

# **BOROUGH OF LAKEHURST**

## **REMINDER: REDEVELOPMENT MEETING: CANCELED**

### **WORK SESSION/REGULAR MEETING**

**JUNE 2, 2022**

### **TENTATIVE AGENDA**

1. Presentation from Girl Scout Isabel DiMeo
2. Approval of Minutes of May 19, 2022 Regular Meeting
3. Payment of Bills
4. Resolution regarding appointment of Anthony F. Florio as a Police Officer
5. Resolution regarding appointment of Michael Sullivan as Part-time Police Officer
6. Resolution adopting the addendum to the revised 2021 Personnel Policies & Procedure Manual and Employee Handbook
7. Resolution regarding an adjust to utility account #460-0, Block 44, Lot 1
8. Resolution regarding raffle licenses for Lakehurst Volunteer Fire Department
9. Resolution regarding raffle licenses for Just Believe
10. Resolution renewing liquor license for Lakehurst VFW Post 10061
11. Introduction and first reading of Ordinance #2022-09 entitled: “AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING A CODE CONTAINING THE CODIFIED ORDINANCES OF THE BOROUGH OF LAKEHURST”
12. Second Reading and Public Hearing of Ordinance #2022-06 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS AND TO APPROPRIATE THE SUM OF \$38,000 TO PAY THE COST THEREOF, FULLY FUNDED BY THE CAPITAL IMPROVEMENT FUND”
13. Second Reading and Public Hearing of Ordinance #2022-07 entitled: “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING REPAIRS TO A UTILITY VEHICLE AND RELATED EQUIPMENT TO APPROPRIATE THE SUM OF \$20,000 TO PAY THE COST THEREOF, FULLY FUNDED BY THE CAPITAL IMPROVEMENT FUND”

14. Second Reading and Public Hearing of Ordinance #2022-08 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 IV ENTITLED “GENERAL LICENSING”, SECTION 4-5 LICENSED MARIJUANA OPERATIONS”
15. Acceptance of resignation of Police Officers Harold Hester and Tyler Sypniewski
16. Executive/Closed Session to discuss personnel matters/contract negotiations

Maryanne Capasso, RMC  
Municipal Clerk

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

**RESOLUTION  
JUNE 2, 2022**

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

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the bills list as presented in the amount of \$30,870.66 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 June 2, 2022.**

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**Maryanne Capasso  
Municipal Clerk, RMC**

P.O. Type: All  
Range: First to Last  
Format: Detail without Line Item Notes

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
21-00792	11/04/21	B0081 BELSON OUTDOORS									
		1 4' CONTOUR BENCH W/BACK	1,179.00	T-03-00-100-030	B Recreation Trust		R	11/04/21	06/01/22		
		2 SHIPPING	332.20	T-03-00-100-030	B Recreation Trust		R	11/04/21	06/01/22		
			<u>1,511.20</u>								
22-00290	04/26/22	R0040 THE RODGERS GROUP									
		1 ACCREDITATION MAINTENANCE	2,132.75	2-01-25-240-222	B CONTRACTUAL SERVICES		R	04/26/22	06/01/22		INVLHI188
22-00322	05/12/22	H0626 HENDERSON LABS, J.R. INC.									
		1 LAB TESTS MAY 2022	180.00	2-09-00-101-222	B CONTRACTUAL SERVICES		R	05/12/22	06/01/22		59475
22-00351	05/19/22	A0102 AFFILIATED TECHNOLOGY SOLUTION									
		1 PHONE BILL - MAY 2022	621.67	2-01-31-440-275	B TELEPHONE		R	05/19/22	06/01/22		152456
22-00355	05/19/22	H0196 HALL'S SERVICE, INC.									
		1 2204-1387: PD 1303 PATCH	27.06	2-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	05/19/22	06/01/22		2204-1387
		2 2204-1510: PD 1306 TIRES	416.00	2-01-26-291-253	B POLICE VEHICLE - TIRES		R	05/19/22	06/01/22		2204-1510
		3 2204-1795: PD 1308 CHECK BRAKE	15.00	2-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	05/19/22	06/01/22		2204-1795
		4 2204-1673: PW 4 TIRES	866.00	2-01-26-291-257	B PUBLIC WORKS VEHICLE - TIRES		R	05/19/22	06/01/22		2204-1673
		5 2204-1730: PW GMC SWITCH	78.95	2-01-26-291-256	B PUBLIC WKS VEHICLE MAINT/REP		R	05/19/22	06/01/22		2204-1730
			<u>1,403.01</u>								
22-00361	05/27/22	R0158 REMINGTON & VERNICK ENGINEERS									
		2 Bal. Res 12.06.18; 1514T107	1,426.00	C-08-01-581-001	B Various Utility System Improvements		R	05/27/22	06/01/22		1514T104-17
22-00364	05/31/22	B0093 BRIGHT HARBOR HEALTHCARE									
		1 ON POINT PROGRAM CY22 Q1 & Q2	8,750.00	2-01-25-240-222	B CONTRACTUAL SERVICES		R	05/31/22	06/01/22		
22-00367	06/01/22	NJ101 NJ DEPT OF HEALTH									
		1 DOG LIC REPORT MAY 2022	12.00	2-15-00-900-003	B Due to State - License Fees		R	06/01/22	06/01/22		
22-00368	06/01/22	A0102 AFFILIATED TECHNOLOGY SOLUTION									
		1 PHONE BILL - JUNE 2022	621.67	2-01-31-440-275	B TELEPHONE		R	06/01/22	06/01/22		153812



