



**LAKE COMO BOROUGH
1740 MAIN STREET
LAKE COMO, NJ 07719
(732) 681-3232
AGENDA**

**DATE: FEBRUARY 26, 2019
7:00PM ALCOHOLIC BEVERAGE CONTROL BOARD MEETING FOLLOWED
BY THE REGULAR MEETING**

MEETING CALLED TO ORDER

Mayor Higgins called the meeting to order at 7:05pm

SALUTE TO FLAG AND MOMENT OF SILENT REFLECTION

SUNSHINE LAW

INTRODUCTION AS REQUIRED UNDER THE SUNSHINE LAW: ADEQUATE NOTICE OF THE MEETING HAS BEEN PROVIDED BY THE NOTICE PUBLISHED IN THE COAST STAR ON FEBRUARY 14, 2019 AND A COPY OF THE SAME WAS GIVEN TO THE ASBURY PARK PRESS AND TAPINTO.

ALCOHOLIC BEVERAGE CONTROL BOARD

ROLL CALL

Douglas Witte	Present
Virginia Kropac	Present
John Carvelli	Present
Hawley Scull	Present
Christopher D'Antuono	Present
David Gardner	Present

Fahey Hospitality Group t/a Joe's Surf Shack Hearing

See attached transcript from Alcoholic Beverage Control Board Hearing.

ALCOHOLIC BEVERAGE CONTROL BOARD MEETING

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TRANSCRIPT
:
IMO: FAHEY HOSPITALITY GROUP :
t/a JOE'S SURF SHACK : OF
:
:
PROCEEDINGS
x-----x

LAKE COMO BOROUGH
1740 Main Street
Lake Como, New Jersey 07719

FEBRUARY 26, 2019
7:05 P.M.

ALCOHOLIC BEVERAGE CONTROL BOARD:

DOUGLAS WITTE	HAWLEY SCULL
VIRGINIA KROPAC	CHRISTOPHER D'ANTUONO
JOHN CARVELLI	DAVID GARDNER

ALSO PRESENT:

KEVIN HIGGINS, Mayor
LOUISE A. MEKOSH, Borough Clerk/Administrator
AMY BONEY, Deputy Borough Clerk
ANDREW HUISMAN, Police Chief
THOMAS COX, Police Captain

A P P E A R A N C E S:

MARGUERITE M. SCHAFFER, ESQUIRE
Municipal Attorney

(Appearances cont'd on Page 2)

Betty Spillane t/a SHORE REPORTING SERVICE, P.C.
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Toms River, New Jersey 08753
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1 A P P E A R A N C E S: (Continued)

2
3 STEPHEN G. SCHUELER, ESQUIRE

4 Acting Municipal Prosecutor

5
6 PRINGLE, QUINN, ANZANO, P.C.

7 BY: JOHN A. HAULENBEEK, ESQUIRE

8 Attorney for Fahey Hospitality Group

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ROBERT FAHEY

By: Mr. Haulenbeek 10

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MR. D'ANTUONO 14

MS. SCULL 15

MR. CARVELLI 17

MS. KROPAC 18

MR. WITTE 19

MAYOR HIGGINS 20

1 MAYOR HIGGINS: It is five minutes
2 after 7 p.m. I am calling the Alcohol Beverage
3 Control Board meeting to order. Please Sunshine Law
4 first, please.

5 MS. MEKOSH: Adequate notice of the
6 meeting has been provided by the notice published in
7 the Coast Star on February 14, 2019 and a copy of the
8 same was posted on the bulletin board and given to
9 the Asbury Park Press and TAPinto.

10 MAYOR HIGGINS: Thank you. Please
11 rise and salute the flag and a moment of silence.

12 (Flag salute and a moment of silence.)

13 MAYOR HIGGINS: Thank you.

14 Roll call, please.

15 MS. MEKOSH: Councilmember Witte.

16 COUNCILMAN WITTE: Yes, here.

17 MS. MEKOSH: Kropac.

18 COUNCILWOMAN KROPAC: Here.

19 MS. MEKOSH: Carvelli.

20 COUNCILMAN CARVELLI: Here.

21 MS. MEKOSH: Scull.

22 COUNCILWOMAN SCULL: Here.

23 MS. MEKOSH: D'Antuono.

24 COUNCILMAN D'ANTUONO: Here.

25 MS. MEKOSH: Gardner.

1 COUNCILMAN GARDNER: Here.

2 MAYOR HIGGINS: At this time I'm going
3 to add to our meeting agenda. I would ask for a
4 motion to go into executive session to discuss legal
5 issues.

6 COUNCILMAN WITTE: So moved.

7 COUNCILWOMAN SCULL: Second.

8 MAYOR HIGGINS: Roll call, please.

9 MS. MEKOSH: Councilmember Witte.

10 COUNCILMAN WITTE: Yes.

11 MS. MEKOSH: Kropac.

12 COUNCILWOMAN KROPAC: Yes.

13 MS. MEKOSH: Carvelli.

14 COUNCILMAN CARVELLI: Yes.

15 MS. MEKOSH: Scull.

16 COUNCILWOMAN SCULL: Yes.

17 MS. MEKOSH: D'Antuono.

18 COUNCILMAN D'ANTUONO: Yes.

19 MS. MEKOSH: Gardner.

20 COUNCILMAN GARDNER: Yes.

21 MAYOR HIGGINS: Okay. At this time
22 we'll be going into executive session to discuss
23 these legal matters and we'll be back when we are
24 finished.

25 (Whereupon, a recess was taken.)

1 MAYOR HIGGINS: Back in session.

2 Okay. The time is 7:30. The ABC
3 Board has returned from executive session. At this
4 time we will open the hearing of charges against
5 Fahey Hospitality Group, trading as Joe's Surf Shack.

6 Mr. Schueler, I believe you have a
7 statement.

8 MR. SCHUELER: Yes. Maybe put
9 counsel's representation here on the record and who
10 he's here to represent.

11 MAYOR HIGGINS: So please give us your
12 name and who you represent, please.

13 MR. HAULENBEEK: Good evening. John
14 Haulenbeek from the law firm of Pringle Quinn Anzano
15 representing the Fahey Hospitality Group.

16 MS. SCHAFFER: And just for the
17 record, the License Number is 1347-33-003-009, and
18 the charges were served on the defendants and
19 obviously they're here represented by counsel.

20 Mr. Schueler.

21 MR. SCHUELER: Thank you.

22 Mayor and Council, please, my name is
23 Stephen Schueler acting as municipal prosecutor.

24 A list of charges dated January 22nd,
25 2019, let's see, was served on the Fahey Hospitality

1 Group. That's F-A-H-E-Y, LLC, trading as Joe's Surf
2 Shack, care of Robert Fahey, Asbury address and also
3 at the establishment of 415-417 18th Avenue in Lake
4 Como.

5 There were four charges listed.
6 Ordinance Violation Count 1, that on 11/12/2018, you
7 violated Borough Code 6-4.1 by permitting the
8 consumption of alcoholic beverages on your licensed
9 premises after 2 a.m.

10 There was Ordinance Violation Count 2,
11 on that same date you violated Lake Como Borough
12 Ordinance 6-4.6 by admitting a person or persons to
13 the licensed premises after 2 a.m., and by failing to
14 turn the exterior lights off.

15 Ordinance Violation Count 3. It was
16 on the same day you violated Lake Como Ordinance
17 6-4.4 by serving alcoholic beverages to an
18 intoxicated person.

19 And lastly, a violation of ABC
20 regulations, on 11/12/18 you violated N.J.A.C., which
21 stands for New Jersey Administrative Code, Section
22 13:2-23.6, by permitting or suffering an act of
23 violence on the licensed premises.

