



**LAKE COMO BOROUGH
1740 MAIN STREET
P.O. BOX 569
LAKE COMO, NJ 07719
(732) 681-3232
MINUTES**

**DATE: JULY 7, 2015
7:30 PM WORKSHOP**

DISCUSSION ITEMS

1. Fire Company Ordinance
 - a. Borough Attorney Peg Schaffer commented on the proposed changes to the Fire Ordinance. Ms. Schaffer said the fire department need to make sure the ordinance and the bylaws match. She sent the proposed changes looking for comments and received nothing back. Before the ordinance can be adopted the fire department needs to amend their bylaws.
 - b. Fire Chief Whille stated that adopting the bylaws could take 2-3 months. Ms. Schaffer responded that the Council could introduce the ordinance then wait until the bylaws are adopted before the ordinance is adopted.
 - c. Councilman Higgins questioned why anything that goes before the Fire or First Aid takes 3 months. That is a very long time to sit on something. Councilman Witte responded that section 20 of the bylaws states that it 2 months providing there are no changes.
 - d. Mayor Wilton stated that he would like to see the committee meet before the July meeting and have the bylaws and ordinance in place prior to the elections in December.

2. Borough Attorney Peg Schaffer asked the Council to add Resolution 2015-95 to the agenda to approve the O'Hara Settlement.

PUBLIC COMMENTS ON WORKSHOP ITEMS

Councilman Higgins made a motion to open the workshop meeting to the public seconded by Councilman Witte, all are in favor.

No Public Comments

Councilman Higgins made a motion to close the workshop meeting to the public seconded by Councilwoman Kropac, all are in favor.



Mekosh, Louise <Imekosh@boro.lake-como.nj.us>

Revisions to Fire Department Bylaws and Ordinance

2 messages

Andrew Landman <alandman@shainlaw.com>

Tue, May 5, 2015 at 11:26 AM

To: "FHOPE@BORO.LAKE-COMO.NJ.US" <FHOPE@boro.lake-como.nj.us>, "RWHILLE@BORO.LAKE-COMO.NJ.US" <RWHILLE@boro.lake-como.nj.us>, "douglas.witte@atlanticealth.org" <douglas.witte@atlanticealth.org>, "Imekosh@boro.lake-como.nj.us" <Imekosh@boro.lake-como.nj.us>
Cc: Marguerite Schaffer <mschaffer@shainlaw.com>

Hello all,

Attached please find the redlined Fire Department Bylaws and Borough Ordinance.

Please let me know if I can provide any further assistance in this matter.

Andrew Landman

Legal Assistant

Shain, Schaffer & Rafanello, P.C.

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Bernardsville, New Jersey 07924

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2 attachments **5.5.15 Redlined Fire Dept By-Laws.doc**
81K **5.5.15 Redlined Fire Dept Ordinance.docx**
29K

Section I. Name:

This company shall be known as the South Belmar Fire Company No. 1

Section II. Object:

Its object shall be the preservation and protection of life and property from and during fires.

Section III. Active Membership:

Article 1. Any citizen of the United States of America who requests and application for active membership and is a resident in good standing and living within the following boundaries: As far north as State Highway #33 in Neptune, as far south as East Main Street in Manasquan, as far east at Ocean Avenue in Belmar and as far west as State Highway #34 in Wall Township. Membership in this company is limited to 40 active members. To remain active, members must make Sixty percent (60%) of all calls, drills.

Article 2. Any application request for membership shall be in written request writing and presented to the Company at the its next regular meeting. An application will then be sent and when returned will be read at the next regular meeting, and will sit until a completed background check is done and will then The application will be forwarded to the Chief of Police, who will conduct an investigation pursuant to Borough Ordinance § 2-22A.4. The application will be voted on at the next regular meeting after completion of the investigation.

An applicant elected To be eligible for full active membership, an approved applicant must serve a twelve (12) month probationary period, in order to qualify for full active membership. If at the end of this period he/she does not qualify to the satisfaction of the company, he/she will be dropped. At the end of the probationary period, the Company shall determine, by majority vote, whether applicant is qualified for full active membership.

All active members will serve a probationary period of one (1) year to qualify for full active firefighter and During the probationary period, the applicant must attend a state certified Fire Fighter Training Academy. The probationary member(s) must attend all drills when possible and all meetings and fires when possible. Any All new members on probation will shall serve an extra six (6) months for as follows: Missing if he/she misses any three (3) meetings in a row, for not fails to attending the firefighter's Training Academy school, for not or fails to making (fifty percent) 50% of -fires and meetings.

Article 3. Any active member, who may have has become a social member, may again (if eligible) become and active member by writing a letter and it shall be read request to resume active membership in writing. The request shall be read at the next regular meeting, and shall also If approved, said member shall be first on the application list for active membership and no probation period shall be required.

Section IV. Duties of Active Membership

Article 1.

- a) The duties of a All active members shall be required to report for active work upon an alarm of fire and remain on duty under orders until dismissed or excused by the officers in charge of the company.

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b) To obey all commands of his/her superior officers while on duty, and to leave all company property at the firehouse. Example: Personal Protective Equipment, Mask, etc.

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c) ~~Article 2.~~ To attend all regular and special business meetings of the company.

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~~Article 23.~~ No member at any time shall bring more than Five (5) ~~people, non-members,~~ into the company rooms, ~~except on special occasion if the member has been granted permission by the House Committee to host an event.~~ Such members shall be at the firehouse ~~present at all times and responsible for the conduct of such~~ visitors while they are in the company's rooms or on the company's premises, ~~and such~~ All visitors shall vacate the firehouse when the member leaves.

Section V. Exempt Membership

Article 1. Any member who has been in active service for a period of (7) years (or such time as required by State Law) and ~~who is at the end of that period in~~ good standing in the company may be placed on the Exempt list at his/her own request and have all privileges of the fire company except to hold office or to vote, ~~and will be entitled to an Exempt Fireman Certificate issued by the Borough Council.~~

Article 2. Any member entitled to exemption may be retained as an active member with all privileges of an active member. This class of membership does not affect the number of active members allowed by State Law.

Article 3. Any active firefighter who has served in that capacity for a period of Twenty (20) years will be eligible for Life Membership in the Company, provided that he/she has maintained an active status within the company by not missing more that three (3) consecutive meetings, has responded to at least 60% of the alarms during his/her membership and has participated in other fire company activities.

Any prospective life member, who has not fulfilled all the above requirements due to extenuating ~~on~~ circumstances such as injury, illness, etc., will be considered on an individual basis. An affirmative vote by ~~51%~~ 51% of the members present at the meeting considering said applicant will be necessary to place him/her on the Life Membership roll.

Any Life Member may remain an active firefighter at his request if he/she continues to live within the boundaries of the company. A Life Member will be accorded all privileges of an active firefighter in regard to voting in Fire Company business and ~~participation~~ in all other activities, as a small gesture of thanks for the many years of devoted service.

Section VI. Social and Honorary Membership

Article 1. Any active firefighter who through age, health, business requirements or change of residence or of the boundaries is ineligible, unable or unwilling to remain an active member may become a social member. He/She must be in good standing as an active member ~~one~~ for a full year prior to his application for a social membership. He/She is entitled to ~~retain~~ restore his/her active membership by complying with Section III, Article 3.g.e.

Article 2. Any citizen of good character and social standing within the boundaries set forth in Section III may become a social member. Social members who have never been active members may have

~~given to them receive special membership badges, but under no circumstances can wear active membership badges.~~

Article 3. The two (2) preceding classifications are entitled to all the privileges enjoyed by active members, but cannot hold any elected office, vote at any question on the floor or vote at any election of officers. He/She is subject to all rules and penalties embodied in these By-Laws.

