BOROUGH OF LAKEHURST REMINDER: REDEVELOPMENT MEETING BEGINNING AT 7:00 P.M.

REDEVELOPMENT AGENCY JULY 19, 2012 TENTATIVE AGENDA

- 1. Approval of Minutes of June 7, 2012 meeting
- 2. Any other business
- 3. Adjournment

WORK SESSION/REGULAR MEETING JULY 19, 2012 TENTATIVE AGENDA

- 1. Approval of Minutes of June 21, 2012 Regular Meeting
- 2. Payment of Bills
- 3. Resolution renewing interlocal agreement with Berkeley Township for Construction Code Services
- 4. Resolution regarding contract for purchase of trees to General Landscaping, LLC (Community Development Block Grant funded project)
- 5. Resolution regarding salaries (non-contractual employees)
- 6. Resolution appointing Casey McPartlin and Dan Hourigan as SLEO II
- 7. Resolution promoting Pamela Heinzman to Clerk 2 position (provisionally)
- 8. Resolution donating computer tower to Borough of Lakehurst Historical Society
- 9. Resolution refunding tax overpayment for Block 16; Lot 30
- 10. Resolution regarding redemption of Tax Sale Certificate #11-00003
- 11. Resolution appointing conflict tax assessor
- 12. Resolution appointing conflict tax appeal attorney

- 13. Resolution correcting posting error to tax account
- 14. Second Reading and Public Hearing of Ordinance #12-07 entitled:

 "AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING
 CHAPTER XVI OF THE REVISED GENERAL ORDINANCES OF THE
 BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW
 JERSEY, ENTITLED "SEWER AND MAINTENANCE;" AMENDING ALSO
 CHAPTER XIII HOUSING/PROPERTY MAINTENANCE CODE AND
 CHAPTER XXV LAND DEVELOPMENT"
- 15. Executive/Closed Session to discuss personnel matters/contract negotiations

Bernadette Dugan, RMC Municipal Clerk

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

WHEREAS, there exists a need for the appointment of a conflict attorney to provide legal services for a residential real property tax appeal, **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 Joseph Michelini, Esq. of the firm O'Malley, Surman, and Michelini is appointed to provide conflict legal services for a residential real property tax appeal at a rate of \$185.00 per hour not to exceed \$2,500.00, subject to full appropriation in 2012 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 individual is highly experienced in his specific area of expertise, and, in the opinion of the Mayor and Council of the Borough of Lakehurst, can best provide the appropriate services for the Borough of Lakehurst.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

AN ORDINANCE OF THE BOROUGH OF LAKEHURST AMENDING CHAPTER XVI OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, ENTITLED "SEWER AND WATER"

#2012-07

WHEREAS the Mayor and Council of the Borough of Lakehurst are aware of the continuing difficulties our residents experience with the economic conditions facing all of its citizens; and

WHEREAS the Mayor and Council also recognize the need for fair and efficient methods to collect its reasonable fees and costs such that substantial arrearages do not accrue to the detriment of the our citizens; and

WHEREAS the Mayor and Council have determined that revisions to Chapter XVI of the Revised General Ordinances of the Borough of Lakehurst are necessary to address these concerns as aforesaid:

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

I. Section 16-1.13 Discontinuance by Department of Streets and Water-Sewer Utility is hereby amended by adding subsection "j" as follows:

For delinquency as the term is more fully described in Section 16-2.9 herein.

II. Section 16-2.9 (a) is amended by striking the second through and including the fourth sentence and replacing same as follows:

Payments made by mail will be credited on the date it was received by the Utility.

If a bill remains unpaid for a period of twenty (20) days after presentation or delivery, it shall be classified as delinquent. If a bill remains unpaid ten (10) days after being classified as delinquent, service may be discontinued to the customer or the property without further notice and a lien may be filed against the lands served thereby for all delinquent water and sewer charges, along with interest thereon, said interest to accrue at the rate of eight percent per annum for the first \$1,500.00 and eighteen percent per annum for any amount in excess of \$1,500.00 from the date of such delinquency until paid in full. If service is discontinued, it will not be restored until all unpaid bills and all charges, including turn-off and turn-on charges are paid, or satisfactory payment arrangements are made. Any request for a payment arrangement that extends beyond 90 (ninety) days or does not provide that the customer be current in the relevant account must be brought before the Governing Body for approval. Payment arrangements that meet the criterion set forth herein may be approved by the Tax/Utility Collector.