24 Today we had an extensive conversation
25 with Mayor and Council and also with counsel

1 representing the liquor licensee, and there has been
2 an agreement that I'll place on the record, that
3 there will be pleas to admitting Ordinance Violation
4 Count 1, which I just talked about, Ordinance
5 Violation Count 2 which, again, I placed upon the
6 record, and Ordinance Violation Count 3. They will
7 accept all three of those violations.

8 As to the fourth violation, the ABC
9 regulation violation of the New Jersey Administrative
10 Code, the proposal as the Mayor and Council would
11 agree that that charge would be dismissed.

12 So in addition to that, there was a
13 recommendation, and I understand there will be an
14 agreement and I've indicated, Counsel, if there's
15 anything I'm saying that's incorrect or needs to be
16 added to or deleted, he will do that, that starting
17 and commencing on Tuesday, March 5th, at 2 a.m., I
18 think I told counsel 12 a.m., but 2 a.m., that's the
19 normal closing, until the following March 12th, at --

20 MAYOR HIGGINS: That should be the
21 13th, at 2 a.m.

22 MR. SCHUELER: 13th, at 2 a.m. It
23 would be a continuous closing of the licensed
24 premises during that period of time. It's my
25 understanding that that is the agreement.

1 MS. SCHAFFER: Well, Counsel, just so
2 we're clear, that's the proposal we have discussed in
3 executive session and the council is assuming and
4 we'll hear from the other side and both of you agree,
5 we will then --

6 MR. SCHUELER: Correct.

7 MS. SCHAFFER: -- attempt to pass a
8 resolution pertaining to those terms.

9 MR. SCHUELER: Yes. Right. That's my
10 understanding.

11 MAYOR HIGGINS: For the record, it's
12 5th to the 12th, I'm sorry, at 2 a.m.

13 MR. SCHUELER: Yes. Okay. The 12th,
14 at 2 a.m. So just so it's clearly stated once
15 Tuesday, March 5th, at 2 a.m. to the following March
16 12th consecutively, at 2 a.m., that's the
17 understanding.

18 MR. HAULENBEEK: Right. But they will
19 then be able to reopen on the 12th.

20 MAYOR HIGGINS: On the 12th.

21 MR. HAULENBEEK: On the 12th. Just so
22 we're --

23 MR. SCHUELER: And that's my
24 understanding. Counsel, if there's anything --

25 MR. HAULENBEEK: No. That's an

1 accurate representation of the offer, and --

2 MS. SCHAFFER: Mr. Haulenbeek, would
3 you just have Mr. Fahey confirm that he's --

4 MR. HAULENBEEK: I was going to bring
5 him up.

6
7 R O B E R T F A H E Y,
8 having been first duly sworn according to
9 law, upon his oath, testified as follows:

10

11 EXAMINATION BY MR. HAULENBEEK:

12

13 Q. Mr. Fahey, what's your relationship to
14 Fahey Hospitality Group?

15 A. I'm the owner.

16 Q. Along with?

17 A. My brother Chris.

18 Q. Is he also here?

19 A. He is, right behind me.

20 Q. You heard the Borough's prosecutor
21 outline the terms of a settlement agreement. Are
22 those the terms we discussed?

23 A. Yes, they are.

24 Q. And are they acceptable to you?

25 A. Yes.

1 MR. HAULENBEEK: Thank you.

2 MS. SCHAFFER: Are you satisfied with
3 the representation of your attorney?

4 THE WITNESS: Always.

5 MS. SCHAFFER: All right. Thank you.
6 Mayor.

7 MR. SCHUELER: Just a couple
8 questions.

9
10 EXAMINATION BY MR. SCHUELER:

11
12 Q. It's fair and reasonable; is that
13 correct?

14 A. Sure.

15 Q. Nobody is forcing you or threatening
16 you, coercing you?

17 A. No.

18 Q. No other promises have been given to
19 you through this?

20 A. Of course not.

21 MR. SCHUELER: Thank you.

22 MS. SCHAFFER: Thank you.

23 MAYOR HIGGINS: Okay. Thank you.

24 So with that at this time I would look
25 for a resolution from council.

1 COUNCILMAN CARVELLI: Mayor, I'll make
2 a resolution to approve the plea deal for the closing
3 of the licensed premises from March 5th, 2 a.m. to
4 March 12th, 2 a.m. consecutively.

5 MS. SCHAFFER: I just -- I'm sorry.
6 One thing I wanted to make clear that there -- this
7 is not going to be an appealable deal.

8 MR. HAULENBEEK: We understand that.
9 Yes.

10 MAYOR HIGGINS: And with the --

11 MS. SCHAFFER: You have a motion. I
12 understand you now want to have a discussion on the
13 motion?

14 MAYOR HIGGINS: Yes. Do we have to
15 add that they were pleading to certain charges?

16 MS. SCHAFFER: That's been spelled
17 out. They're pleading guilty to 1, 2 and 3.

18 MAYOR HIGGINS: So at this time I will
19 open it to the council for discussion before hearing
20 a second, and I will call upon Mr. Gardner first.

21 COUNCILMAN GARDNER: I just I used to
22 live down on 17th Avenue for quite some time, and
23 when I was in my earlier years in my twenties, I
24 remember the Piranha, how I stood in front of that
25 property. I have some fond memories of that -- that

1 time and how the town was basically then. It was a
2 fun atmosphere. I think we all remember it.

3 One of the -- the, I guess the poor
4 memories I have of that time was I saw one of the
5 worst bar fights in my entire life. I saw somebody
6 get a chair, a standing high-top chair just shoved
7 into somebody's face, the bottom of the chair, I mean
8 straight in the face. It was a brawl about 15
9 people.

10 I know we've come a long way in this
11 town, since things like that were, I guess -- I guess
12 more common. It wasn't a common occurrence that I
13 saw in many places, but it still sticks with me in
14 that property. I still have a memory of seeing that
15 and I think about that. It's one of those traumatic
16 moments I saw. It was maybe a couple feet away from
17 me when this happened.

18 I know we've come a long way, but
19 seeing something like this happen it reminds me that,
20 you know, we still have a long way to go. We have a
21 lot of -- we have a lot of hope. You guys have done
22 a lot of really good things with that property.
23 We're very happy that you've made the changes that
24 you have, some of the businesses surrounding you as
25 well. We're happy with the way the street looks way

1 more than it did three or four years ago.

2 So with that in mind, we hope you
3 continue and just get better with what you're doing.

4 THE WITNESS: We will.

5 MAYOR HIGGINS: Mr. D'Antuono.

6 COUNCILMAN D'ANTUONO: Thank you,
7 Mayor.

8 No. I -- I feel the agreement is
9 fair. It's been an unfortunate incident. I think --
10 do agree with Councilman Gardner that you guys have
11 done a good job in cleaning up the place. It looks
12 great, obviously a lot better than it did.

13 I do think back to when you were here
14 last year coming for the liquor license the first
15 time and some of the things we had discussed into
16 making it more of a, you know, family friendly
17 establishment and I hope in the future we'll see more
18 of the tables in there to -- for people to enjoy the
19 food menu and the emphasis continues to be on that
20 side of the business.

21 I think you guys have done a good job
22 in expanding the menu recently and I've tried some of
23 that and it's been very good. I hope to see, you
24 know, a kids menu for when I bring my family in. I
25 know there's not one right now where you have

1 difficulty getting cups for the kids or something
2 like that, but I just think -- I hope to see those
3 improvements going forward. I think there's, you
4 know, a healthy establishment focused on that side of
5 the business and be more family friendly.