Article 4. The Fire Company can by a majority vote of members at the meeting vote confer Honorary Membership on a person, who has held public office with honor or through his/her efforts has been a benefitted of this Fire Company or the public at large. Such member cannot attend meetings except by invitation of the company.

Can Honorary members use the firehouse?

Article 5. ~~All or any Honorary membership~~ can be annulled at any time by the Fire Company if said members violate any of the By-Laws of this company or by outside conduct bringing disrepute of on the Fire Company.

Section VII. Officers and Delegates

Article 1. The elected officers and delegates of this company shall be as follows:

Chief, Assistant Chief, Captain, 1st Lieutenant, 2nd Lieutenant, Chief Engineer, 1st Assistant Engineer, 2nd Assistant Engineer, five (5) Drivers, President, Vice President, Recording Secretary, Financial Secretary, Treasurer, Chaplain, three (3) Trustees (one Trustee to be elected each year for a term of three years), three (3) Delegates to the Local Firemen's Relief Association, four (4) alternate Delegates to the Local Firemen's Relief Association, who will be designated as First Alternate, Second Alternate, Third Alternate Delegate and Alternate Delegate for the Chief, to be determined by the order of finish in the voting and if needed, will be called upon in that order and three (3) Delegates to the Monmouth County Firemen's Association. (Amended 10/94)

Article 2. The special officers shall be five (5) Fire police, who shall be appointed by the Chief at the meeting following the annual meeting and who shall serve for one (1) year and must have State Certified training before such appointment.

Article 3. All ~~elective~~ officers and delegates shall be elected at the annual meeting and shall, after approval by the Borough Council where required, serve for one (1) year; except trustees as noted in Article 1 of this section: beginning January 1st following their election.

Article 4. In order to be eligible for the line officers, member must have served in good standing and in the membership prior to the date of the election to office the following terms: for Second Lieutenant a member must have two (2) years completed in the Fire Company before running for that office; First Lieutenant, must have three (3) years completed in the Fire Company, Captain, must have four (4) years completed in the Fire Company, Assistant Chief, must have five (5) years completed in the Fire Company, Chief, must have six (6) years completed in the Fire Company. ~~And completed~~ All line officers must have completed any State Required Training as set forth below and as modified from time to time by the NJ Division of Fire Safety.

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~~Also included in the in the requirements of Article 4 for any person to be eligible for a line officers position; they must also meet the following requirements;~~

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1. Successfully complete Fire Fighter 1 & 2.
2. Successfully complete Haz-Mat Awareness & Operational Course.
3. ~~Must be up to standard on meet~~ any additional Fire Company and State Requirements.
4. Must have attended 50% of all calls, drills and fundraising. (Coin Toss and Fund Drive)

The only person(s) exempt from these requirements are those who have at least ten (10) years of Fire Company Service or those ~~that~~who have already served as Chief. (added 08/93)

Article 5. The above requirements may be waived by _____ if the nominee has completed additional Fire Department training which would qualify him/her for the position under consideration according to NJ Division of Fire Safety. The Secretary, Chief and Training Officer will prior to the nominations at the October meeting, compile a list of those eligible ~~with regard to any training requirements needed to meet the requirements of the office he/she is running for. (Amended 10/94) for the various offices.~~

Article 6. In order for any member to be able to vote at the annual meeting in which elections are held they must meet the following criteria; (added 10/93, amended 02/94)

1. Any member ~~which~~who is not ~~off~~on probation, must have attended 50% of meetings in which he/she was qualified to attend.
2. If a member(s) qualifies as a Life Member he/she must have attended four (4) meetings during the time ~~offrom~~ December 1st of the preceding year until the time of elections held at the November meeting of that year.
3. ~~If~~Other active members ~~until the time that reach Life Membership status must have~~ attended six (6) meetings during the time ~~offrom~~ December 1st of the ~~preceeding~~ preceding year until the time of the elections held at the November meeting of that year.
4. The Secretary will compile a list of those eligible to vote in said election. (Added 10/94)

Article 7. Prior to the commencement of the annual or any special election, the Presiding Officer will appoint a Judge of Elections and two (2) Tellers to oversee the voting and tallying of the votes.

The Secretary ~~(hand-written in Judge of Elections)~~ is to shall record the names of those members making the nomination and the member seconding the motion.

Upon the close of the nominations, the Judge is to oversee the distribution of the ballots by the Tellers, collection of the completed ballots and the counting of the same. He/She will report the results to the Presiding Officer (President?) who will then announce the results to the Membership.

At the conclusion of the elections, the Judge will present to the Recording Secretary a signed copy of the results to be included in the minutes. The original copy will be filed with the

Secretary's records and Certified to the Borough Council, who shall approve or disapprove all officers; except the Chief, whose election shall remain the prerogative of the membership.

In the event that Judge or Tellers are nominated for office the Presiding Officer shall appoint a replacement for that person for that portion of the Elections. (Added 10/94)

Section VIII. Duties of Officers (~~Handwritten in~~ Chain of Command) – Chain of Command

Article 1. ~~The Chief and Assistant Chief as set down~~ shall perform the duties and have the powers set forth in the Borough Ordinance. ~~In the absence of the Chaplain, the Chief will conduct memorial services.~~

Article 2. Captain;

- a) To see that all equipment is kept in good order and repair at all times and to enforce all orders of the Chief.
- b) To assume charge at any fire calls in the absence of both the Chief and Assistant Chief.
- c) To preside at regular meetings in the absence of both the President and Vice President.
- d) ~~And~~ To schedule and run regular monthly drills.
- e) ~~And~~ To Chairs the Kids Christmas Party.

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Article 3. First Lieutenant;

- a) To assist the Captain and in his absence to assume all his duties.
- b) ~~And~~ To oversees the Engineer's Responsibilities.

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Article 4. Second Lieutenant;

- a) To assist the Captain and First Lieutenant and in their absence, assume their duties. ~~And~~ oversees the Engineers Responsibilities.

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Article 5. Head Engineer; To be in charge of mechanical apparatus at all times and to keep same in ready condition for operation.

Article 6. First Assistant Engineer; To assist the Head Engineer and in his/her absence assume his/her duties.

Article 7. Second Assistant Engineer; To assist the Head Engineer and First Assistant Engineer and in their absence, assume their duties.

Article 8. Fire Police; Duties set forth in Revised Statute 1:8-4, Laws of the State of New Jersey.

Article 9. President; To preside at all meetings of the company, appoint all committees (except committees whose elections are called for in the By-Laws) and conduct all necessary business of the company. In the event of a tie vote on any question he shall cast the deciding vote.

Article 10. Vice President; To Assist the President and in his/her absence assume all his/her duties.

Article 11. Recording Secretary; To keep a ~~T~~typed complete and accurate record of all meetings, handle all correspondence in the company's name, notify all applicants of their acceptance or rejection to membership, be custodian of the roll call book. He shall keep the roll at meetings and note absentees.

Article 12. Financial Secretary;

- a) ~~He shall To~~ keep a careful and accurate record of all financial receipts of the company;
- b) ~~To~~ turn over all monies received to the Treasurer at the close of every regular meeting and taking his/her receipt therefore.
- c) ~~He/She shall To~~ keep a record of all standing in dues, fines and other financial obligations of all members and shall report all delinquents at each regular meeting.
- d) ~~He/She shall To~~, at each quarterly meeting, read the name of every member and his/her standing as to regular dues, fines and other indebtedness to the Fire Company. Any monies/receipts must be turned over to the Treasurer within 3 days (72 hours)

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Article 13. Treasurer;

- a) ~~He/She shall To~~ receive all monies from the Financial Secretary, give a receipt for same and shall deposit same in a reliable bank as directed by the company.
- b) ~~To/He/she shall~~ make a report at each regular meeting of all money received and paid out since the last regular meeting.
- c) ~~He shall To~~ pay ass (?) vouchers and bills as directed by the company through checks signed by him/her and countersigned by the President or Vice President in the Presidents absence.