June 1, 2022  
03:12 PM

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
22-00380	06/01/22	L0040									
		LOWE'S									
		1 B & G SHARE	852.42	2-01-26-310-262		B MINOR TOOLS & EQUIPMENT	R	06/01/22	06/01/22		
		2 STREETS & ROADS SHARE	<u>364.80</u>	2-01-26-290-264		B STREET SIGN MATERIALS	R	06/01/22	06/01/22		
			1,217.22								
22-00381	06/01/22	V0855									
		VERIZON									
		1 PHONE BILL	358.47	2-01-31-440-275		B TELEPHONE	R	06/01/22	06/01/22		
<hr/>											
Total Purchase Orders:	22	Total P.O. Line Items:	33	Total List Amount:	30,148.66	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	27,019.46	0.00	27,019.46	0.00	0.00	27,019.46
WATER & SEWER OPERATING	2-09	180.00	0.00	180.00	0.00	0.00	180.00
ANIMAL CONTROL FUND	2-15	12.00	0.00	12.00	0.00	0.00	12.00
Year Total:		27,211.46	0.00	27,211.46	0.00	0.00	27,211.46
	C-08	1,426.00	0.00	1,426.00	0.00	0.00	1,426.00
	T-03	1,511.20	0.00	1,511.20	0.00	0.00	1,511.20
Total of All Funds:		30,148.66	0.00	30,148.66	0.00	0.00	30,148.66

May 27, 2022  
01:33 PM

Borough of Lakehurst  
Bill List By P.O. Number

P.O. Type: All  
Range: First to Last  
Format: Detail without Line Item Notes

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
22-00362	05/27/22	w0038 WARMART	722.00	2-01-28-371-236	B	Public Events - Miscellaneous	R	05/27/22	05/27/22		

Total Purchase Orders: 1 Total P.O. Line Items: 1 Total List Amount: 722.00 Total Void Amount: 0.00



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Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	2-01	722.00	0.00	722.00	0.00	0.00	722.00
Total of All Funds:		<u>722.00</u>	<u>0.00</u>	<u>722.00</u>	<u>0.00</u>	<u>0.00</u>	<u>722.00</u>

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**RESOLUTION**  
**JUNE 2, 2022**

**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**, Anthony F. Florio has successfully completed the Ocean County Police Academy 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 Anthony F. Florio to the position of police officer, effective June 10, 2022, at a base salary of \$45,462.15 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 June 2, 2022.**

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**Maryanne Capasso, RMC**  
**Municipal Clerk**

**RESOLUTION**  
**JUNE 2, 2022**

**WHEREAS**, the Borough of Lakehurst needs to replace the compliment of part-time police officers, **and**

**WHEREAS**, Michael Sullivan has applied for the vacant position, **and**

**WHEREAS**, Michael Sullivan is a graduate of the Ocean County Police Academy, **and**

**WHEREAS**, Chief Kline has recommended the appointment of Michael Sullivan 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 Michael Sullivan be appointed as a part-time police officer with the Lakehurst Police Department at \$15.00 per hour effective June 10, 2022.