6 THE WITNESS: Okay.

7 MAYOR HIGGINS: Mrs. Scull.

8 COUNCILWOMAN SCULL: Thank you, Mayor.

9 So I have been disappointed. I feel
10 like I was there on your opening day last year and it
11 was great. I was really excited to see all the
12 changes and renovations, and after hearing what you
13 guys kind of presented to us on what your vision was
14 it just sounded so great.

15 And over this past year I've visited
16 several times. And it's been okay, but it's sort of
17 like, oh, when are they going to make these changes
18 that they talked about, and when is this going to
19 happen. And I know they talked about wanting to be a
20 family friendly place. They wanted it to be a place
21 where a grandmother could come get a burger, that
22 kind of thing.

23 And one experience I had relatively
24 recently was I was in there with my kids and got
25 screamed at by your patrons, to leave and go back to

1 Chuck E. Cheese. It was lunchtime during the week,
2 and it was awful. I mean, I've never --

3 THE WITNESS: Can I --

4 COUNCILWOMAN SCULL: Well, let me
5 finish. My children were, like, Mom, they're telling
6 us to go back to Chuck E. Cheese. Should we go
7 there? I mean, I was terrified. It was really
8 scary. Your staff really couldn't do anything about
9 it, because they weren't equipped for it. Like I
10 said, it was in the middle of the day. It should
11 have been a family friendly time, and it wasn't.

12 So I just really hope that -- that you
13 guys can come --

14 THE WITNESS: I do know the lady that
15 approached you and she has some serious issues
16 upstairs.

17 COUNCILWOMAN SCULL: You do know who
18 she was?

19 THE WITNESS: I do.

20 COUNCILWOMAN SCULL: You guys weren't
21 there. You heard about it?

22 THE WITNESS: I know the name and I
23 tracked her down and I spoke to her about it.

24 COUNCILWOMAN SCULL: I appreciate
25 that.

1 THE WITNESS: Yup. And she just -- I
2 have -- I have a five, a three and a one-year-old and
3 I bring them in there all the time. They run around.
4 They do laps around the bar all day long. We have
5 plenty of kids in there, you know, during the week.
6 We added 26 dining -- permanent dining seats from
7 since when we took over. We cut down --

8 MAYOR HIGGINS: Mr. Fahey, I'm just
9 going to stop you for a second, because it is not a
10 testimony point. We're just -- I appreciate -- I
11 appreciate your sentiment. Thank you.

12 COUNCILWOMAN SCULL: So just finishing
13 up, I was saying I'm looking forward to this year. I
14 hope that it becomes, you know, the level that you
15 said it would be, so thank you.

16 MAYOR HIGGINS: Mr. Carvelli.

17 COUNCILMAN CARVELLI: Yeah. I mean,
18 look, if it was up to me there wouldn't be a bar on a
19 residential street, but it's not. But that's your
20 problem to deal with and it's our -- it's our
21 responsibility to take care of our residents and
22 listen to them.

23 There's -- you know, before you guys
24 took over there were a lot of complaints that we
25 fielded up here on a daily basis. There were a lot

1 of promises that were made when you guys were up
2 here, you know, looking to take over. I don't feel
3 that you've lived up to them.

4 You know, you cleaned up the place,
5 and really appreciate that. That said, you know,
6 it's our duty to -- to listen to our residents. It's
7 on a tough street, but that's -- that's your problem,
8 you know. That's -- that's you need to control that
9 and, you know, we're going continue to -- to look out
10 for our residents in that regard. It's a tough
11 street. There's houses. There's homes. And out of
12 all the bars that we have in Lake Como, that's the
13 one that's tucked away in a residential area.

14 And so, you know, I would like it to
15 be a little more of a dining establishment to get
16 away from that party atmosphere. I don't begrudge
17 you for making money and earning a living. That
18 said, not at the expense of our residents.

19 MAYOR HIGGINS: Ms. Kropac.

20 COUNCILWOMAN KROPAC: Yes. I pretty
21 much echo the sentiment that everyone said so far.
22 So I just wanted to add a couple more things. I hope
23 this whole incident has served as a wake up call for
24 you guys, and that going forward when we see you when
25 it's time to renew your liquor license, that you have

1 made some changes resulting from this incident, you
2 know, changes in staffing, management. Like
3 Councilman Carvelli said, possibly some shifts in
4 patronage so that maybe it's just not that bar
5 atmosphere as much or would like to see it more of a
6 family dining establishment, safeguards in place so
7 that this, people, you know, the staff isn't staying
8 till two in the morning, security cameras or, you
9 know, what have you. So I would just hope that you
10 would take that into consideration over the next few
11 months. That's all from me.

12 MAYOR HIGGINS: Mr. Witte.

13 COUNCILMAN WITTE: Yeah. I've been on
14 the council for over 25 years, and during that time
15 that bar has changed owners many times and every time
16 it changed owners the new owners come in here and
17 promise us the sky, and they don't live up to it.
18 And again, this is the same thing that happened with
19 you guys. You said you were going to put more tables
20 in, you're going to do food 60/40. That's not
21 happening.

22 Now, the other establishments that are
23 in Sea Girt and other areas, they're run differently
24 than the ones in our town. That's -- ours should be
25 run the same way as the other ones are. So I hope

1 you start doing that, live up to what you said you
2 were going to do. That's it.

3 MAYOR HIGGINS: Thank you.

4 My sentiments are the same. I do want
5 to thank you. I think the establishment is
6 beautiful. I do, and I think -- I think everybody
7 knows that it's beautiful. I think that it is a
8 tremendous improvement on the previous establishment.
9 I think this is an unfortunate incident. I think
10 that it -- I also want to thank you for working with
11 the council on a resolution to this unfortunate
12 incident, and I'm hoping that with -- along with the
13 comments from the council, that we can move forward,
14 we can put this behind us, and we could make it even
15 nicer than it is. So thank you.

16 MR. SCHUELER: May I please just
17 spread upon the record my personal thanks and I know
18 Mayor and Council as well.

19 MS. SCHAFFER: They didn't agree yet,
20 but if the resolution passes --

21 MR. SCHUELER: 'Cause there was
22 discussion I just wanted to acknowledge Chief Huisman
23 is here, and we have Captain Thomas Cox who have
24 worked -- has worked a lot of this. There's 40 or 50
25 pages worth of reports, recordings and photographs.

1 And then we have four members of the police
2 department here. We have Officer Lieb, we have
3 Officer Allen, we have Officer Tim Yee and we have
4 Detective Michael Yee. So they've been present,
5 they've helped me out, they've assisted and they've
6 been of service to the Mayor and Council. Thank you.

7 COUNCILMAN WITTE: I'll second a
8 motion that was made earlier.

9 MAYOR HIGGINS: So we have a motion, a
10 resolution and a second. Can we have a roll call,
11 please?

12 MS. MEKOSH: Councilmember Witte.

13 COUNCILMAN WITTE: Yes.

14 MS. MEKOSH: Kropac.

15 COUNCILWOMAN KROPAC: Yes.

16 MS. MEKOSH: Carvelli.

17 COUNCILMAN CARVELLI: Yes.

18 MS. MEKOSH: Scull.

19 COUNCILWOMAN SCULL: Yes.

20 MS. MEKOSH: D'Antuono.

21 COUNCILMAN D'ANTUONO: Yes.

22 MS. MEKOSH: Gardner.

23 COUNCILMAN GARDNER: Yes.

24 MAYOR HIGGINS: Resolution passes.

25 Thank you very much.

1 MR. HAULENBEEK: Thank you for your
2 time.

3 MAYOR HIGGINS: Can I have a motion to
4 adjourn the ABC hearing?

5 COUNCILWOMAN SCULL: Motion.

6 COUNCILMAN WITTE: Second.

7 MAYOR HIGGINS: All in favor?

8 THE COUNCIL: Aye.

9 MAYOR HIGGINS: Opposed?

10 We are adjourned.

11 (Meeting concluded at 7:47 p.m.)