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Article 14. Chaplain;

- a) ~~He/She shall To~~ offer prayer or scripture readings at the opening of regular meetings.
- b) ~~and shall To~~ conduct memorial service at the death of a member of the fire company \or at anyt function required. ~~The Chief will act in the absenee of the Chaplain.~~

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Article 15. Trustees; To supervise all property and funds (except funeral benefits fund) of the company and audit all books annually.

Section IX. Salaries

Article 1. For the faithful performance of his/her duties, the Recording Secretary shall receive the sum of- \$21.00 per meeting that he/she attends and does his/her duties.-~~F and two Hundred and fifty (\$250.00) dollars per year,- P prorated each month,- for fulfilling their duties.~~

Article 2. For the faithful performance of his/her duties, the Financial Secretary shall receive the sum of: \$12.50 per meeting that he/she attends and does his/her duties.-~~O and one hundred and fifty (\$150.00) dollars per year,- P prorated each month,- for fulfilling their duties.~~

Article 3. For the faithful performance of his/her duties, the Treasurer shall receive the sum of \$12.50 per meeting that he/she attends and does his/her duties.-~~O and one hundred and fifty (\$150.00) dollars per year,- P prorated each month,- for fulfilling their duties.~~

Article 4. All others Executive Officers and Trustees shall serve without pay.

Changed May 15, 2008

Section X. Committees and Their Duties

Article 1. Executive Committee; It shall consist of the President, Vice President, Recording Secretary, Financial Secretary, Treasurer and the Trustees. The duties shall be to formulated and recommend general policies of the company.

Article 2. House Committee; May consist of up to five (5) members appointed annually by the President. Their duties shall be to maintain order and enforce all By-Laws pertaining to the conduct of members and visitors in or on the company's premises and make additional house regulations as found necessary. The House Committee shall also be known as the Ways and Means Committee and under this head to improve social and financial conditions of the Fire Company. They shall also act as the Social Committee at meetings and as party committee on all entertainments, carnivals, tag days, etc.

Article 3. Grievance Committee; Shall consist of three (3) members appointed annually. Their duties shall be to examine into such complaints as may be referred to them by any member and report thereon at the next regular meeting with recommendations.

Article 4. Sick and Flower Committee; May consist of three (3) members appointed annually. Their duties shall be to visit the sick and make recommendations to the company and to see that all of the graves of the deceased comrades are decorated with flags and flowers on Memorial Day. They shall see that flowers are sent to funerals of deceased comrades or their immediate families as follows: For deceased member's wife, flowers to the value of fifty (\$50.00) dollars; to mother or father of an active or exempt firefighter, flowers to the value of fifty (\$50.00) dollars; to children of active or exempt firefighters, flowers to the value of fifty (\$50.00) dollars.

Section XI. Roll Call

Article 1. On the alarm of fire ~~in~~ to which the company responds, a roll call will be made after the apparatus returns to the engine house and has been made ready for the next alarm.

Article 2. No member shall be given credit for responding to an alarm of fire, who does not answer roll call, unless he/she has been excused by the Captain or ~~recognized~~ member in charge, ~~and this Captain or member in charge shall calling~~ roll.

Article 3. On a still alarm, credit will be given to attending members, but no roll call will be called.

Article 4. At a regular meeting, members shall sign a sign in sheet and roll call shall be made at the end of the business session.

Article 5. At a special meeting, roll call shall be made immediately after the company is called to order by the presiding officer.

Article 6. Excused Absence from a meeting will ~~not~~ count towards Section 3 Article 2 (Missing any three (3) consecutive meetings and not towards attendance at a meeting for voting purposes. (?)

Section XII. Resignations and Expulsions

Article 1. All expulsions, unless fixed by these By-Laws, shall be decided by a majority vote of members present when expulsion is brought up. No member expelled from the company can ever again

become a member of this company; and the Borough Council shall be notified of this action by the Recording Secretary.

Article 2. No member may resign until all duties, fines and assessments are fully paid and all property of the company is returned and received for by the proper officer.

Article 3. Any member who is found guilty of committing a crime ~~of law~~, or who's ~~se~~ actions before, during or after a fire alarm jeopardizes anyone's life or property, or who's ~~se~~ conduct is detrimental to the public trust and good will of the company, will be subject to a hearing for immediate removal from the South Belmar Fire Company No. 1.

All members will be notified if and when such a hearing will take place.

All actions under this article will be decided by the voting rules as stated in Article 1 of this section (Section XII).

Section XIII. Drivers

Article 1. No member shall drive the motor driven apparatus unless licensed. No licensed non-member shall drive the apparatus unless directed by the officer or member in charge. Drivers shall be elected by the members of the company and approved by the Mayor and Council of the Borough of Lake Como. No person not a member of the Fire Company shall at anytime ride on any piece of apparatus while the company is called for and active call or alarm.

Section XIV. Meetings

Article 1. Regular meetings shall be held on the third Thursday of each and every month and shall be called to order at eight (8) P.M. unless provisions are made by following Article 3 of this sections.

Article 2. The Annual elections of the company meeting shall be held on the third Thursday of November of each year. (changed 01/94)

Article 3. Nominations will be opened ~~at~~ during new business at the October meeting and same they stay open until elections at the November meeting

Article 4. Special Meetings may be called at any time by the Presiding Officer or Executive Committee, provided notice is given to members in writing at least 48 hours in advance of said Special Meeting via text, email, phone call or pager announcement.

Section XV. Dues and Fines

Article 1. This company shall be maintained by initiation fees of ten (\$10.00) dollars, dues of twenty five (\$25.00) dollars per _____ and fines as hereinafter set forth in these BY-Laws.

Article 2. Fines and assessments are payable when assessed.

Section XVI. Fines and Penalties

Article 1. ~~If~~ Any officer who shall be absent three (3) meetings in succession, without just cause, ~~said~~his office shall be declared vacant and the President shall call a special election to fill said office.

Article 2. Any member neglecting to come to order during a meeting when so called by the presiding officer, shall be fined ~~twenty-five (25) (\$5.00-written in) cents~~ for each and every offense.

Article 3. Any member who:

- a) ~~appearing~~ on company's premises or responding to an alarm of fire, in an obvious intoxicated condition
- b) ~~, or using~~ insulting, indecent or improper language
- c) ~~, or being~~ guilty of conduct unbecoming a gentleman or lady, or otherwise being a disgrace, shall be fined five (\$5.00) dollars or member of the company in the opinion of the House Committee will be suspended immediately from membership and it shall be brought up before the membership of the company at the next regular meeting for the duration of the suspension and subjected to discipline at the next regular meeting, which may include fines, suspension or removal.

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Article 4. Any member using profane language at any regular or special meeting of this company shall be fined one (\$1.00) dollar for each profane word used.

Article 5. Any member holding returns who fails to promptly remit monies for tickets for any affair held by the company and not making prompt returns, said monies shall be charged up as a that amount as debit a debt to the company against him/her.

Article 6. Any member neglecting to pay his/her regular dues, fines and any other financial obligations to the Fire Company for a period of three (3) months shall be notified by the Financial Secretary and after a period of three (3) months ~~if~~ he/she does not pay the same, shall stand suspended. ~~If~~ The Financial Secretary readings his/her name off at a regular meeting shall constitute his/her notice and he/she shall pay their fines and/or dues within three (3) months, or stand suspended. Any member holding office, either elective or appointed, suspended under these conditions, shall forfeit said office and shall not be eligible to hold office for a period of one (1) year from the time of reinstatement. This is ~~arbitrary automatic~~ and does not call for a vote on the floor. Any member not paying fines, dues or any other indebtedness to the Fire Company for a period of six (6) months from the three (3) month period is automatically expelled.