In the case of disputed accounts involving the accuracy of a meter or meter reading or those involving payment for some other service as provided for in the current Schedule of Rates, withholding payment shall not be an acceptable remedy. The Utility shall diligently respond to such disputes in a manner that brings about a resolution.

Upon written request from the customer, and in accordance with the current Schedule of Rates, a meter may be independently tested for accuracy. If, when tested the meter is found to be in error of two percent (2%) or more, the bill will be increased or decreased accordingly. The customer shall be responsible for the cost of testing a meter found to be within 2% accurate, in accordance with the Schedule of Rates.

III. Section 16-2.9 is further amended by adding subsection (c) as follows:

All charges accruing under and pursuant to this section shall be the joint and several obligation of the record owner of the lands served thereby, regardless of who or what entity is billed for such service.

- **IV.** All sections of Chapter XVI not amended hereunder shall remain in full force and effect.
- **V.** 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.
- **V.** All ordinances or parts thereof which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of their inconsistencies.
- **VI.** This Ordinance shall take effect immediately upon its final passage and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on first reading at the regular meeting of the Borough Council of the Borough of Lakehurst, in the County of Ocean, held on the twenty-first day of June, 2012 and will be considered for second reading and final passage at the regular meeting of said governing body to be held on the nineteenth day of July, 2012 at 7:30 p.m. in the Council Chambers, located at the corner of Pine and Center Streets, Lakehurst, New Jersey at which time and place any person desiring to be heard will be given an opportunity to be so heard.

WHEREAS, the Borough Council is desirous of giving salary increases to certain employees, **and**

WHEREAS, the listed raises conform with Ordinance #2009-18 and Ordinance #2012-03 regarding salaries and have been budgeted in the 2012 budget,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the base salaries for the following employees and titles shall be authorized and effective as soon as allowable under said ordinances:

Harry Robbins, Mayor	\$ 5,222.93
Council Members	\$ 4,334.38
Eric S. Higgins, Chief of Police	\$95,410.48
Bernadette Dugan, Municipal Clerk	\$64,509.22
Bernadette Dugan, Land Use Board Sec.	\$ 4,171.89
Bernadette Dugan, Sec. Construction Off	\$ 2,690.89
Christine Thorne, Dep.Chief Financial Off.	\$12,270.00
Lisa Fischer, Court Administrator	\$42,045.22
David Winton, PW Dept. Head	\$62,680.03
Alan Murray, Chief Financial Officer	\$58,282.50
Bernadette Dugan, Dep. Emer. Manag. Co.	\$ 2,098.91
Matcene Hopkins, Tax Assessor	\$13,874.96
Kevin Britton, Fire Official	\$ 7,241.18
Bryan LeVance, PW Supervisor	\$49,210.37
Eileen Robbins, Municipal Alliance CoCo.	. \$ 1,802.47
MaryAnn Capasso, M A Co-Coordinator	\$ 1,802.47
Pamela Heinzman, Dep. Municipal Clerk	\$ 4,686.42
Daniel Hourigan Dept. EMC	\$ 1,590.31
Renee James, Deputy Tax Collector	\$ 1,022.50
Tammy Duffy, Crossing Guard	\$ 12.06 per hour
John Ryerson, Crossing Guard	\$ 11.15 per hour
Jennifer Laymon, Crossing Guard	\$ 8.47 per hour
Bobbie Pratt, Police Matron	\$ 12.05 per hour
Daniel Hourigan, SLEO I	\$ 8.84 per hour
Jennifer Emer, SLEO I	\$ 7.93 per hour

BE IT FURTHER RESOLVED that said salaries shall be effective January 1, 2012.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey that the above resolution was approved by the governing body at the meeting of July 19, 2012.