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C E R T I F I C A T E

I, COLLEEN M. VAUGHN, a Certified
Court Reporter and Notary Public of the State of New
Jersey, do hereby certify that the foregoing is a
true and accurate Computerized Transcript of the
proceedings as taken stenographically by and before
me at the time, place and on the date hereinbefore
set forth.

/s/ COLLEEN M. VAUGHN, C.C.R., C.C.T.

Dated: February 26, 2019

My Commission Expires on February 26, 2021

Certificate No. 30XI00124100

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REGULAR MEETING OF THE MAYOR AND COUNCIL

Mayor Higgins called the meeting to order at 7:51pm

ROLL CALL

Douglas Witte	Present
Virginia Kropac	Present
John Carvelli	Present
Hawley Scull	Present
Christopher D'Antuono	Present
David Gardner	Present

APPROVAL OF MINUTES

Councilwoman Scull made a motion to approve the minutes from the February 5, 2019 Regular Meeting seconded by Councilwoman Kropac, all are in favor.

COMMUNICATIONS

None on the agenda

REPORTS OF COMMITTEES

- Councilman Gardner reported that all matters are in order.
- Councilman D'Antuono reported that all matters are in order.
- Councilwoman Scull reported that all matters are in order.
- Councilman Carvelli reported that all matters are in order.
- Councilwoman Kropac reported that the Finance Committee is working on the budget and that there will be a resolution at the next meeting for the Community Development Block Grant project. All other matters are in order.
- Councilman Witte reported that all matters are in order.
- Mayor Higgins reported that starting March 1, 2019, bulk pick up will move from Fridays to Mondays. All other matters are in order.

UNFINISHED BUSINESS

Special Events Permit Application

Spring Lake 5

Tabled from February 5, 2019 Meeting

Councilwoman Kropac made a motion to approve the application with the fees waived, seconded by Councilman Witte, roll call vote as follows:

Yes: Councilmembers Witte, Kropac, Scull and D'Antuono

No: Councilmember Carvelli and Gardner

Abstain: None

Absent: None

PUBLIC COMMENTS ON THE CONSENT AGENDA & NEW BUSINESS

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

Emily Meyers from the Arthritis Foundation came before the Council to discuss the application on the agenda for the Jingle Bell Run. Everything is in order with the application and there are no issues from either the Council or the Police Department.

Councilwoman Scull 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.

No items on the consent agenda

NEW BUSINESS

Special Events Application

Arthritis Foundation Jingle Bell Run

Offered by Councilwoman Kropac, seconded by Councilwoman Scull, all are in favor.

Resolution 2019-59

Awarding Contract for Garbage Collection

Offered by Councilman Carvelli, seconded by Councilwoman Kropac, roll call vote as follows:

Yes: Councilmembers Witte, Kropac, Carvelli, Scull, D'Antuono and Gardner

No: None

Abstain: None

Absent: None

Resolution 2019-60

Payment of Bills

Offered by Councilman D'Antuono, seconded by Councilman Gardner, roll call vote as follows:

Yes: Councilmembers Witte, Kropac, Carvelli, Scull, D'Antuono and Gardner

No: None

Abstain: None

Absent: None

Resolution 2019-61

Payment of NJNG Bill

Offered by Councilwoman Scull, seconded by Councilman Witte, roll call vote as follows:

Yes: Councilmembers Witte, Kropac, Carvelli, Scull and Gardner

No: None

Abstain: Councilman D'Antuono
Absent: None

Ordinance 2019-937

Capital Improvement Ordinance

Second Reading and Public Hearing

Offered by Councilman Carvelli, seconded by Councilman Witte.

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

No Public Comments

Councilman Witte 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, Kropac, Carvelli, Scull, D'Antuono and Gardner

No: None

Abstain: None

Absent: None

Ordinance 2019-938

Fire Prevention Ordinance Amendments

Second Reading and Public Hearing

Offered by Councilman Witte, seconded by Councilwoman Scull.

Councilwoman Scull made a motion to open the meeting to the public, seconded by Councilman D'Antuono, 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.

Roll call vote as follows:

Yes: Councilmembers Witte, Kropac, Carvelli, Scull, D'Antuono and Gardner

No: None

Abstain: None

Absent: None

PUBLIC COMMENTS

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

No Public Comments

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

NEXT MEETING

THE NEXT REGULAR MEETING OF THE MAYOR AND COUNCIL WILL BE HELD ON TUESDAY, MARCH 5, 2019 IMMEDIATELY FOLLOWING THE 7:30PM WORKSHOP MEETING IN THE LAKE COMO MEETING ROOM. ALL MEETINGS ARE OPEN TO THE PUBLIC.

MOTION TO ADJOURN

Councilwoman Kropac made a motion to adjourn, seconded by Councilwoman Scull, 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 OF THE BOROUGH OF LAKE COMO,
RESOLUTION NO. 2019-62
COUNTY OF MONMOUTH, STATE OF NEW JERSEY,
RESOLUTION OF THE BOROUGH COUNCIL AUTHORIZING
CLOSED PORTION OF PUBLIC MEETING

WHEREAS, the Open Public Meetings Act N.J.S.A. 10:4-12b(6) permits the Borough Council to exclude the public from a meeting, or any portion thereof, at which the Council wishes to discuss legal matters; and

WHEREAS, minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentiality, then the minutes shall be made public;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council shall exclude the public from that portion of its February 26, 2019 meeting which pertains to the aforementioned matter, and that such matters that are not covered by the attorney-client privilege will be disclosed to the public if and when confidentiality is no longer required.

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Lake Como, that the public portion of this meeting is hereby closed.

Dated: 02/26/2019

Kevin G. Higgins,
Mayor

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Lake Como Borough Council at its meeting held on February 26, 2019.

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

BOROUGH OF LAKE COMO, MONMOUTH COUNTY

RESOLUTION NO. 2019 - 63

**RESOLUTION FOR THE LAKE COMO BOROUGH COUNCIL ACTING AS
ABC BOARD SUSPENDING RETAIL LIQUOR LICENSE NO. 1347-33-003-009
OF FAHEY HOSPITALITY GROUP LLC T/A JOE'S SURF SHACK**

WHEREAS, Fahey Hospitality Group LLC T/A Joe's Surf Shack ("Licensee") holds Plenary Retail Consumption Liquor License No. 1347-33-003-009; and

WHEREAS, on or about November 12, 2018, the Borough's Police Department observed regulatory and municipal code violations set forth in Incident Report No. 18BEL-23534-OF; and

WHEREAS, charges consisting of one (1) count of violating N.J.S.A. 13:2-23.6 and three (3) counts of violating Borough codes §6-4.1, §6-4.4 and §6-4.6 have been proffered against Licensee, notice of which was given to Robert A. Fahey, its Managing Member, on or about January 22, 2019; and

WHEREAS, Licensee has entered a plea of not guilty on the Notice of Charges; and

WHEREAS, notice of hearing was provided to Licensee and published in accordance with the Open Public Meetings Act, P.L. 1975, C. 231; and

WHEREAS, Stephen Schuler, Esq., Prosecutor for the Borough, met with Licensee's counsel, John A. Haulenbeek and Borough Counsel, whereupon a plea agreement was reached subject to the approval of Council; and

WHEREAS, Licensee appeared with counsel, John A. Haulenbeek, at a hearing held on February 26, 2019 and changed its plea to guilty on counts 1, 2 and 3 provided Council accepts the plea agreement; and

WHEREAS, Stephen Schuler, Esq., Prosecutor for the Borough, presented the plea agreement to which Licensee and its counsel expressed consent; and

WHEREAS, the Mayor and Council believe that good cause exists to accept the plea agreement,

NOW, THEREFORE, BE IT RESOLVED, that License No. 1347-33-003-009 held by Fahey Hospitality Group LLC T/A Joe's Surf Shack, at premises known as 415-417 18th Avenue, Lake Como, New Jersey, shall be suspended for the period commencing March 5, 2019, 2:00 a.m. and continuing to March 12th, 2:00 a.m.; and

BE IT FURTHER RESOLVED, that Count 4 is hereby dismissed; and

BE IT FURTHER RESOLVED, that this agreed upon suspension is not appealable to the Director of the New Jersey Division of Alcoholic Beverage Control or eligible for conversion to a monetary penalty; and

BE IT FURTHER RESOLVED, a copy of this Resolution shall be served upon the Licensee and the record of such service kept in the municipal records.