Article 7. Any member absenting himself/herself from three (3) consecutive meetings, without being excused for a reasonable cause, by and executive officer shall be fined five (\$5.00) dollars and this fine must be paid within thirty (30) days. Failure to pay fine as stated or failure to appear at fourth consecutive meeting shall be cause for the member to be dropped from the company roll and the member shall be expelled by a majority vote of the members present and voting.

Section XVII. Order of Business

Article 1. Regular Meetings

A. Call to order and salute to flag

- B. Words by Chaplain
- C. Reading of minutes of previous meeting
- D. Collection of Fines and Dues
- E. Reports of Officers
- F. Reports of Committees
- G. Proposal of Applications and Election for Membership
- H. Communications and Bills
- I. Unfinished Business
- J. New Business
 - 1. Election of Officers / Nominations October meeting
 - 2. Miscellaneous
- K. Financial Secretary's and Treasurer's reports
- L. Roll Call on completion of business
- M. Adjournment

Article 2. Special Meetings

- A. Roll Call
- B. Business for which meeting is called
- C. Adjournment

No motion to adjourn shall be in order until the regular business of the meeting has been transacted.

Section XVIII. Benefits

All resolutions pertaining to ~~creating an election of a~~ committee to govern funds for the payment of death benefits to ~~elder~~-members who are not on relief, are hereby made a part of these By-Laws.

Section XXIX. Uniforms

Article 1. The dress uniforms or any part thereof having been furnished by the company shall be worn only at Firemen's functions and any member wearing his/her uniform otherwise shall forfeit same to the company or be expelled from membership.

Article 2. In order to be furnished with a uniform a member must have completed his/her probationary period to the satisfaction of the company and shall have attended at least sixty (60) percent of fire alarms for one (1) year.

Article 3. No one but active members shall be furnished uniforms ~~free~~ by the Fire Company.

Section XX. Amendments and Suspension of By-Laws

Article 1. The By-Laws may be amended by submitting in writing the proposed amendment at a regular meeting and then by approval by two-thirds (2/3) of the members present at the regular meeting thereafter and each member shall be notified by mail to attend said meeting.

Article 2. There shall be no suspension of any section of these By-Laws at any time.

Article 3. All matters not covered by these By-Laws shall be decided by reference to Robert's Rules of Order.

First reading

Final reading and approval

2-22 FIRE DEPARTMENT.

2-22.1 Fire District Limits.

The incorporated limits of the Borough as established shall constitute the Fire District of this Department. (1973 Code § 2-8.1)

2-22.2 Companies.

The Fire Department of the Borough shall consist of one (1) or more companies as may be designated by the Council. The officials of the Department shall consist of one (1) Chief, one (1) Assistant Chief, ~~one (1) or more engineers, and one (1) or more Drivers~~ and officers as required in the bylaws of the Fire Company. (1973 Code § 2-8.2)

2-22.3 Election of Officers.

~~Elections shall be held annually in accordance with the bylaws of the Fire Department. On the third Thursday in December in every year the Fire Department shall elect a Chief, an Assistant Chief, an Engineer and one (1) or more Drivers, who shall hold their office for one (1) year after the first day of January next ensuing the election at which they are elected. The election shall be held at the Borough Hall; the polls shall be opened at 7:00 p.m. and shall remain open until 9:00 p.m. The Foreman and Secretaries of the Fire Department shall constitute a Board of Election. The Board of Election shall select a Judge and Clerk from the Board. A statement of the result of the election shall be signed by the Judge and Clerk and submitted to the Borough Council at its next regular meeting held after the election. The Council shall canvass the statement and declare the result, and the persons so designated, if approved by Council, shall serve as Chief, Assistant Chief, Engineers and Drivers for the term hereinbefore stated. (1973 Code § 2-8.3) The Secretary of the Fire Department shall submit the certified list of officers elected for the new year for the Council's approval. All officers so elected, except the Chief, must be approved by the Council who shall thereafter declare the results of the election. (1973 Code § 2-8.4)~~

2-22.4 Submission of Names for Approval.

~~If the Council shall not disapprove of any of the Officers so elected, a person to fill the vacancies during the unexpired term of the Officer shall be elected by the Company and submitted to the Council for confirmation. Such procedure shall be followed until a person elected by the Company shall be confirmed by the Council. (1973 Code § 2-8.4)~~

2-22.5 List of Persons Eligible to Vote.

~~All persons who are active Members of the Department in good standing, and have been such at least three (3) months prior to the election, shall have the right to vote, which right shall be determined by a list of the Members of the respective companies duly verified by an affidavit to be furnished by the Secretaries of the respective companies. Prior to such election a copy of the list shall be filed with the Borough Clerk. (1973 Code § 2-8.5)~~

2-22.56 Age of Members.

~~The active Members of the Department shall consist of Members not less than eighteen (18) years of age or more than fifty-five (55) years of age at the time of their appointment, provided that no active Member in good standing of any existing Company shall be debarred from membership therein because of the fact that he is under the age of eighteen (18) years or over the age of fifty-five (55) years. (1973 Code § 2-8.6)~~

2-22.67 Appointment to Chief; Length of Service Required.

The Chief and Assistant Chief shall be selected by the Members of the Department, and no person shall be eligible for the Office of Chief or Assistant Chief who has not served as an active firefighter in this incorporated District for ~~one (1) year next preceding his election~~ the period(s) established in the Fire Department's bylaws. (1973 Code § 2-8.7)

2-22.78 Responsibility of Chief.

It shall be the duty of the Chief to examine at least once a month the fire apparatus, and all the appliances in use for extinguishing fires, and to report their condition to the Council at the first regular meeting in each month. He shall also make an annual report to the Council at the first regular meeting in December, giving a detailed account of such fires as may have occurred, the cause of such fires, and such other information as he may think proper. The Chief shall supervise all the repairs ordered to the engine house or fire apparatus; he shall use all the means of the Department to extinguish fires which may occur, and shall have sole and absolute control and command over the fire apparatus at all times and over all Members of the Fire Department in case of actual fire, or whenever called into active service. He shall also have control over all other fire apparatus and persons aiding and assisting the Department in case of fire. (1973 Code § 2-8.8)

2-22.89 Absence of Chief.

Command responsibilities in the Absence of Chief are established in the Fire Department's bylaws. ~~In case the Chief is absent the command shall devolve upon, and his duties be performed by, the Assistant Chief, and in case both are absent, the Foreman of the first Company in service shall have control until either the Chief or Assistant Chief appear.~~ (1973 Code § 2-8.9)

2-22.94 Powers of Chief.

The Chief and the Assistant Chief shall attend all fires which occur within the Fire District, and they are hereby empowered and required to take charge of any building which may be on fire, or in danger, to admit only such persons, whether Firefighters or otherwise to the buildings, as they may deem necessary; to supervise and direct the removal and preservation of all endangered property; to enter and examine any building where gunpowder, explosive or inflammable materials may be stored or suspected and to direct its summary removal in case the quantity allowed by law is exceeded, and if the possessor of such materials shall not comply with a written notice to remove the same, to make due complaint before the proper authorities of the violation of the laws of the State. The Chief and Assistant Chief are hereby invested with all the powers of the Marshals of the Borough while going to, attending and returning from a fire, police officers at the scene of the fire, which authority supersedes Municipal Police authority until the fire is out, ~~that they may and shall preserve the peace and protect private and public property.~~ (1973 Code § 2-8.10)

2-22.101 Garments to Be Worn by Chief.

The Chief and the Assistant Chief shall each be furnished with personal protection equipment as required by law, ~~a suitable hat and coat, which shall be Borough property, and shall be turned over to their successors in office in as good condition as they received them, ordinary wear and tear excepted, unless they are damaged while in use in the performance of duty.~~ (1973 Code § 2-8.11)

2-22.112 Election of Members.