WHEREAS, the Borough of Lakehurst has received CDBG funding from Ocean County for the Hibernia Avenue Road Reconstruction project, **and**

WHEREAS, there are funds available for the purchase of trees, and

WHEREAS, quotes were solicited, and

WHEREAS, Municipal Engineer Alan Dittenhofer has recommended awarding General Landscaping, LLC the quote of \$180.00 per tree installed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the contract for the purchase of 55 trees at \$180.00 per tree installed is awarded to General Landscaping, LLC, 1214 Route 70, Whiting, New Jersey 08759 in the amount of \$9,900.00.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, a review of the duties currently performed by Clerk 1 Pamela Heinzman has revealed she is working out of title and is normally performing the duties of a Clerk 2, **and**

WHEREAS, the Governing Body is desirous of appointing Ms. Heinzman to the Clerk 2 position, **and**

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that Pamela Heinzman is hereby appointed provisionally to the position of Clerk 2, at the contract rate of \$16.43/hr, from the Clerk 1 rate of \$14.91/hr effective immediately, pending the Civil Service Commission promotional process.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, the need exists for the appointment of a conflict tax assessor, and

WHEREAS, James Anderson, CTA, has agreed to provide conflict tax assessor services for a residential tax appeal for the amount of \$250.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that James Anderson, CTA is appointed to provide conflict tax assessor services for a residential tax appeal for the amount of \$250.00

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, the Borough of Lakehurst Historical Society, Inc. is in need of a computer tower, **and**

WHEREAS, the Governing Body of the Borough of Lakehurst is desirous of donating a surplus computer tower to the Borough of Lakehurst Historical Society, Inc., **and**

WHEREAS, the hard drive has been removed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey hereby donate a surplus computer tower (Product Key: W3HRK-442MD-GKB48-4W36F-D49Y) with the hard drive removed to the Borough of Lakehurst Historical Society, Inc.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, an interlocal services agreement for all construction code inspections has been in place with the Township of Berkeley, **and**

WHEREAS, the Township of Berkeley has an all code qualified construction inspection department, **and**

WHEREAS, the Governing Body of the Borough of Lakehurst is desirous of continuing the agreement; **and**

WHEREAS, NJSA 40:48-5 authorizes a municipality to contract with any public or private entity for provision of any service which the municipality itself could provide directly, **and**

WHEREAS, NJSA 40:8A-1, et seq., the Interlocal Services Act, provides a mechanism for making such contracts between public agencies, **and**

WHEREAS, the Borough of Lakehurst desires to enter into an Interlocal Services Agreement with the Township of Berkeley for all code construction inspections,

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. The Mayor and Municipal Clerk are authorized to enter into an Interlocal Services Agreement with the Township of Berkeley for all code construction inspections.
- 2. The Township of Berkeley will provide such services at the fees established in Chapter XI entitled Building and Housing of the Revised General Ordinances of the Township of Berkeley.
- 3. A copy of the fee schedule set forth in Chapter XI of the Berkeley Township
 - Ordinances, and the Berkeley Township resolution authorizing this agreement shall be incorporated with this resolution.
- 4. This Agreement shall be in force for a period of four (4) years. Any party desiring to withdraw from this Agreement may do so upon ninety (90) days written notice to the Business Administrator of Berkeley Township or the Municipal Clerk of the Borough of Lakehurst, as further defined in the Agreement.

- 6. This Agreement shall take effect on June 1, 2012.
- 7. A certified copy of this Resolution shall be sent to the Clerk of the Township of Berkeley with the executed Interlocal Services Agreement.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

ALL CODE AGREEMENT

THIS AGREEMENT, entered into on this 15th day of May, 2008, between the BOROUGH OF LAKEHURST, a municipal corporation of the State of New Jersey, hereinafter referred to as the "Borough" and the TOWNSHIP OF BERKELEY, a municipal corporation of the State of New Jersey, hereinafter referred to as "Township."