SO RESOLVED AS AFORESAID.

ADOPTED:

ATTEST:

APPROVED:

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

Kevin Higgins, Mayor

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Lake Como Borough Council at its meeting held on _____, 2019.

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

Borough of Lake Como

1740 Main Street, P.O. Box 569 • Lake Como, New Jersey 07719-0569
(732) 681-3232 • FAX (732) 681-8981

Brian T. Wilton
Mayor

Louise A. Mekosh
17-month Clerk/Administrator

MUST BE TYPED OR PRINTED NEATLY

SPECIAL EVENTS PERMIT APPLICATION

PLEASE COMPLETE THE FOLLOWING INFORMATION, AS REQUIRED BY
BOROUGH ORDINANCE NO. 93-576.

DATE OF EVENT: May 25, 2019

TIME OF EVENT: 8:30 am/pm until 10:00 am/pm

APPLICANT/ORGANIZATION: Friends of the Spring Lake 5, Inc.

APPLICANT ADDRESS: P.O. Box 841
Spring Lake, NJ 07762

TELEPHONE NUMBER: 732-449-3544

DAY OF EVENT CONTACT INFORMATION

PERSON RESPONSIBLE FOR EVENT: Edwin J. Hale, Race Dir
ADDRESS: 2116 Lorraine Ave.
Spring Lake, NJ 07762
PHONE NUMBER: 732-814-9778 (cell)
WILL THERE BE AN ADMISSION CHARGE TO ATTEND?: ✓ YES NO
IF YES, HOW MUCH?: \$ 50.00
LIABILITY INSURANCE COVERAGE? ✓ YES NO
AMOUNT OF COVERAGE: \$ 5,000,000
HAVE YOU APPLIED TO BELMAR & SPRING LAKE? ✓ YES NO
IF NO, WHY? _____

***Certificate of Insurance MUST be submitted with the application**
before application will be reviewed*



Borough of Lake Como

1740 Main Street, P.O. Box 569 • Lake Como, New Jersey 07719-0569
(732) 681-3232 • FAX (732) 681-8981

Brian T. Wilson
Mayor

Louise A. Mekush
Borough Clerk/Administrator

SPECIAL EVENTS PERMIT APPLICATION

LOCATION OF EVENTS AND COMPLETE DETAILS AS TO HOW THE APPLICANT INTENDS TO PROVIDE FOR SECURITY AND TRAFFIC CONTROL:

Race runs along Ocean Ave, North Blvd and turns back into Spring Lake on Main Street

DESCRIBE ALL BOROUGH RESOURCES AND/OR SERVICES THAT WILL BE REQUIRED TO BE PROVIDED IN CONNECTION WITH THE EVENT:

Police Presence at various intersections along race route

APPROXIMATE NUMBER OF CONTESTANTS, PARTICIPANTS, SPECTORS, AND/OR OTHER PEOPLE THAT COULD REASONABLY BE ANTICIPATED TO ATTEND THE EVENT: 12,000

THE BOROUGH OF LAKE COMO RESERVES THE RIGHT TO CANCEL ANY SPECIAL EVENT DUE TO CIRCUMSTANCES BEYOND ITS CONTROL, SUCH AS STORMS OR ANY NATURAL DISASTER.


SIGNATURE OF APPLICANT

1/28/19
DATE

FOR OFFICE USE ONLY

Date Application Received

Received by

Date Application Reviewed & Approved by DPW

Reviewed by

Date Application Reviewed & Approved by Police

Reviewed by

Price from Police Department

Date Approved by Mayor & Council

01-28-19

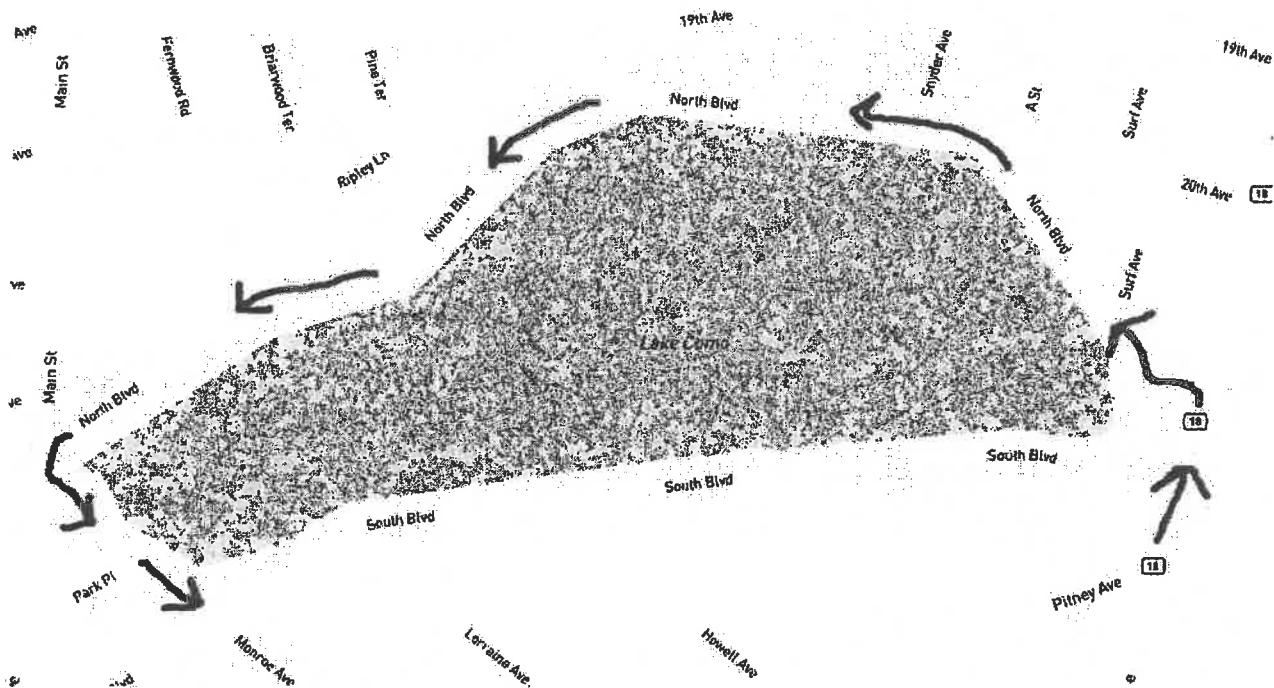
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Sign in or sign up to access your shots across devices and save your favorites forever.



Maps

drivingdirectionsnow.org 1 minute ago expires in 14 days





Borough of Lake Como

1740 Main Street • Lake Como, New Jersey 07719
(732) 681-3232 • FAX (732) 681-8981

Kevin G. Higgins
Mayor

Louise A. McKosh
Borough Clerk/Administrator

MUST BE TYPED OR PRINTED NEATLY

SPECIAL EVENTS PERMIT APPLICATION

PLEASE COMPLETE THE FOLLOWING INFORMATION, AS REQUIRED BY
BOROUGH ORDINANCE NO. 93-576.