The Companies which may hereafter be designated by the Borough Council shall have power to provide for the election of their members and officers, and to adopt bylaws, rules and regulations for their governance, in accordance with the laws of the State of New Jersey and the provisions of this

~~section. The active Members in good standing shall have the right to wear badges and to use the keys of the Fire Department, and in case any Member not in good standing, shall neglect or refuse to return the badge, or key, within ten (10) days of written notice served upon him by the Secretary of his Company, for that purpose, he shall be punished as hereinafter provided: The Bylaws of the Fire Department shall govern in all areas not inconsistent with this Ordinance or state statute. The Bylaws shall be filed with the Borough Clerk and reviewed annually and any revision filed within 30 days of adoption. (1973 Code § 2-8.12)~~

2-22.123 Eligibility for Membership.

~~Active Members in good standing shall be permitted to reside within a reasonable distance that is within the Borough Fire Department paging/ alarm system the boundaries as delineated in the Bylaws. The active Members of any Company hereafter organized or designated shall at no time exceed forty (40), subject to the provisions of subsection 2-22.6. (1973 Code § 2-8.13; Ord. No. 83-375 § 1; Ord. No. 98-653)~~

2-22.134 Report of Active Members.

~~Annually on or before the first Tuesday in October, the Secretary of each Fire Company shall report to the Chief the name of each active Member who is regularly equipped; also a list of such Members as may have died, resigned, removed or been expelled during the preceding year; and the Chief shall transmit the same to the Council with his annual report. The Clerk of the Council shall enter this report upon a book to be provided for the purpose, which book shall be a public record. (1973 Code § 2-8.14)~~

2-22.145 Suspension of Members by Chief.

~~The Chief shall have the power to suspend from duty any member of the Fire Department for disobedience of the orders of any Officer in command when on duty. All appeals from his decision shall be made in writing to the Council at a regular meeting. The Council may hear the same at a special meeting called for that purpose and affirm, reverse or modify the decision by a majority vote of all Members of the Council. (1973 Code § 2-8.15)~~

2-22.15 Discipline of Members by Company.

~~Any discipline imposed by the Company pursuant to the Bylaws may be appealed to the Council in writing within 30 days of the discipline. The Council may hear the same at a special meeting called for that purpose and affirm, reverse or modify the decision by a majority vote of all Members of the Council. (1973 Code § 2-8.15)~~

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2-22.166 Suspension of Members by Council.

~~The Council may at any time for cause shown remove or suspend any Officer or Member of the Fire Department, after giving such Officer an opportunity to be heard before the Council. (1973 Code § 2-8.16)~~

2-22.17 False Alarms.

~~Any person who shall cause to be given a false alarm of fire by unlawfully and without authority ringing the alarm bell of the Fire Department, or to meddle or tamper with, injure or destroy any of the property appertaining to or belonging to the Fire Department or fire alarm system, shall be subject to the penalty provided in Chapter 1, Section 1-5. (1973 Code § 2-8.17)~~

~~2-22.18 Management of Fire Apparatus.~~

~~It shall be the duty of the Officers of each Fire Company to prevent improper persons from aiding in the management of the fire apparatus in going to or from a fire or alarm of fire, and to abstain or prevent any conduct that may lead to a breach of the peace or bring discredit on the Department. (1973 Code § 2-8.18)~~

~~2-22.19 Defect in Fire Apparatus.~~

~~It shall be the duty of the Foreman of each Company to report any defect in the engine, hose or other fire apparatus to the Chief as soon as possible after same comes to his knowledge. (1973 Code § 2-8.19)~~

~~2-22.1720 Use of Apparatus.~~

~~Any time any Fire apparatus is out of town, the Fire Chief shall notify the Police Chief, Public Safety Director or Borough Administrator. In case of fire outside the Borough the apparatus shall not leave the Borough unless by permission of the Mayor or in his/her absence, of the Chairman of the Fire Apparatus Committee, or in the absence of the officials mentioned, of the Chief; nor shall the apparatus be used in any trial of skill or power unless permission allowing same is granted by the Mayor. (1973 Code § 2-8.20)~~

~~2-22.21 Damage to Apparatus.~~

~~Any person who shall willfully drive or cause to be driven any vehicle over any hose or other fire apparatus when in use at a fire, or cut or injure the same, or shall in any other manner willfully damage the hose or apparatus, shall be subject to the penalty clause in Chapter I, Section 1-5. (1973 Code § 2-8.21)~~

~~2-22.1822 Cadet Program Auxiliary to the South Belmar Fire Company #1.~~

- ~~a. *Established.* A cadet program auxiliary in accordance with N.J.S.A. 40A:14-95 to Lake Como South Belmar Fire Co. #1, 1730 Main Street, Lake Como, New Jersey 07719 is hereby established which is to be known as "Cadet Program Auxiliary to Lake Como South Belmar Fire Co. #1."~~
- ~~b. *Authorization to Establish.* Authorization is hereby given to Lake Como South Belmar Fire Co. #1, 1730 Main Street, Lake Como, New Jersey 07719 to establish a Cadet Program Auxiliary in accordance with the Statute, if the membership of the company so desires.~~
- ~~c. *Age; Eligibility.* All persons not less than sixteen (16) years of age and not more than eighteen (18) years of age shall be eligible for membership in the Cadet Program Auxiliary to Lake Como South Belmar Fire Co. #1, if established by Lake Como South Belmar Fire Co. #1.~~
- ~~d. *Rules and Regulations Adopted; on File in Clerk's Office.* In accordance with N.J.S.A. 40A:14-98 certain rules and regulations governing the activities of the Cadet Program Auxiliary are hereby adopted. The rules and regulations are in writing and the same have been filed in the office of the Borough Clerk, 1730 Main Street, Lake Como, New Jersey 07719 where they are available for public inspection during normal business hours. Further, the rules and regulations may be amended, supplemented and deleted by subsequent resolutions of the Borough Council. (Ord. No. 99-667)~~

~~2-22.1923 Schedule of Fees.~~

~~The Fire Department is authorized to certify expenses incurred to the Lake Como Finance Officer. The Lake Como Finance Officer will bill and recover costs associated with the Fire Department response from the liable party. All fees so recovered shall be maintained by the Fire Department and used for its general purposes. Said fees may be billed directly by the Lake Como Municipal Finance Officer or designee. The~~

Fire Department shall include in its monthly report to the Mayor and Council a detail of all billing and receipts under the program. The fees to be charged by the Finance Officer or designee on behalf of the Fire Department shall not exceed the following:

- a. *Structure Fires.* Fires in any structure substantial enough to cause the Fire Department to use tools and an extinguishing agent to control and extinguish the fire. Examples of such structure fires include, but are not limited to, dwellings, apartments, apartment complexes, commercial, industrial and outbuildings.
 1. Residential (single-family home) Fee—\$500.00
 2. Multi-Family Residential, Commercial, Government, Education, Industrial Fee—\$1,000.00
- b. *Vehicles.* Vehicle fires and crashes substantial enough to cause the Fire Department to use tools and skill (or extinguishing agent) to bring the incident under control. Fee—\$750.00 per vehicle.
- c. *Alarm Systems.* After third activation in a calendar year, at the same address, at which the cause was anything other than an actual fire. Fee—\$500.00
- d. *Other.* Any condition which the Fire Department has responded, notified the property owner/manager of the degraded condition and the Fire Department has responded one (1) additional time for the same uncorrected condition. The Fire Department will bill upon the third response and each consecutive response and each consecutive response thereafter. Fee—\$500.00
- e. In the event that a fire is deemed to have occurred as a result of negligence of a third-party; gross negligence; intentional misconduct; or involves hazardous materials response; then in addition to any fees set forth above the Finance Officer or designee, may bill for actual costs incurred and an hourly rate (not in excess of fifty (\$50.00) dollars per hour) for all personnel involved in the response.
(Ord. No. 2011-863)

2-22A DISCLOSURE OF INFORMATION REGARDING APPLICATIONS FOR MEMBERSHIP IN A VOLUNTEER FIRE COMPANY AND FIRST AID SQUAD.