WITNESSETH:

WHEREAS, the Township created and established the Berkeley Township

Construction Inspection Department (hereinafter the "Department") composed of

qualified personnel, employed by the Township, capable of administering and
enforcing the provisions of the State Uniform Construction Code Act, N.J.S.A.

52:27D-119 et seq., (hereinafter referred to as the "Act") and regulations promulgated
thereunder; and

WHEREAS, it is the intent and purpose of the Act to encourage economy and regionalization of services and to eliminate unnecessary duplication of effort and fees in the review of construction plans and the inspection of the construction; and

WHEREAS, the Interlocal Services Act, N.J.S.A. 40:8A-1 et seq., authorizes local units as defined in said Act to enter into joint agreements for the provision of governmental services, including code enforcement services; and

WHEREAS, the Borough wishes to enter into an agreement with the Township for the provision of the code administration and enforcement services required under the Act and its implementing regulations and further wishes to designate the Township as its general agent for the provision of services set forth in

Paragraph Second herein.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth pursuant to the authority provided by law, the Township and Borough mutually agree as follows:

FIRST: The Township, through the Department, shall act as general agent of the Borough and provide to the Borough the code administration and enforcement services required under the Act and the rules and regulations promulgated thereunder as more specifically indicated by Paragraph SECOND herein. Upon execution of this Agreement, the Department shall succeed to any and all records and files of the municipal enforcing agency. To the extent feasible, the holder of an outstanding construction permit shall be treated in the same manner as he would have been under the municipal enforcing agency.

SECOND: The members of the Department who shall serve as the responsible officials and representatives of the Township for the review and approval of all documents and the performance of all inspection services and other activities related to the administration and enforcement of the Act in Borough shall be as follows:

Indicate Service Requested

Construction Code Official	<u>X</u>
Building Subcode Official	<u>X</u>
Plumbing Subcode Official	<u>X</u>
Fire Protection Subcode Official	X
Electrical Subcode Official	<u>X</u>

Said officials shall be designated by the Township as the Subcode Official for

the Borough in question. Said designation shall be by separate letter which shall be on file with the Township and the Department of Community Affairs, Bureau of Construction Code Enforcement.

THIRD: The Construction Code Official and the Subcode Officials set forth in Paragraph SECOND shall, except for good cause, serve the Borough for a term of four (4) years commencing on the effective date of this Agreement. Should a vacancy occur in the office of Construction Code Official or Subcode Official during the term of this Agreement, the same shall be filled by the Township as soon as practicable. If the Township is unable to fill said vacancy, then, at the option of the Township, this Agreement may be terminated on ninety (90) days notice.

FOURTH: The Borough shall maintain a central Construction Code Office in accordance with N.J.A.C 5:23-4.4(b) in said Borough, which shall be open during the normal business hours of the Borough. The Borough shall appoint a person to accept and process applications under the direction of the Construction Official. The appropriate fees shall be paid to the Township for services rendered in accordance with the attached Ordinance 08-08-0A. During the term of this Agreement and any extension thereof, should the Township request to raise any of the fees incorporated into the ordinance attached, upon introduction for first Reading, the Township shall forward said Ordinance to the Borough for review and comment. Additionally, the parties hereto recognize that the Borough will incur administrative costs in connection with the administration of this Agreement. Accordingly, the Township shall pay the Borough ten (10%) percent of the appropriate fees collected on a quarterly basis as reimbursement for said costs.

FIFTH: The Construction Code Official shall be responsible for the operation and supervision of that office in accordance with the provisions of the Act and the regulations. The duties of the Construction Code Official and the Subcode Officials shall be as set forth in N.JA.C. 5:23-1.1 et seq.

SIXTH: The Construction Official and the Subcode Officials shall be available for consultation and discussion during normal business hours at scheduled times to be determined by the Construction Official in consultation with the Borough Administrator.

SEVENTH: The Borough shall not be deemed to be the employer of the Department and as such, shall not be responsible for compensation, insurance, performance of work or the like.