DATE OF EVENT: Saturday, December 7, 2019
TIME OF EVENT: 6:30 am/pm until 11:30 am/pm run starts @ 9a
Events with more than 500 participants must begin at 9:00am
APPLICANT/ORGANIZATION: Arthritis Foundation
APPLICANT ADDRESS: 555 Route 1 South, Suite 220
Iselin, NJ 08830
TELEPHONE NUMBER: 732-400-5467

DAY OF EVENT CONTACT INFORMATION

PERSON RESPONSIBLE FOR EVENT: Emily Meyers
ADDRESS: 555 Route 1 South, Suite 220
Iselin, NJ 08830
PHONE NUMBER: 732-400-5467 / 732-492-8381 (cell)
WILL THERE BE AN ADMISSION CHARGE TO ATTEND?: ☒ YES ☐ NO
IF YES, HOW MUCH?: Runners/Walkers - \$30-\$45
\$ Volunteers/Spectators - FREE
LIABILITY INSURANCE COVERAGE? ☒ YES ☐ NO
AMOUNT OF COVERAGE: \$ 1,000,000
HAVE YOU APPLIED TO BELMAR & SPRING LAKE? ☒ YES ☐ NO
IF NO, WHY? NOT APPLICABLE

***Certificate of Insurance MUST be submitted with the application**
before application will be reviewed*



Borough of Lake Como

1740 Main Street • Lake Como, New Jersey 07719
(732) 681-3232 • FAX (732) 681-8981

Kevin G. Higgins
Mayor

Louise A. McKosh
Borough Clerk/Administrator

SPECIAL EVENTS PERMIT APPLICATION

LOCATION OF EVENTS AND COMPLETE DETAILS AS TO HOW THE APPLICANT INTENDS TO PROVIDE FOR SECURITY AND TRAFFIC CONTROL. EVENTS WITH OVER 500 PARTICIPANTS CANNOT USE VOLUNTEERS:

The race will start/end at Bear Anticipation.
The race will begin at 9am. We would like the
police to close the roads.

DESCRIBE ALL BOROUGH RESOURCES AND/OR SERVICES THAT WILL BE REQUIRED TO BE PROVIDED IN CONNECTION WITH THE EVENT:

Police
EMS

APPROXIMATE NUMBER OF CONTESTANTS, PARTICIPANTS, SPECTORS, AND/OR OTHER PEOPLE THAT COULD REASONABLY BE ANTICIPATED TO ATTEND THE EVENT: 700

THE BOROUGH OF LAKE COMO RESERVES THE RIGHT TO CANCEL ANY SPECIAL EVENT DUE TO CIRCUMSTANCES BEYOND ITS CONTROL, SUCH AS STORMS OR ANY NATURAL DISASTER.

DocuSigned by:

Nicole M. Klotner

SIGNATURE OF APPLICANT

2/5/2019

DATE

FOR OFFICE USE ONLY

Date Application Received

Received by

Date Application Reviewed & Approved by DPW

Reviewed by

Date Application Reviewed & Approved by Police

Reviewed by

Price from Police Department

Date Approved by Mayor & Council

2/12/19

A. Boney

2-12-19

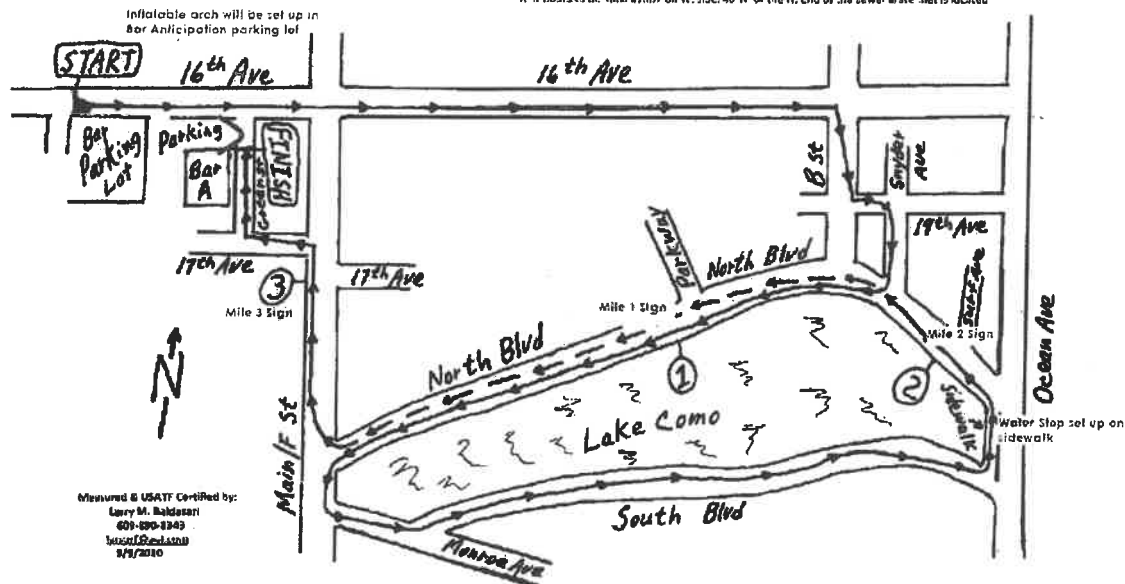
[Signature]

2019 Jingle Bell Run

The Arthritis Foundation's Jingle Bell Run is a fun way to get out, get moving and raise funds and awareness to cure America's #1 cause of disabilities. In communities nationwide, this annual event brings together people from all walks of life to encourage them to live life to the fullest while searching for a cure.

Jingle Bell Run will start and finish at Bar Anticipation in Lake Como. We anticipate 700 runners, walkers, spectators, sponsors and vendors to attend the event. Participants will follow the Lake Como 5K Route, which is below. This route starts on 16th Ave and brings participants around the lake through Lake Como and Spring Lake. The timing company will set up their timing mat on 16th Ave and remove it once all runners/walkers cross it. An inflatable arch will be set up in the Bar Anticipation parking lot. There will be mile marker signs to mark the mile 1, mile 2 and mile 3 spots. A water spot will be set up on the sidewalk across from Ocean Ave. The water stop will consist of a 6ft table, cases of water, cups and garbage bags. Volunteers will ensure no trash is left behind.

LAKE COMO 5K Course Map(not to scale) Lake Como, NJ NJ10023LMB Effective 9/9/2010 to 12/31/2020



LAKE COMO 5K

Course Map(not to scale)