**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 June 2, 2022.**

\_\_\_\_\_  
**Maryanne Capasso, RMC**  
**Municipal Clerk**

**RESOLUTION**  
**RESOLUTION ADOPTING THE ADDENDUM TO THE REVISED 2021 PERSONNEL POLICIES AND**  
**PROCEDURE MANUAL/EMPLOYEE HANDBOOK**  
**JUNE 2, 2022**

**WHEREAS**, the contents of the Personnel Policies and Procedures Manual summarizes the current benefits and guidelines within the Borough of Lakehurst and are intended as guidelines only; and

**WHEREAS**, the Mayor and Council of the Borough of Lakehurst have reviewed the Revised Personnel Policies and Procedures Manual and Employee Handbook and found them to be consistent with all applicable employment laws and regulations including, but not limited to, Title VII of the Civil Rights Act of 1964, as amended by the Equal Opportunity Act of 1972, the Age Discrimination in Employment Act, the Equal Pay for Equal Work Act, the Fair Labor Standards Act, the New Jersey Law Against Discrimination, the Americans with Disabilities Act, the Family and Medical Leave Act, the Conscientious Employee Protection Act, the Public Employee Occupational Safety and Health Act, the New Jersey Attorney General's guidelines with respect to Police Department personnel matters, the New Jersey Workers Compensation Act, the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) and the Open Public Meeting Act; and

**WHEREAS**, this Manual is intended to provide guidelines covering public service by Lakehurst Borough employees and is not a contract. The provisions of this Manual may be amended and supplemented from time to time without notice and at the sole discretion of the Mayor and Council; and

**WHEREAS**, to the maximum extent permitted by law, employment practices for the Borough of Lakehurst shall operate under the legal doctrine known as "employment at will."

**WHEREAS**, the Borough of Lakehurst wishes to amend said handbook to include the following addendum;

**EMPLOYEE TUITION AND FEE REIMBURSEMENT**

- 1. All employees who receive the benefit of employee related training and/or instruction shall reimburse the Borough of Lakehurst if they resign or otherwise terminate their employment with the Borough less than 2 years from the date of completion of the training and or instruction. The reimbursement shall be for any and all expenses including fees, tuition and any other related expenses paid by the Borough.**
- 2. If the employee's employment with the Borough is terminated for any reason, they agree to payback the training costs including tuition, fees and associated costs incurred by the Borough of Lakehurst upon termination of employment. Said costs shall be deducted from the final paycheck(s) of employee. Employee further agrees to pay back any other costs remaining after deduction from their paycheck(s)**
- 3. This policy will be deemed inapplicable to any employees whose employment from the date of the completion of the training and or instruction exceeds 2 years and 1 day**
- 4. All employees who receive the benefit of employee related training and/or instruction on a weeknight or weekend will receive no compensation for attending the weeknight or weekend training and/or instruction.**

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

1. That the Governing Body has reviewed both the Personnel Policies and Procedures Manual and Personnel Handbook and approve its contents.

2. In the event there is a conflict between these rules and any collective bargaining agreement, personnel services contract, or Federal or State law (including) (the Attorney General's guidelines with respect to Police Department personnel matters) (and) (the New Jersey Civil Service Act), the terms and conditions of that contract or law shall prevail. In all other cases, these policies and procedures shall prevail.

**I, Maryanne Capasso, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, hereby certify that the above resolution was approved by the governing body at the meeting of June 2, 2022.**

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**Maryanne Capasso, RMC  
Municipal Clerk**

**RESOLUTION**  
**JUNE 2, 2022**

**WHEREAS**, Utility Collector Renee James has indicated that the owner of the property designated as Block 44; Lot 1; Utility Account #460-0, had contacted her concerning a leak on the property, **and**

**WHEREAS**, the property owner has requested an adjustment as the leak was outside and the water did not go into the sewer for the fourth quarter 2021; **and**

**WHEREAS**, the property owner has since repaired the leak; **and**

**WHEREAS**, Public Works Department Head Dave Winton has confirmed that the water did not go into the sewer and the leak has been repaired; **and**

**WHEREAS**, Utility Collector Renee James has determined that as a result of the leak, the fourth quarter 2021 sewerage overage amount needs to be adjusted from \$1097.38 to \$570.38.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey hereby authorize that the utility account for Block 44; Lot 1 be adjusted from \$1097.38 to \$570.38 for the fourth quarter 2021.

**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 June 2, 2022.**

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**Maryanne Capasso, RMC**  
**Municipal Clerk**

**RESOLUTION**  
**JUNE 2, 2022**

**WHEREAS**, the Lakehurst Volunteer Fire Department has applied for a Raffle License to conduct an on-premise draw raffle awarding cash as a prize (50/50 cash raffle) on July 3, 2022, **and**,

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

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Lakehurst, County of Ocean, State of New Jersey that the Raffle License for the Lakehurst Volunteer Fire Department is hereby approved.