2-22A.1 Purpose.

This section is enacted pursuant to N.J.S.A. 40:42-1 et seq., the Home Rule Act which directs municipalities to act for the health, welfare and safety of its citizens and to implement N.J.S.A. 15:8-1.1. (Ord. No. 2004-736 § 1)

2-22A.2 Membership Defined.

Membership in a volunteer fire company and/or first aid squad means membership in a volunteer fire company and first aid squad organized pursuant to Title 15 of the Revised Statutes or Title 15A of the New Jersey Statutes, membership in a volunteer fire company and first aid squad or similar organization constituted in a Fire District pursuant to N.J.S.A. 40A:14-70.1, membership in a Junior Fire Fighter's Auxiliary established pursuant to N.J.S.A. 40A:14-95, or nonpaid membership in a part-paid fire department or force established pursuant to Chapter 14 of Title 40A of the New Jersey Statutes or member or cadette of the first aid squad. (Ord. No. 2004-736 § 2)

2-22A.3 Contents of Application.

Any person desiring membership in a volunteer fire company or first aid squad shall complete in duplication, filing the same with the volunteer fire company and/or first aid squad, an application on the

form of which may be prescribed by the volunteer fire company and first aid squad, but which shall contain the following information about the applicant:

- a. Name
- b. Home address
- c. Birth date
- d. Social Security number
- e. Driver's license number
- f. Any conviction of violation of N.J.S. 2C:17-1:
 1. Aggravated arson, or
 2. Arson, or
 3. Failure to control or report dangerous fire, or
 4. Directly or indirectly pays or accepts any form of consideration for the purpose of starting a fire or explosion.
 5. Any conviction of violation of N.J.S. 2C:33-3 False Public Alarms
 6. Any conviction of a crime or disorderly persons violation
 7. Such other information as the volunteer fire company and/or first aid squad deems relevant to the application provided none of such information is prohibited by law.
(Ord. No. 2004-736 § 3)

2-22A.4 Investigation by Chief of Police.

Following the filing of such application, the volunteer fire company and first aid squad shall transmit one (1) of the applications to the Chief of Police of the Borough of Lake Como who shall conduct an investigation to ascertain the truth of the statements made by the applicant upon his/her application and any such other investigation of the applicant's background as he deems necessary for the protection of the public good. If as the result of such investigation the applicant is found to have been convicted of violation of N.J.S. 2C:17-1 a, b, c, or d or N.J.S. 2C:33-3 or any other crime or disorderly persons violation or any other information that would indicate the applicant may be a threat to the health, safety or welfare of the community, the Chief of Police shall report such information and the particulars thereof to the volunteer fire company and/or first aid squad. (Ord. No. 2004-736 § 4)

2-22A.5 Fingerprinting.

In connection with said investigation, the applicant shall submit to fingerprinting, and the Chief of Police is authorized to submit applicant's fingerprint card and receive state criminal history record information from the Division of State Police/State Bureau of Identification for use in considering the suitability of all applicants covered under this section. (Ord. No. 2004-736 § 5)

2-22A.6 Authorized Agencies.

This section is intended to make the volunteer fire company and first aid squad an authorized agency as defined by N.J.A.C. 13:59-1.1. (Ord. No. 2004-736 § 6)

2-22A.7 Time Limit for Investigation.

The above investigation by the Chief of Police shall be completed within thirty (30) days of receipt of application and fingerprinting of the applicant. (Ord. No. 2004-736 § 7)



**LAKE COMO BOROUGH
1740 MAIN STREET
P.O. BOX 569
LAKE COMO, NJ 07719
(732) 681-3232
MINUTES**

**DATE: JULY 7, 2015
REGULAR MEETING IMMEDIATELY FOLLOWING WORKSHOP**

MEETING CALLED TO ORDER

Mayor Wilton called the meeting to order 7:45pm.

SALUTE TO FLAG AND MOMENT OF SILENT PRAYER

SUNSHINE LAW

INTRODUCTION AS REQUIRED UNDER THE SUNSHINE LAW: ADEQUATE NOTICE OF THE MEETING HAS BEEN PROVIDED BY THE ADOPTION OF A RESOLUTION BY THE MAYOR AND COUNCIL ON THE SIXTH DAY OF JANUARY 2015 IN WHICH RESOLUTION THE TIME AND PLACE OF AGENDA AND REGULAR MEETINGS COMMENCING WITH JANUARY 6, 2015 WERE SET FORTH. NOTICE OF SAME WAS DELIVERED TO THE ASBURY PARK PRESS AND THE COAST STAR AND A COPY OF SAME IS POSTED ON THE BULLETIN BOARD IN THE BOROUGH HALL. ALL MEETINGS ARE OPEN TO THE PUBLIC.

ROLL CALL

Douglas Witte	Present
Kevin Higgins	Present
Virginia Kropac	Present
John Carvelli	Present
Hawley Scull	Present
Michael Noonan	Present

APPROVAL OF MINUTES

Councilman Higgins made a motion to approve the minutes from the June 16, 2015 Regular meeting seconded by Councilwoman Scull, all are in favor.

COMMUNICATIONS

No Communications

REPORTS OF COMMITTEES

- Councilman Noonan reported that the website has yet to be transferred to Lake Como and that this transfer is the first step before any updates can be done. Mayor Wilton responded that he will try to reach out to Mr. Chappelle to see what the holdup is in initiating the transfer. Councilman Noonan reported that he gave Louise an estimate for restriping Main

Street and Councilwoman Kropac will give an update on the states suggestions. Councilman Noonan reported that the engineer will draft a proposal to shrink the existing spots to gain more parking, however diagonal parking would gain 20 additional spots. All other matters are in order.

- Councilwoman Scull reported that she is working with John Ciufu to bring businesses to town. Surveys are going out with the tax bills and are available at Borough Hall to see what residents are looking for on Main Street. Councilwoman Scull reported that there are also requests for email addresses to be added to the events email updates. All other matter are in order.
- Councilman Carvelli reported that Environmental Chairman Jon Gibbons gave a presentation at the Belmar Library that was very well attended. He thanked Public Works for planting and mulching the seedling garden as well as those who volunteered to clean the butterfly garden. Regarding the Sustainable Jersey Program, at the next meeting the resolution to join the program will be on the agenda, the drafted resolution is currently with Borough Attorney Peg Schaffer to review. All other matters are in order.
- Councilwoman Kropac reported that the CDBG application is due soon. We are applying for new lighting, plantings along Main Street and the parking project is still up in the air. Dr. Scharfenberger believes there is still money available through the DOT to do angled parking, move the center line and the lights, Councilwoman Kropac reported that he is looking into that for us. After meeting with Phyllis Oppenheimer and Anthony Minick, they put Councilwoman Kropac in touch with Jeannie DeYoung with Monmouth County Tourism to coordinate events with Lake Como. Councilwoman Kropac reported that the Tourism Commission had a meeting last night and there were 2 guest speakers. The first was David Sokolar of Merandex Digital Displays to discuss electronic signage. The second was Ali Taylor of BelMarketing who is coming up with a proposal for promotional items for Lake Como. All other matters are in order.
- Councilman Higgins reported that we are still on track for continuing the water project. We are waiting to apply with the USDA for funding for the next phases of the project to start in the fall. All other matters are in order.
- Councilman Witte reported that it has been a busy summer in the police department and over 4th of July weekend 24 criminal complaints were filed including 15 fraudulent identification charges, eight disorderly persons complaints and one complaint for CDS. Councilman Witte reported that 46 Special Complaints/Borough Ordinances complaints were signed including nine urinating in public, 14 sleeping in public and four noise ordinances. There were five overcrowding issues including homes with CI's for 4 people and 19 people were found sleeping in the house, 6 people and 14 people found sleeping in the house, 6 people and 23 were found sleeping in the home, CI's for 7 people and 20 people found in the house, and a CI for 2 people and 14 people were found sleeping in the house. Councilman Witte reported that 149 parking summonses and 41

moving traffic summonses were issued. Lastly, Councilman Witte reported that, unfortunately, on June 26th a 33 year old man drowned in Como Lake. Chief Hope thanked Patrolmen McCormack and Jones, Sergeants Whille and Ensuar for their involvement in this unfortunate incident as well as the Spring Lake Police Department, the Belmar Water Rescue Team, the Monmouth County Dive Team and the Monmouth County Prosecutor's Office and Mayor Wilton. All other matters are in order.