Lake Como, NJ

NJ10023LMB

Effective 9/9/2010 to 12/31/2020

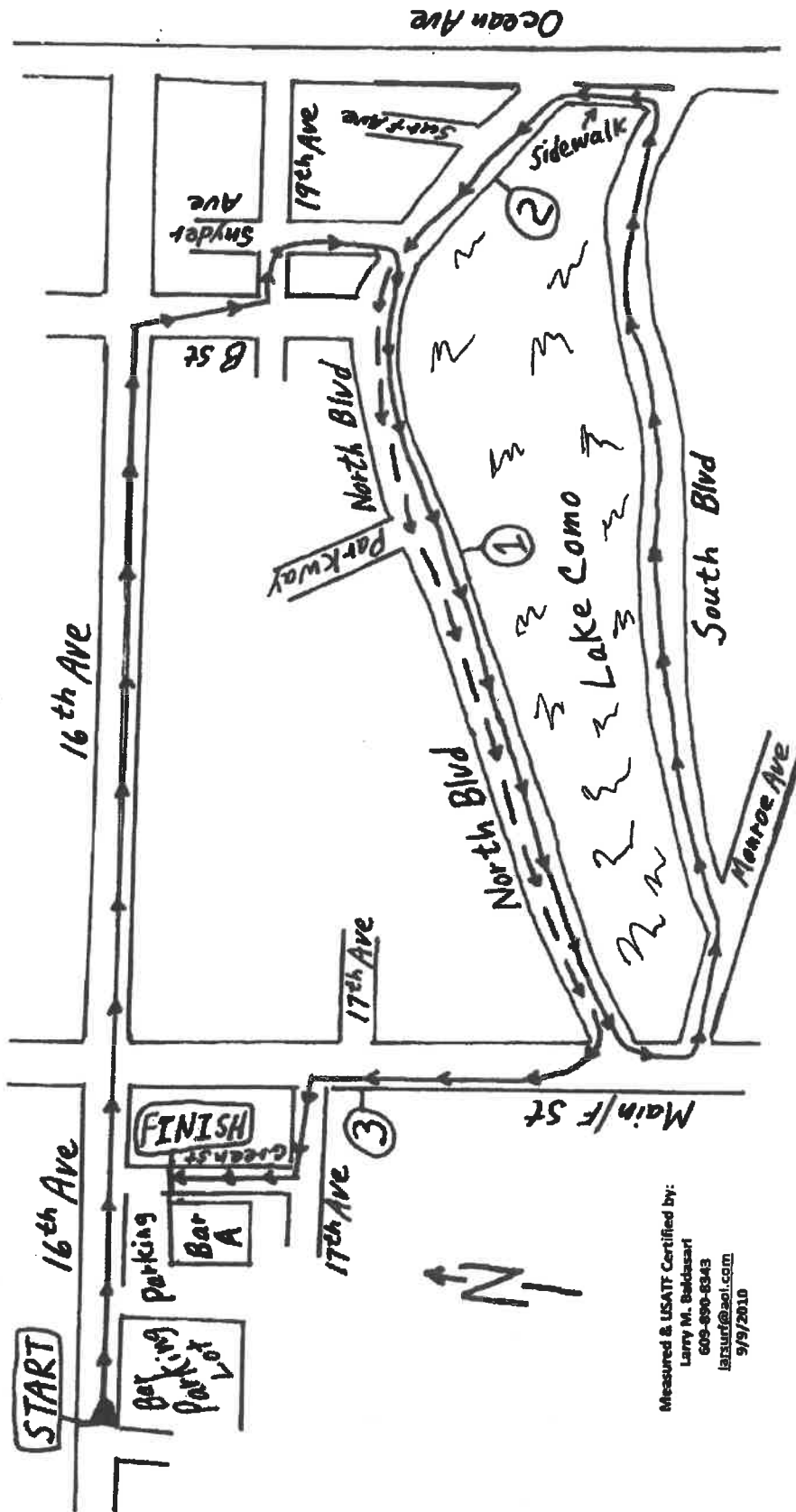
START- On 16th Ave, directly even with the unnumbered light pole(LP) that is located at the E. corner of the Westernmost driveway for Bar Anticipation, a.k.a. Bar A & at the middle of the driveway for building #712 on N. side of street; 54' E. of telephone pole(TP) 3322 on S. side; 38' W. of TP #254 on N. side.

1 MILE- On North Blvd, just W. of Parkway & just E. of the Gazebo on S. side; at the middle of the driveway for house #500; 47' W. of LP #4552 on S. side; 24' E. of the E. end of the sewer grate on S. side; 35' W. of the fire hydrant on N. side.

2 MILE- On North Blvd, directly even with the flagpole that is located at the E. end of the property for house #106; 35' W. of the concrete sign pole for Surf Ave. on N. side; 56' E. of LP #4048 on S. side.

3 MILE- On Main St, in front of building #703; 20' S. of the S. end of the sewer grate on W. side; 30' N. of TP #11 On W. side.

FINISH- On Green St, directly even with the N.E. end of the Bar A building & across from the rear doors to building #1607 on W. side; 40' N. of the N. end of the sewer grate that is located



Measured & USATF Certified by:
 Larry M. Baldassari
 609-890-8343
 latsturf@aol.com
 9/9/2010



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

2/6/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Arthur J. Gallagher Risk Management Services, Inc. 1050 Crown Pointe Pkwy, Suite 600 Atlanta GA 30338	CONTACT NAME: Aisha Arnold PHONE (A/C, No, Ext): 678-393-5214 FAX (A/C, No): 678 393 5241 E-MAIL ADDRESS: Aisha_Arnold@ajg.com														
INSURED The Arthritis Foundation, Inc. 1355 Peachtree St Suite #600 Atlanta GA 30309-2904	<table><tr><th>INSURER(S) AFFORDING COVERAGE</th><th>NAIC #</th></tr><tr><td>INSURER A: Hanover Insurance Company</td><td>22292</td></tr><tr><td>INSURER B: Allmerica Financial Benefit Insurance Co</td><td>41840</td></tr><tr><td>INSURER C: Massachusetts Bay Insurance Company</td><td>22306</td></tr><tr><td>INSURER D:</td><td></td></tr><tr><td>INSURER E:</td><td></td></tr><tr><td>INSURER F:</td><td></td></tr></table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Hanover Insurance Company	22292	INSURER B: Allmerica Financial Benefit Insurance Co	41840	INSURER C: Massachusetts Bay Insurance Company	22306	INSURER D:		INSURER E:		INSURER F:	
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INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES**CERTIFICATE NUMBER:** 1039637513**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
C	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:	Y	Y	ZHA 9115350 08	6/1/2018	6/1/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
B	<input checked="" type="checkbox"/> AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY	Y	Y	AWA 9157701 09	6/1/2018	6/1/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE DED <input checked="" type="checkbox"/> RETENTION \$ 0			UHA 9115355 09	6/1/2018	6/1/2019	EACH OCCURRENCE \$ 20,000,000 AGGREGATE \$ 20,000,000 \$
A B A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) if yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	N/A	WHA 9115352 08 WHA 9144426 08 WMA 9344304 08	6/1/2018 6/1/2018 6/1/2018	6/1/2019 6/1/2019 6/1/2019	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER E.I. EACH ACCIDENT \$ 500,000 E.I. DISEASE - EA EMPLOYEE \$ 500,000 E.I. DISEASE - POLICY LIMIT \$ 500,000
B	Hired Auto Physical Damage			AWA 9157701 09	6/1/2018	6/1/2019	APD Limit \$50,000 Comprehensive Ded. \$1,000 Collision Deductible \$1,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

RE: December 7, 2019 - Jingle Bell Run - Bar Anticipation, Lake Como, NJ.
Borough Of Lake Como Additional Insured as respects to General Liability and Auto Liability policy, pursuant to and subject to the policy's terms, definitions, conditions and exclusions. Waiver of Subrogation applies to the above additional insured's as respects to General Liability, Auto Liability and Workers Compensation coverages, pursuant to and subject to the policy's terms, definitions, conditions and exclusions. Umbrella follows form. Certificate Holder is included as loss payee on Auto physical Damage.

CERTIFICATE HOLDER**CANCELLATION**

Borough Of Lake Como
Attn: Amy Boney
1740 Main Street, PO Box 569
Lake Como NJ 07719

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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RESOLUTION NO. 2019-59
RESOLUTION AWARDING A BID FOR GARBAGE COLLECTION

WHEREAS, the Borough of Lake Como has advertised for bids for garbage collection on December 1, 2018 in the Asbury Park Press and on November 30, 2018 in the Star Ledger; and

WHEREAS, the Borough Clerk has received bids on February 5, 2019, as advertised; and,

WHEREAS, the Mayor and Council hereby award the bid for garbage collection to DeLisa Waste Services, Tinton Falls NJ, for a five year contract, commencing March 1, 2019, ending February 28, 2024, as follows:

Year 1	78,000.00
Year 2	80,600.00
Year 3	83,200.00
Year 4	85,800.00
Year 5	88,400.00
Contract Total	\$416,000.00

NOW, THEREFORE BE IT RESOLVED that the Mayor and Borough Administrator are hereby authorized to execute the contract with DeLisa Waste Services.