**I, Maryanne Capasso, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, hereby certify that the above resolution was approved by the governing body at the meeting of June 2, 2022.**

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**Maryanne Capasso, RMC**  
**Municipal Clerk**

**RESOLUTION**  
**JUNE 2, 2022**

**WHEREAS**, Just Believe, a New Jersey Non-Profit Corporation, has applied for a Raffle License to conduct one on-premise draw raffle awarding cash as a prize (50/50 cash raffle) on July 30, 2022; **and**,

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

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Lakehurst, County of Ocean, State of New Jersey that the Raffle Licenses for Just Believe is hereby approved.

**I, Maryanne Capasso, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, hereby certify that the above resolution was approved by the governing body at the meeting of June 2, 2022.**

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**Maryanne Capasso, RMC**  
**Municipal Clerk**



**RESOLUTION**  
**JUNE 2, 2022**

**WHEREAS**, Veterans of Foreign Wars Post 10061, trading as Lakehurst VFW Post 10061 has applied to the Mayor and Council of the Borough of Lakehurst for a renewal of Liquor License Number: 1513-31-008-002, for premises located on Union Avenue, **and**

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

**WHEREAS**, the Mayor and Council of the Borough of Lakehurst are not aware of any circumstances or provisions of law which should prohibit the renewal of said license.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, that the Liquor License for Veterans of Foreign Wars Post 10061 be renewed for the year 2022-2023.

**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 June 2, 2022.**

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**Maryanne Capasso, RMC**  
**Municipal Clerk**

**ORDINANCE NO. 2022-09**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY ADOPTING A CODE CONTAINING THE CODIFIED ORDINANCES OF THE BOROUGH OF LAKEHURST**

WHEREAS, the Borough Council of the Borough of Lakehurst in the County of Ocean, New Jersey, has caused its ordinances of a general and permanent nature to be amended and supplemented and to be compiled and revised and embodied in a codification known as the "Code of the Borough of Lakehurst, 2021."

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Lakehurst, in the County of Ocean, New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

**Section 1.** The ordinances of the Borough of Lakehurst in the County of Ocean, New Jersey, of a general and permanent nature, as codified, Chapters 1 to 25, are hereby ordained as the "Code of the Borough of Lakehurst, 2021."

**Section 2.** All of the provisions of the "Code of the Borough of Lakehurst, 2021," shall be in force and in effect on and after the effective date of this ordinance.

**Section 3.** All ordinances or parts of ordinances of a general and permanent nature adopted and in force on February 4, 2021, which are inconsistent with the ordinances in the "Code of the Borough of Lakehurst, 2021," are hereby repealed to the extent of such inconsistency as of the effective date of this ordinance.

In compiling and preparing the ordinances for adoption and revision as part of the Code pursuant to N.J.S.A. 40:49-4, certain grammatical changes and other changes were made in one or more of said ordinances. It is the intention of the Mayor and Council that all such changes be adopted as part of the Code as if the ordinances so changed had been previously formally amended to read as such.

**Section 4.** The repeal provided for in Section 3 of this ordinance shall not affect:

- a. Any offense or act committed or done or any penalty or forfeiture incurred or any contract or right established or accruing before the effective date of this ordinance;
- b. Any prosecution, action, suit or other proceeding pending or any judgment rendered on or prior to the effective date of this ordinance;
- c. Any right or franchise conferred by the Council;
- d. Any right, right-of-way or easement acquired or established in any street, road,

highway or other public place within the Borough;

e. Any ordinance of the Borough providing for laying out, opening, altering, widening, relocating, straightening, accepting or vacating of any street, road or highway within the Borough;

f. Any ordinance or resolution of the Borough promising or guaranteeing the payment of money by or for the Borough or authorizing the issuing of bonds or other evidence of the Borough's indebtedness, or any contract or obligation assumed by the Borough;

g. The annual budget appropriation ordinances or resolutions, and all ordinances and resolutions appropriating or transferring funds;

h. The administrative ordinances or resolutions of the Council not in conflict or inconsistent with the provisions of this Code;

i. Any ordinance or resolution of the Council fixing compensation or salaries of the Borough officials and employees or the pay and compensation of positions and clerical employments which are not provided for in this Code and which are not in conflict or inconsistent therewith;

j. Any ordinance or resolution of the Council creating employments, positions or offices and fixing duties therefor which are not provided for in this Code and which are not in conflict or inconsistent therewith;

k. Concerning the Traffic Chapter, any other provision of this ordinance to the contrary notwithstanding, the repeal provided for in Section 3 of this ordinance shall not become effective with respect to any ordinance regulating traffic or parking on the public streets or highways of the Borough when such ordinance requires final approval by the Commissioner of the New Jersey Department of Transportation, and said provisions shall not take effect until finally approved by the Commissioners as aforesaid;

l. Any ordinances adopted by the Board of Health of the Borough of Lakehurst;

m. Any ordinances of the Borough Council adopted upon final passage after the 4th day of February, 2021.