- Mayor Wilton began his report by thanking all of those who assisted in the drowning at the lake. It was an unfortunate incident but everyone worked together well. Mayor Wilton thanked the Police for making their presence known this weekend and although they cannot get everything, Mayor Wilton thanked them for a job well done. The County Freeholders held a meeting here on June 25th and they presented Lake Como a County Flag. Mayor Wilton reported that the street sweeper has been in town and Borough Clerk/Administrator Louise Mekosh stated that they did a trial run and haven't gotten numbers to us yet but there hopefully will be a resolution on the next meeting. All other matters are in order.

UNFINISHED BUSINESS

Borough Clerk/Administrator Louise Mekosh report that Borough Engineer Bruce Koch is in talks with J Fletcher Creamer and New Jersey Natural Gas to pave the roads that have been patched due to the water and gas projects. This paving should be taking place very soon. Mayor Wilton reported that Creamer will also be replacing the stones on Ripley Lane that were moved during the water project there.

PUBLIC COMMENTS ON NEW BUSINESS

Councilman Witte made a motion to open the meeting to the public seconded by Councilman Higgins, all are in favor.

No Public Comments

Councilman Witte made a motion to close the meeting to the public seconded by Councilwoman Kropac, all are in favor.

CONSENT AGENDA

All items listed under this section are considered to be routine by the Borough Council and will be enacted by one motion. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

Resolution 2015-92
Appointing Provisional Public Works Employee

Resolution 2015-93
Continuing Disclosure Agent and Financial Advisor

Councilman Higgins made a motion to approve the items on the consent agenda seconded by Councilwoman Kropac, all are in favor.

NEW BUSINESS

Ordinance 2015-905

Second Reading and Public Comments

Harth Easement

Offered by Councilman Higgins seconded by Councilman Witte.

Councilman Higgins made a motion to open the meeting to the public seconded by Councilwoman Scull, all are in favor.

No Public Comments

Councilman Higgins made a motion to close the meeting to the public seconded by Councilwoman Scull, all are in favor.

Roll call vote as follows:

Yes: Councilmembers Witte, Higgins, Kropac, Carvelli, Scull and Noonan.

No: None

Abstain: None

Absent: None

Resolution 2015-95

O'Hara Settlement

Offered by Councilman Witte seconded by Councilman Higgins.

Councilman Higgins made a motion to open the meeting to the public seconded by Councilman Witte, all are in favor.

No Public Comments

Councilman Witte made a motion to close the meeting to the public seconded by Councilman Higgins, all are in favor.

Roll call vote as follows:

Yes: Councilmembers Witte, Higgins, Kropac, Carvelli, Scull and Noonan.

No: None

Abstain: None

Absent: None

PUBLIC COMMENTS

Councilman Higgins made a motion to open the meeting to the public seconded by Councilwoman Kropac, all are in favor.

- Allison Weideman 1808 Parkway came before the Council with concerns about the rentals on Parkway and asked how she should go about addressing issues with multitudes of people in and out of the homes making noise and cursing. Ms. Weideman stated that last year she called the police frequently and appreciates the police presence in her neighborhood. Mayor Wilton responded that residents have to call the police, no one is permitted to disturb the peace at any time, obnoxious and foul language at any time is not acceptable. Ms. Weideman also expressed concerns regarding the patrons at the bar that hang out in the parking lot at night. Mayor Wilton reported that the ABC Renewal Hearing

is on July 21st and specific complaints will be addressed then. Lastly Ms. Weideman stated that she and Ms. Pousty cleaned up their end of the median and a big issue is the dog waste. Ms. Weideman asked if she could fundraise to get a dog waste station at their end of the median. Mayor Wilton responded that she could do that and he appreciated it.

- Patrick Ranahan of North Blvd. came before the council to thank everyone and all the departments for their hard work. This is his 12th year in Lake Como and his 12th 4th of July in town and probably the quietest thanks to the police department. Mr. Ranahan stated that the parking situation has gotten worse and Lake Como becomes Belmar's parking lot in the summer. Mr. Ranahan suggested either permit parking or meters at the lake could bring in a lot of revenue. Mr. Ranahan submitted photos of the parking and trash left by those parking at the lake. Councilman Higgins responded that meters are a wonderful idea and he has done some investigating on meters and striping on North Blvd. and it is something the town is looking into for next year. Councilman Noonan responded that most of Lake Como's parking is taken by non-Lake Como residents anyway so he is favor of charging for parking. Councilwoman Scull responded that she wouldn't want to deter people from coming to Lake Como but since most of those parking here are going to Belmar beach she is in favor of it. Councilwoman Kropac responded that she likes the idea of the meters because it deters people from parking all day. Lastly, Mr. Ranahan stated he has looked into the meters and the town wouldn't necessarily have to paint numbers, those parking can pay by license plate number.
- Bob Lamb 1824 Bradley Terrace came before the council to express his concerns with the traffic issue at 19th Avenue and Bradley Terrace. Mr. Lamb stated that his neighbor and 2 year old son were almost struck by a car flying around the corner. Mr. Lamb asked if a stop sign could be installed at that corner. The traffic is worse at night with taxis and those coming from D'Jais. Mayor Wilton asked Chief Hope if a temporary stop sign can be put there. Chief Hope responded that it could but it is not enforceable. But he will put the traffic counter out there. Mr. Lamb stated he believes the issue is that the road ends and the turn comes up quickly and 19th Avenue is one side parking and cars can move quicker and then all of a sudden Bradley become narrower since it is 2 side parking. Sgt. Whille stated that a reflective "Dead End" sign could be put in place of the current sign. Mr. Lamb thanked everyone for their immediate responses to this issue.

Councilman Higgins made a motion to close the meeting to the public seconded by Councilwoman Kropac, all are in favor.

ALCOHOLIC BEVERAGE CONTROL BOARD

At this point in the meeting the Mayor and Council are now sitting as the Alcoholic Beverage Control Board.

ROLL CALL

Douglas Witte

Present

Kevin Higgins	Present
Virginia Kropac	Present
John Carvelli	Present
Hawley Scull	Present
Michael Noonan	Present

Resolution 2015-94

Authorizing Live Music at PK Shamrock

Councilman Witte stated that this was approved via voice vote on July 6, 2015 however has to be done by resolution under the Alcoholic Beverage Control Board.

Offered by Councilman Witte seconded by Councilman Carvelli, all are in favor.

NEXT MEETING

THE NEXT REGULAR MEETING OF THE MAYOR AND COUNCIL WILL BE HELD ON TUESDAY, JULY 21, 2015 IMMEDIATELY FOLLOWING THE 7:30PM WORKSHOP MEETING IN THE LAKE COMO MEETING ROOM. ALL MEETINGS ARE OPEN TO THE PUBLIC.

