended certain changes to the ordinance to accomplish these goals, while promoting the health and safety of residents and visitors alike;

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

8-9. Rates and Charges. The rates for the Borough of Lakehurst Towing and Storage Fees, listed in the following sections, represent the maximum rates permitted to be charged by any municipal towing contractor.

C. Towing charges and fees shall be revised as follows:

(1) Basic towing.

a. Class 1 vehicles to include automobiles, motorcycles, motor scooters and trucks with a GVWR up to 10,000 lbs. from scene to shop or location:

Fee: \$150.00

b. Class 2 vehicles to include automobiles and trucks with a GVWR from 10,001 lbs. to 26,000 lbs from scene to shop or location:

Fee: \$250.00

c. Class 3 vehicles to include automobiles and trucks with a GVWR over 26,001 lbs. from scene to shop or location.

Fee: \$350.00

SECTION II

In the event any section, part or provision of this Ordinance shall be held unconstitutional or invalid by any Court, such holding shall not affect the validity of this Ordinance or any remaining part of this Ordinance other than the part held unconstitutional or invalid.

SECTION III

All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.

SECTION IV

This Ordinance shall take effect immediately upon adoption and publication in the manner required by law.

Harry Robbins, Mayor
Borough of Lakehurst

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2023-04 entitled “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY TO AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH CHAPTER VIII ENTITLED “TOWING” PERTAINING TO FEES” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixteenth day of March, 2023.

Maryanne Capasso, RMC
Municipal Clerk

“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 X, TITLED “PARKS, LAKES, AND RECREATION AREAS”

#2023-05

WHEREAS, the Borough of Lakehurst has adopted an Ordinance to enhance the quality of life for residents, making their municipality a better, [safer and cleaner](#) home; and

WHEREAS, the Borough of Lakehurst seeks to modify the Parks, Lakes and Recreation area Ordinance by Supplementing Chapter X of its General Ordinances; and

NOW, THEREFORE, BE IT ORDAINED, by the Lakehurst Borough Council, County of Ocean, and State of New Jersey, that Chapter X of the of the Parks, Lakes and Recreation areas be amended and supplemented as follows:

SECTION 10-1 USE OF ~~LAKE HORICON AREA~~ [ALL PUBLIC PARK, LAKE, BALL FIELDS AND RECREATIONAL AREAS](#)

10-1.1 Purpose: [The Borough’s public parks, Lake Horicon, ball fields and recreational areas](#) ~~waters of Lake Horicon and the lands adjoining the same~~ are used by the public for their enjoyment, health and entertainment, and in the interests of the public health, safety and general welfare, certain restrictions, prohibitions and safeguards must be made and enforced with reference to the use and enjoyment thereof.

SECTION 1.2 is hereby amended to state:

10-1.2 Prohibitions [at Lake Horicon](#). It shall be unlawful for any person to use the waters of Lake Horicon for the following purposes:

- a. The washing of any automobile or vehicle of any kind.
- b. The bathing or washing of any dog, cat or other animal.
- c. No person shall disrobe or dress or undress or robe in any public place in, near or around the lake.
- d. Children under the age of ~~eight (8)~~ [twelve \(12\)](#) years are required to be accompanied by an adult.
- e. No tents, cabanas or any other temporary structures are permitted on the beach.
- f. [Swimming or bathing are strictly prohibited when a lifeguard is not on duty.](#)
- g. [Any persons who have been issued a summons in violation of any provision under Ordinance 3-11 or have been charged with a misdemeanor offense or criminal charge shall be immediately required to leave the Lake Horicon area and shall not be permitted to return for a period of twenty-four \(24\) hours from the date the summons was issued. If an Officer observes an individual return to the Lake Horicon area within twenty-four \(24\) hours, the officer may arrest the individual for trespassing. The discretion to make a physical arrest lies with the officer, and if there is any question, the officer should discuss the matter with his or her supervisor.](#)

SECTION 1.3 Alcoholic Beverages. No person shall be permitted to consume or have in their possession for consumption any alcoholic beverage of any kind whatsoever at a public park, ball fields, recreational areas or while on the waters of Lake Horicon or on the adjacent lands used in connection therewith. (1973 Code § 3-5.3)

SECTION 1.4 Cooking. It is unlawful for any person to use or operate any cooking grill or other cooking device or apparatus except on grills owned by the municipality. (1973 Code § 3-5.4)

SECTION 1.5 Littering and Smoking.

- a. It shall be unlawful to litter any at a public park, ball fields, recreational areas or any of the bathing beaches or the lands adjoining the lake with paper, refuse, bottles, cans or debris of any kind or to throw any of such objects into the waters of the lake. (1973 Code §3-5.5).
- b. No person shall smoke tobacco products including but not limited to a cigarette, cigar, pipe, or otherwise use tobacco products in the public park, lake, ball fields and recreational areas.
- c. No person shall smoke cannabis in any places that smoking tobacco is prohibited.
- d. A person, after being so ordered, who smokes in violation of this act is subject to a fine of not less than \$250 for the first offense, \$500 for the second offense and \$1,000 for each subsequent offense.

SECTION 1.6 is hereby amended to state:

10-1.6. Boating. In connection with the operation of boats upon the waters of Lake Horicon, the following acts are prohibited and shall be deemed unlawful:

- a. To use or operate any motorboat which is fueled by gasoline. Additionally, to use or operate any electric motorboat having an electric motor in excess of five (5) horsepower.
- b. It shall be unlawful to operate any boat or canoe in the bathing beach areas.
- c. For any person to use the lifeboat provided for any purpose other than an emergency, or as shall be directed and authorized by the Council.

SECTION 1.7 is hereby amended to state:

10-1.7. Parking. With respect to the operation, parking and control of automobiles and motor vehicles in the lake area, the followings acts are prohibited and shall be deemed unlawful:

- a. Parking for Lake Street is permitted in designated areas only.
- b. To park or stop any truck, bus or commercial vehicle in the bathing areas or approaches to the lake area for a period of time in excess of ten minutes.

SECTION 1.8 is repealed in its entirety.

SECTION 1.9. Fishing

- a. No person shall bait, fish or cast from the shores within any protected bathing beach located in the Borough.

- b. No person fishing in the waters within the Borough shall leave any dead fish, crabs, or other waste material along the shore. (1973 Code §3-1.6)

SECTION 1.10 is hereby amended to state:

10-1.10. Dogs. No person shall take any dog or other animal on any protected bathing beach located in the Borough from Memorial Day to Labor Day. (1973 Code §3-1.18)

SECTION 1.11 is hereby amended to state:

10-1.11. Fires.

- a. All ground or bonfires, personal grills, and use of Borough grills are prohibited unless authorized by permit.
- b. No person shall drop, throw, or otherwise deposit lighted matches, ~~burning cigarettes,~~ ~~or cigars,~~ or otherwise flammable material within any park property.

WHEREAS all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

WHEREAS if any section, subsection, paragraph, sentence, or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

BE IT ORDAINED this ordinance shall take effect immediately upon final passage and publication as required by law.

Harry Robbins
Mayor

NOTICE

NOTICE IS HEREBY GIVEN that an ordinance #2023-05 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 X, TITLED “PARKS, LAKES, AND RECREATION AREAS” was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the sixteenth day of March 2023.

Maryanne Capasso, RMC
Municipal Clerk

**Please note cross outs are indicated as deletions

***underlined paragraphs **in blue** are indicated as insertions