EIGHTH: During the term of this agreement or any extension thereof, should the Township enter into other inter-local agreements affecting the services as set forth in paragraph SECOND herein, the Township shall notify the Borough if said agreement within thirty (30) days of the execution of that said agreement.

NINTH: This Agreement shall become effective on the 1st day of June, 2008, and shall continue in full force and effect until the 31st day of May, 2012, except that the fee provisions set forth herein may be adjusted by the parties in accordance with N.J A.C. 5:23-4.17. Either party may cancel this Agreement on ninety days written notice to the other. During said ninety day period, the parties will continue to perform pursuant to the terms of the agreement. Upon the termination of the Agreement, the Borough or its approved agency shall succeed to any and all records and files of the Department. To the extent feasible, the holder of an outstanding construction permit

shall be treated in the same manner as he would be under the Department.

TENTH: In the event that this Agreement shall be invalidated by a court of competent jurisdiction or proved to be otherwise unenforceable, then, at the option of the Borough, the Township shall provide all services hereunder for the fees set forth herein on an interim or emergency basis for a period of ninety (90) days.

ELEVENTH: Upon the termination or expiration of this Agreement, the parties shall have no further liability to each other except as provided in Paragraphs EIGHTH and NINTH herein. Further, upon the expiration of this Agreement, all remaining work to be performed hereunder shall be performed by the Borough or its designated agent at the Borough's expense. The Borough shall further assume the responsibility of an orderly transition upon the expiration of this Agreement, at its own cost and expense.

TWELTH: The Borough under the direction of the Department, shall prepare all reports required by law to be submitted to the Bureau of Housing Inspection and Department of Community Affairs as well as all bi-annual reports required by law to be submitted to the governing body.

THIRTEENTH: It is understood and agreed by and between the parties that this Agreement contains the sole agreement of the parties and that no modifications or alterations hereto shall become effective unless in writing and signed with the same formality as this Agreement and pursuant to the appropriate resolution of the respective government entities.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their proper officers and their corporate seals to be hereto affixed, as of

the day and year first above written.

TOWNSHIP OF

WHEREAS, the Borough of Lakehurst needs to replace the compliment of Special Law Enforcement Officers II (SLEO II), **and**

WHEREAS, Casey McPartlin and Danny Hourigan, who have been serving as SLEO I Officers, have applied for the vacant positions, **and**

WHEREAS, Chief Higgins has recommended the appointment of both to the Lakehurst Police Department,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that consistent with NJSA 40A:14-146.8 et seq effective August 20, 2012 that Casey McPartlin and Danny Hourigan be appointed as SLEO II Officers.

I, Bernadette Dugan, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, Tax Collector Marie Bell has indicated that the mortgage holder of the following property has paid the necessary amount to redeem the tax sale certificate:

Tax Sale Certificate #11-00003

Block 63, lot 8 C03

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the lien holder be reimbursed in the amount of the certificate together with penalties and costs in the amount of:

Tax Sale Certificate #11-00003

\$502.61

I, BERNADETTE DUGAN, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, Tax Collector Marie Bell has indicated that both the mortgage company and the owner of the property designated at Block 16; Lot 30 have paid the property taxes due on the property creating an overpayment in the amount of \$957.21, and

WHEREAS, the owner has requested that the overpayment be returned to the mortgage company and the bank has requested a refund.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the mortgage company for 705 Pine Street, Block 16, Lot 30 be refunded the overpayment amount of \$957.21.

I, BERNADETTE DUGAN, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.

WHEREAS, as a result of a clerical error, a payment in the amount of \$713.24 was posted to the tax account for Block 34; Lot 2, **and**

WHEREAS, the payment should have been posted to the utility account of Block 34; Lot 2 with \$647.40 posted to utility account #324-1 and \$65.84 posted to utility account #324, **and**

WHEREAS, Tax Collector Marie Bell has recommended that the payment be reversed from the tax account and posted to the above utility accounts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the amount of \$647.40 be posted to utility account #324-1 and \$65.84 to utility account #324.

I, Bernadette Dugan, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey that the above resolution was approved by the Mayor and Council at the meeting of July 19, 2012.