MOTION TO ADJOURN

Councilman Noonan made a motion to adjourn seconded by Councilman Higgins all are in favor.

Respectfully Submitted

Amy L. Boney

Deputy Borough Clerk

The minutes of this meeting are not verbatim. Please call Borough Hall at (732)681-3232 to schedule an appointment to hear the tape(s) of this meeting in its entirety. All tapes are subject to being destroyed 80 days after the approval of the Minutes.

RESOLUTION 2015-92

**A RESOLUTION APPOINTING A PROVISIONAL PUBLIC
WORKS REPAIRER**

WHEREAS, Mayor Brian T. Wilton has appointed

John S. Cusic

To the position of Provisional Public Works Repairer, commencing July 8, 2015 as a provisional appointment subject to acquiring a Commercial Driver's License and the successful completion of the Civil Service Promotional Examination.

Dated: 07/07/2015

Brian T. Wilton
Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

RESOLUTION 2015-93

**RESOLUTION OF THE BOROUGH OF LAKE COMO
APPOINTING NW FINANCIAL GROUP, LLC, TO
PERFORM THE SEC MUNICIPALITIES CONTINUING
DISCLOSURE COOPERATION INITIATIVE COMPLIANCE
REVIEW AND TO PROVIDE CONTINUED COMPLIANCE
REVIEW**

WHEREAS, the Borough of Lake Como is required to conduct a review of the Borough's Disclosure requirements to determine compliance with the Security Exchange Commission's Municipal Continuation Disclosure Cooperation Initiative (the "MCDC Initiative"); and

WHEREAS, pursuant to the Local Finance Notice 2014-9, the Director of the Local Finance Board, in the Division of Local Government Services, New Jersey Department of Community Affairs, has recommended the undertaking of a Review (as hereinafter defined) by all municipal issuers and participation in the MCDC Initiative, where appropriate, as determined by the facts of each Review (the "LFB Recommendation");

NOW, THEREFORE, IN CONNECTION WITH THE LFB RECOMMENDATION, BE IT RESOLVED BY THE BOROUGH OF LAKE COMO, as follows:

NW Financial Group, LLC, Hoboken, NJ, shall be appointed to conduct the review of past statements of compliance and shall maintain continued compliance as required by the MCDC Initiative.

BE IT FURTHER RESOLVED that NW Financial Group, LLC shall be authorized to work with the Chief Financial Officer and Bond Attorney to complete the review and shall file the MCDC Initiative Questionnaire, and any and all documents required by the SEC to meet and/or maintain the compliance requirements (the "Review") and shall be retained as the Continuing Disclosure Agent. It is understood that NW Financial Group, LLC shall complete all of the duties as outlined in their proposal as the Continued Disclosure Agent.

This resolution shall take effect immediately or in accordance with applicable law. A copy of the proposal shall be attached to this Resolution.

Dated: 07/07/2015

Brian T. Wilton
Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

BOROUGH OF LAKE COMO, MONMOUTH COUNTY, STATE OF NEW JERSEY

ORDINANCE NO. 2015-905

**ORDINANCE OF THE BOROUGH OF LAKE COMO ACCEPTING
A UTILITY EASEMENT FROM KATHRYN HARTH
ON A PORTION OF LOT 8 IN BLOCK 19**

WHEREAS, in order to complete the Borough's water improvement project an easement over and under property known as Block 19 Lot 8 to install underground water lines is required; and

WHEREAS, Kathryn Harth, the owner of the property, has agreed to convey an Easement to the Borough upon the terms set forth as Exhibit A attached hereto including consideration of \$2,000.00; and

WHEREAS, the Borough Engineer has reviewed the metes and bounds description attached to the Deed of Easement and has found same to be in conformity with the Project and hereby recommends acceptance of the Deed of Easement; and

WHEREAS, the Borough Council has, after consultation with its legal and engineering professionals, determined that it is in the public interest to accept the Deed of Easement and pay consideration therefore;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Lake Como, County of Monmouth, and State of New Jersey as follows:

SECTION 1: The Council, Borough Clerk and Borough Attorney are hereby authorized and directed to take all steps and execute any documents which are reasonably necessary to accept the Deed of Easement;

SECTION 2: The Treasurer is authorized and directed to issue a check in the amount of \$2,000.00 payable to Kathryn Harth from the Ordinance Number 14-896 Bond proceeds;

SECTION 3: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency;

SECTION 4: If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph,

subsection, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and affective;

SECTION 5: This Ordinance shall take effect upon final passage and publication as provided by law.

SO ORDAINED, as aforesaid.

ADOPTED ON FIRST READING
DATED: June 3, 2015

LOUISE A. MEKOSH,
Borough Clerk

ADOPTED ON SECOND READING
DATED: June 16, 2015

LOUISE A. MEKOSH,
Borough Clerk

APPROVAL BY THE MAYOR ON THIS ____ DAY OF _____, 2015

BRIAN WILTON,
Mayor

BOROUGH OF LAKE COMO, MONMOUTH COUNTY

RESOLUTION NO. 2015-95

**RESOLUTION OF THE BOROUGH OF LAKE COMO COUNCIL
APPROVING THE SETTLEMENT OF DENISE M. O'HARA'S CLAIMS AGAINST
THE BOROUGH OF LAKE COMO**

WHEREAS, on September 4, 2013, Denise M. O'Hara ("O'Hara") filed a Complaint in Lieu of Prerogative Writs in an action entitled Denise M. O'Hara v. Borough of Lake Como, et al., in the Superior Court of New Jersey, Law Division, Monmouth County under Docket No. L-3407-13 (the "Legal Action") and a First Amended Complaint seeking *inter alia* judgment to compel Defendants Borough of Lake Como and Borough of Lake Como Officials Neil Hamilton, John Rowe, Charles Gimbel, Mark Fessler and Bruce Koch to fulfill their responsibilities and perform their official public duties of enforcing certain Borough of Lake Como ordinances, State of New Jersey statutes, and other rules and regulations in connection with a construction project and fence installation at the property located at 2011 Margerum Avenue in Lake Como; and

WHEREAS, on October 21, 2013, Defendants Borough of Lake Como, Neil Hamilton, John Rowe, Charles Gimbel, Mark Fessler and Bruce Koch ("Borough Defendants") filed an Answer to Complaint in Lieu of Prerogative Writs in the Legal Action; and

WHEREAS, O'Hara has offered to resolve the Legal Action amicably and without further litigation; and

WHEREAS, Counsel for the Borough has recommended settlement of this matter pursuant to the terms of the Settlement Agreement attached hereto as Exhibit A; and

WHEREAS, the Borough Council believes a settlement would be in the public interest;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Lake Como, County of Monmouth, State of New Jersey, that it hereby consents to settlement of the dispute on the terms and conditions as specifically set forth in the Settlement Agreement attached hereto; and

BE IT FURTHER RESOLVED, that the Borough Council authorizes and directs the Township Attorney, as well as the Mayor and Borough Clerk, to execute any and all necessary documents;

SO RESOLVED, as aforesaid.

Brian T. Wilton
Mayor

CERTIFICATION

I hereby certify the foregoing Resolution is a true and exact copy of a Resolution adopted by the Lake Como Borough Council at its Meeting held on _____, 2015.

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator

Resolution 2015-94

Be It Resolved that the Mayor and Council of the Borough of Lake Como hereby approved that JMC LLC, t/a PKs Shamrock Pub 415-417 Eighteenth Avenue Lake Como, NJ 07719 be permitted to have live music at their establishment on Monday, July 6, 2015.

Dated: July 7, 2015

Brian T. Wilton
Mayor

Louise A. Mekosh, RMC, CMC, CMFO
Borough Clerk/Administrator