**Section 5.** The effects of the proposed changes contained in the Code are listed below and the Code includes the following chapters:

**Chapter 1 General Provisions.** Section 1-1, Short Title, provides the official title of the Code. Section 1-2, Definitions, provides definitions. Section 1-3, Construction, provides the rules for use of tense, gender and time. Section 1-4, Divisions of the Code, provides the major divisions of the Code.

Section 1-5, General Penalty, contains the penalty provisions as provided by N.J.S.A.

40:49-5. The general penalty clause is applicable to the entire Code or any other ordinance adopted by the Borough Council. Subsection 1-5.1 eliminates the need to restate the maximum penalty clause each time a new regulatory ordinance is adopted. Subsection 1-5.2, Minimum Penalty, permits the Borough Council to establish a minimum penalty which may be a fine that does not exceed one hundred (\$100.00) dollars. Subsection 1-5.3 permits the Court to fix the penalty for violations.

Subsection 1-5.4, Additional Fine for Repeat Offenders, provides that additional fines may be imposed on any person who is convicted of the same violation within one (1) year of the date of conviction of the previous violation. Subsection 1-5.5, Default of Payment of Fine, provides that any person who defaults on payment of a fine may be imprisoned in the County Jail or be required to perform community service.

Subsection 1-5.6 contains penalties for violations of housing or zoning codes and provides that if the Borough imposes a fine greater than one thousand two hundred fifty (\$1,250.00) dollars for violations of a housing or zoning code, a thirty (30) day period shall be allowed for the owner to cure or abate the condition.

Subsection 1-5.7, Separate Violations, states that when provided by ordinance, each and every day a violation exists shall constitute a separate violation. Subsection 1-5.8, Application, states that the Judge of the Municipal Court has the discretion to assign the penalty for a particular violation, or no penalty.

Throughout the Code many of the penalty provisions have been revised or inserted to refer to Section 1-5, General Penalty, wherever appropriate.

Section 1-6, Severability, provides that if any section of the Code is declared unconstitutional, the remaining sections of the Code shall remain in full force and effect.

Section 1-7, Continuation of Prior Ordinances, provides that the provisions of the Code, so far as they are in substance the same as those ordinances existing on the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

Section 1-8, Maintenance of Code, provides that the Borough Clerk shall maintain a copy of the Code and that the Code shall be received in all courts of this State as evidence of the ordinances of the Borough.

Section 1-9, Additions and Amendments to the Code, provides that ordinances when adopted shall be considered a part of the "Code of the Borough of Lakehurst, 2021," and the ordinances shall be printed and provided as supplements to the Code.

Section 1-10, Code Supplementation, provides that the Borough Council may arrange for the procedures for the supplementation of the Code.

Section 1-11, Altering or Tampering with the Code, prohibits altering or tampering with the Code.

**Chapter 2 Administration:** This Chapter contains the administrative ordinances of the Borough relating to the Mayor, Borough Council, meetings, officers and employees, boards, committees, agencies and commissions, municipal court, police department, fire department, department of public works, first aid, and administrative policies and procedures

**Chapter 3 Police Regulations:** This Chapter contains curfew for minors, malicious damage by minors and parental responsibility, abandoned and disabled motor vehicles, drug-free school zones, littering, quality of life violations, storage of utility trailers; travel trailers, boats and campers, and provides penalties for violations.

**Chapter 4 General Licensing:** This Chapter regulates mercantile licenses, retail food establishment, laundromats, fire and burglar alarms, jewelry, gems and precious metal dealers, secondhand dealers and thrift stores, bingo, games of chance, licenses and application fees, charitable solicitation on roadways, massage establishments, and peddling and soliciting. Junk yards are prohibited.

**Chapter 5 Animal Control:** Chapter 5 contains the licensing and control of dogs, control and impounding of cats, animal regulations, wildlife feeding, backyard chickens and enforcement by the Animal Control Officer. Potentially dangerous dogs and vicious dogs have been revised to contain provisions provided by statute.

**Chapter 6 Alcoholic Beverage Control:** This Chapter has been constructed according to the format recommended by the State of New Jersey Division of Alcoholic Beverage Control.

This Chapter provides for licensing and regulation of licensed alcoholic beverage establishments, serving and consumption of alcoholic beverages by persons under the legal age, and provides for the revocation or suspension of licenses for violations. Registration of employees with the Police Department has been removed with the adoption of the Code.

**Chapter 7 Traffic:** The Borough traffic ordinances have been prepared with language and in a format recommended by the New Jersey Department of Transportation.

Authority for the closing of any street shall be with the Chief of Police. Preconstruction meetings shall be with the Police Department.

This Chapter also includes soliciting contributions in roadways and regulation of low speed vehicles on Borough roadways.

**Chapter 8 Towing:** This Chapter contains establishes the license requirements and regulation of towing contractors and employees. The Chief of Police is responsible for enforcement.

## **Chapter 9 Reserved**

**Chapter 10 Parks, Lakes and Recreation Areas:** This Chapter provides regulations for use of the Lake Horicon Area and use regulations and rental of the Lakehurst Community Center for private purposes.

**Chapter 11 Municipal Liens:** This Chapter provides for reimbursement to the Borough of expenses to abate hazardous and dangerous conditions, not limited to abandonment of dwellings or property and failure of the owner or responsible party, firm or corporation to address the hazard after notice of violation.

**Chapter 12 Building Regulations:** This Chapter establishes the Uniform Construction Code Enforcing Agency, provides waivers for construction fees and appeals. Manchester Township serves as the enforcing agency under an Interlocal Service Agreement.

**Chapter 13 Housing and Property Maintenance:** This Chapter adopts the 1998 International Property Maintenance Code and amendments relating to penalties; brush and hedge cutting near roadways and intersections; designates enforcement of the Property Maintenance Code by the Code Enforcement Officer, Housing Inspector and Police Department. This Chapter includes renting of dwelling units and requires landlord registration and license; transfer of property which requires a certificate of occupancy; mailboxes and directories; driveways; parking for handicapped residents; hotel and motel room occupancy tax.

## **Chapter 14 Reserved**

**Chapter 15 Fire Prevention:** This Chapter provides for local enforcement of the Uniform Fire Code by the Bureau of Fire Prevention, amendments to the Fire Code, fire zones and pumping stations.

**Chapter 16 Sewer and Water, Storm Sewer System:** This Chapter provides the regulations pertaining to water service and sewer service, establishes the charges and rates for the sale, distribution and use of water and sewer facilities, establishes the municipal stormwater system MS-4 regulations, enumerates prohibited acts, authorizes a contract with the Ocean County Sewerage Authority and includes water emergencies. Subsection 16-1.7 revised to indicate that curb stops shall be opened or closed by an authorized employee of the Department of Public Works.

**Chapter 17 Solid Waste Management:** This Chapter contains the regulations for refuse and garbage, recycling, yard waste, construction debris and litter control.

**Chapters 18 Mobile Homes and Mobile Home Parks:** This Chapter contains definitions, license requirements for a mobile home park, regulations, inspections and fees, municipal service (pad) fee, compliance, penalties, and enforcement.

**Chapters 19 Streets and Sidewalks:** This Chapter prohibits objects or projections in streets or rights-of-way; provides for street opening permits, inspection fees and bonds; establishes a moratorium period of three (3) years on street opening permits after resurfacing or other construction; provides Borough authority to acquire rights-of-way for streets and sidewalks.

**Chapter 20 Military Housing Areas:** This Chapter addresses the Ground Lease of designated military/government housing and relates to zoning, tax exemption and services provided by the Borough.

**Chapter 21 Reserved**

**Chapter 22 Reserved**

**Chapter 23 Flood Damage Prevention:** This Chapter includes the flood hazard and flood damage prevention regulations applicable to the areas of special flood hazard. The Zoning Officer is designated to administer the provisions of this Chapter.

**Chapter 24 Reserved**

**Chapter 25 Land Development:** This Chapter contains the Land Development ordinances as adopted by the Borough. The Zoning Map dated 10-18-17 prepared by Remington, Vernick and Vena is made a part of this Chapter.

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Throughout the Code there has been reorganization and editing of the source ordinances, not to effect substantive changes but intended to eliminate word duplications and overlapping and to effect uniformity of expression. In some cases, provisions of the source ordinances have not been included in the Code either because they have been expressly or implied repealed by later ordinances, are obsolete or no longer apply in the Borough of Lakehurst.

**Section 6.** A copy of the "Code of the Borough of Lakehurst, 2021," in the County of Ocean and State of New Jersey, has been filed in the office of the Borough Clerk of the Borough of Lakehurst and shall remain there for the use and examination by the public until final action is taken on this ordinance; and if this ordinance shall be adopted, such copy shall be certified by the Borough Clerk of the Borough of Lakehurst by impressing thereon the seal of the Borough of Lakehurst, as provided by law, and such certified copy shall remain on file in the office of the Borough Clerk of the Borough of Lakehurst to be made available to persons desiring to examine the same during all times while the Code is in effect.

**Section 7.** Amendments to the Code. Any and all additions, amendments and supplements to the Code when passed and adopted in such form as to indicate the intent of the Borough Council to make them a part thereof shall be deemed to be incorporated into such Code so that reference to the "Code of the Borough of Lakehurst, 2021," shall be understood and intended to include such

additions and amendments. Whenever such additions, amendments and supplements to the Code shall be adopted, they shall thereafter be printed and, as provided hereunder, inserted in the book containing the Code as amended and supplemented thereto.

**Section 8.** It shall be the duty of the Borough Clerk or someone authorized and directed by the Clerk to keep up-to-date the certified copy of the book containing the "Code of the Borough of Lakehurst, 2021," required to be filed in his office for the use of the public. All changes in the Code and all ordinances adopted subsequent to the effective date of this codification shall be adopted specifically as part of the Code and shall when finally adopted be included therein by reference until such changes or new ordinances are printed as supplements to the Code, at which time such supplements shall be inserted therein.

**Section 9.** The Borough Clerk of the Borough of Lakehurst, pursuant to law, shall cause to be published in the manner required a copy of this adopting ordinance in a newspaper of general circulation in the Borough of Lakehurst. Sufficient copies of the "Code of the Borough of Lakehurst, 2021," shall be maintained in the office of the Borough Clerk for inspection by the public at all times during regular office hours. The enactment and publication of this adopting ordinance coupled with availability of copies of the Code for inspection by the public shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

**Section 10.** Copies of the book containing the "Code of the Borough of Lakehurst, 2021," shall be available for purchase. The Borough Council may arrange the procedures for the periodic supplementation thereof.

**Section 11.** Each section of the "Code of the Borough of Lakehurst, 2021," and every part of each section is an independent section or part of a section and the holding of any section or part thereof deemed to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

**Section 12.** When effective. This ordinance shall take effect immediately upon final passage and publication in accordance with law.

Introduced: June 2, 2022

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Borough Clerk



**BOROUGH OF LAKEHURST - COUNTY OF OCEAN  
ORDINANCE 2022-06**

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**ORDINANCE OF THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, STATE OF  
NEW JERSEY, AUTHORIZING VARIOUS IMPROVEMENTS AND TO APPROPRIATE THE SUM  
OF \$38,000 TO PAY THE COST THEREOF, FULLY FUNDED BY THE CAPITAL IMPROVEMENT  
FUND**  
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**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LAKEHURST,  
IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two thirds of all members thereof  
affirmatively concurring) AS FOLLOWS:**

Section 1. The Borough of Lakehurst, in the County of Ocean, State of New Jersey (the "Borough") is hereby authorized to undertake the following various improvements.

Sections 2. The sum of \$7,700 is hereby appropriated for the Downtown Beautification Project, the sum of \$7,500 is hereby appropriated for HVAC equipment at the Borough Emergency Services Complex, the sum of \$7,000 is hereby appropriated for the repairs to the Borough pavilion, the sum of \$4,700 is hereby appropriated for a copier in Borough Hall, the sum of \$4,500 is hereby appropriated for an ice machine in the Borough Community Center, and the sum of \$6,600 is hereby appropriated for computer equipment (hereinafter referred to as "purpose"). Said appropriation shall be fully funded by the Capital Improvement Fund. The sum of \$38,000 is hereby appropriated from the Capital Improvement Fund for the payment of the cost of said purpose.

Section 3. The period of usefulness of the Improvements referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable life thereof, is not less than five years.

Section 4. The capital budget of the Borough of Lakehurst is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. The improvements authorized hereby are not current expenses and are general improvements the Borough may lawfully make. No part of the cost of the Improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 6. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

\_\_\_\_\_  
Hon. Harry Robbins  
Mayor

## STATEMENT

The ordinance published herewith has been finally adopted by the governing body of the Borough of Lakehurst, in the County of Ocean, State of New Jersey, by the recorded affirmative votes of at least two-thirds (2/3) of the full membership of the governing body on June 2, 2022, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, has begun to run from the date of first publication of this statement.

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Maryanne Capasso, RMC  
Municipal Clerk

**BOROUGH OF LAKEHURST - COUNTY OF OCEAN  
ORDINANCE 2022-07**

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**ORDINANCE OF THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, STATE OF  
NEW JERSEY, AUTHORIZING REPAIRS TO A UTILITY VEHICLE AND RELATED EQUIPMENT  
TO APPROPRIATE THE SUM OF \$20,000 TO PAY THE COST THEREOF, FULLY FUNDED BY  
THE CAPITAL IMPROVEMENT FUND**  
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BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LAKEHURST, IN THE COUNTY OF OCEAN, NEW JERSEY (not less than two thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Borough of Lakehurst, in the County of Ocean, State of New Jersey (the "Borough") is hereby authorized to undertake repairs to a utility vehicle and related equipment.

Sections 2. The sum of \$20,000 is hereby appropriated to the payment of the cost of the repairs authorized and described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be fully funded by the Capital Improvement Fund. The sum of \$20,000 is hereby appropriated from the Capital Improvement Fund for the payment of the cost of said purpose.

Section 3. The period of usefulness of the Improvements referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable life thereof, is not less than five years.

Section 4. The capital budget of the Borough of Lakehurst is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 5. The improvements authorized hereby are not current expenses and are general improvements the Borough may lawfully make. No part of the cost of the Improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 6. All ordinances or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This bond ordinance shall take effect twenty days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Hon. Harry Robbins  
Mayor

## STATEMENT

The ordinance published herewith has been finally adopted by the governing body of the Borough of Lakehurst, in the County of Ocean, State of New Jersey, by the recorded affirmative votes of at least two-thirds (2/3) of the full membership of the governing body on June 2, 2022, and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, has begun to run from the date of first publication of this statement.

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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 IV ENTITLED  
“GENERAL LICENSING”, SECTION 4-5 LICENSED MARIJUANA OPERATIONS**

**2022-08**

**WHEREAS** the Mayor and Council of the Borough of Lakehurst are desirous of making certain amendments to Ordinance 2021-06, Section 4-5.1 entitled “Licensing & Fees” and Section 4-5.3 entitled “Gross Receipts, Taxes”.

**NOW THEREFORE BE IT ORDAINED** by the Mayor & Council of the Borough of Lakehurst, County of Ocean and State of New Jersey that Section 4-5.1 and Section 4-5.3 be and is hereby amended and supplemented, as follows:

**Section 1. Amendment & supplement to Section 4-5.1 Licensing & Fees.**

- a) New license application fees:
  - i) First submittal: \$10,000.00. The following is required with a first submittal:
    - (1) All applicants must submit a \$10,000.00 application fee via certified bank check.
    - (2) All applicants must concurrently submit a business proposal with one (1) original and two (2) copies along with the license application and license application fee.
  - ii) A marijuana business license selection committee will be appointed by the Mayor to administratively sort, review and consider each business. Final selection to be made by the full council.
  - iii) If a business is not selected, \$5,000.00 of the first submittal license application fee will be returned.
  
- b) Renewal application fee: \$5,000.00 which is non-refundable

**Section 2. Amendment & Supplement to Section 4-5.3 Gross Receipts, Taxes.**

- a) Every marijuana-based business shall submit a quarterly tax report to the Borough Clerk.
  
- b) The Borough may request an audit at the licensee’s request for any and all reasons or no reason at all. The burden of proving that any transaction is exempt from the tax shall be upon the seller. It shall be the duty of every seller to maintain, keep and preserve suitable records of all sales made by the seller and such other books or accounts as may be required to determine the amount of the tax of which the Seller is liable under this Article. It shall be the duty of every such seller to keep and preserve for a period of five (5) years all such books, invoices, and other records and the same shall be open for examination by the Borough Clerk or designee.

- c) The Borough has the right to revoke the seller’s license in the event seller does not satisfy the Two Percent (2%) sales tax within thirty (30) days of submitting its quarterly tax reports of which must be submitted in a reasonably timely manner.

**Section 3. 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.

**Section 4. Effective date.**

This Ordinance shall take effect immediately upon final passage, adoption, and publication as required by law.

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Hon. Harry Robbins  
Mayor

**NOTICE**

**NOTICE IS HEREBY GIVEN** that an ordinance #2022-08 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 IV ENTITLED “GENERAL LICENSING”, SECTION 4-5 LICENSED MARIJUANA OPERATIONS was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the second day of June, 2022.

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Maryanne Capasso, RMC  
Municipal Clerk