BE IT FURTHER RESOLVED that a copy of this resolution shall be published in an official newspaper as required by law within ten (10) days of its passage.

Dated: 2/26/2019

Kevin G. Higgins
Mayor

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

Resolution 2019 – 60

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following accounts:

CURRENT ACCOUNT:

Per Attached Bill List	\$112,008.15
------------------------	--------------

WATER/SEWER ACCOUNT:

Per Attached Bill List	\$ 42,818.00
------------------------	--------------

PAYROLL ACCOUNT:

4392	Employee Payroll Dated 2/6/19	\$ 27,599.03
2200	Employee Payroll Dated 2/6/19	6,836.96
1373	Employee Payroll Dated 2/6/19	123.80
4423	Employee Payroll Dated 2/20/19	28,509.01
2206	Employee Payroll Dated 2/20/19	5,616.89
Wire	State of NJ – PERS	<u>8,330.00</u>
		\$ 77,015.69

TOURISM ACCOUNT:

	Coast Star	\$ 455.84
1373	Lake Como Payroll Account	123.80
	Tap Into Local, LLC	200.00
1374	West Marine	<u>247.56</u>
		\$ 1,027.20

Dated: February 26, 2019

Kevin G. Higgins, Mayor

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

CURRENT ACCOUNT:

All American Turf	PB&G OE	9.98
All American Turf	PB&G OE	69.72
Borough of Belmar	Vision Settlement	17185.00
	Interlocal-Brine Distribution	800.00
C&L Sweeping Service	Streets & Roads OE	875.00
C&L Sweeping Service	Streets & Roads OE	875.00
	Streets & Roads OE	875.00
Coast Star	A&E Print&Advertising	85.75
	Environmental OE	23.80
	Planning Board OE	29.40
CME Associates	Engineering OE	1319.50
CME Associates	Engineering OE	2191.75
Delisa Waste Services	Recycle OE	351.03
Delisa Waste Services	Landfill OE	1992.58
Delta Dental NJ	Insurance Other	686.69
Dental Service Org.	Insurance Other	203.86
Environmental Air	PB&G OE	281.25
Matthew Genna	Refund-CI Fee	120.00
4418 The Hose Shop	Streets & Roads OE	80.00
Image Systems	Collection Taxes OE	65.04
	Assessment Taxes OE	65.04
	Financial OE	65.04
	Planning Board OE	65.04
JCP&L	PB&G OE	7.40
	Street Lighting	2,004.51
JCP&L	PG&GOE	1,114.18
	Public Health	61.47
J. Jimenez	PB&G OE	336.00
Jaeger Lumber	Streets & Roads OE	37.00
4392 LC Payroll Account	S&W	25,213.76
	Social Security	1,933.16
	Medicare	452.11
4423 LC Payroll Account	S&W	26,145.78
	Social Security	1,915.30
	Medicare	447.93
Mail Finance	Collection Taxes OE	71.61
	Finance OE	71.61
Monmouth Cty Public Work	PB&G OE	158.50
Monmouth Cty Public Work	Streets & Roads OE	87.00
G. Marmero & Assoc.	Legal Fees OE	1,095.00
NJ League of Municipalities	A&E Print&Advertising	32.00
Wire NJ Pensions&Benefits	Group Insurance	13485.61
	Due from Payroll	1721.12
Optimum	Telephone	840.54
PWANJ	PB&G OE	75.00
A. Schneider	Plan Bd Escrow-Naval	143.75

	Plan Bd Escrow-Desimone	316.25
	Plan Bd Escrow-Cooper	201.25
	Plan Bd Escrow-O'Neill	201.25
	Plan Bd Escrow-Zero's/BarA	28.75
	Plan Bd Escrow-Roth	28.75
	Planning Board S&W	316.25
SeaBreeze Ford	Streets & Roads OE	1,727.65
Van Wickle Auto Parts	Streets & Roads OE	59.78
Verizon	Public Health	74.81
Verizon Wireless	Const Code OE	42.10
4421 US Postal Service	Collection Taxes OE	3,245.50
		<u>112,008.15</u>

WATER/SEWER ACCOUNT:

Wire	Amboy Trust	BAN Interest	12,971.88
	CME Associates	Ord16-918	5,996.25
	CME Associates	Ord16-918	2,646.75
	Garden State Lab.	OE	276.00
	Image Systems	OE	130.08
2200 LC Payroll Account		S&W	6,836.96
2206 LC Payroll Account		S&W	5,616.89
	Mail Finance	OE	71.61
	Monmouth Cty Public Works	OE	1,571.85
	NJAW	Purchase of Water	6,410.02
2205 NJ-PWT		OE	127.45
	One Call Concept	OE	23.85
	Van Wickle Auto Supply	OE	138.41
			<u>42,818.00</u>

Resolution 2019 – 61

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following account:

CURRENT ACCOUNT:

N.J. Natural Gas

PB&G OE

\$1,424.49

Dated: February 26, 2019

Kevin G. Higgins. Mayor

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

**BOROUGH OF LAKE COMO
ORDINANCE NO. 2019-937**

AN ORDINANCE AUTHORIZING IMPROVEMENTS TO MAIN STREET AND NORTH BOULEVARD WITHIN THE BOROUGH, APPROPRIATING A TOTAL OF \$500,000.00 WHICH WILL BE FUNDED BY A NEW JERSEY DEPARTMENT OF TRANSPORTATION LOCAL AID INFRASTRUCTURE FUND PROGRAM.

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

Section 1. \$500,000.00 is hereby appropriated from the following funding source: State of New Jersey, Department of Transportation, Local Aid Infrastructure Fund program; for Main Street Improvements, including but not limited to the following streets: Main Street and North Boulevard.

Section 2. That the Mayor and Council of the Borough of Lake Como may complete the Improvements to Main Street herein above authorized by appropriate resolution.

Section 3. The capital budget of the Borough of Lake Como 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 details of the amended capital budget and capital program as approved by the Director of the Division of Local Governments Services is on file with the Clerk and is available for public inspection.

Section 4. This ordinance shall take effect when finally passed and published according to law.

Dated: _____

Kevin G. Higgins, Mayor

Attested by:

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

ORDINANCE 2019-938

16-1 ENFORCEMENT OF THE UNIFORM FIRE SAFETY ACT.

16-1.1 Purpose.

The Uniform Fire Safety Act, (P.L. 1983, c. 383) was enacted for the purpose of establishing a system for the enforcement of minimum fire safety standards throughout the State of New Jersey; and the Uniform Fire Safety Act authorized municipalities to provide for local enforcement and to establish local enforcement agencies for that purpose.

It is in the best interest of the Borough of Lake Como South Belmar to have the Uniform Fire Safety Act and the Uniform Fire Safety Code enforced locally. (Ord. No. 2000-679 § 9-2)

16-1.2 Local Enforcement.

Pursuant to Section 11 of the Uniform Fire Safety Act (P.L. 1983, c. 383) the New Jersey Uniform Fire Code shall be locally enforced in the Borough of Lake Como South Belmar. (Ord. No. 2000-679 § 9-2.2)

16-1.3 Agency Designation.

~~The local enforcing agency shall be the Bureau of Fire Prevention which is hereby created in the Department of Emergency Services. (Ord. No. 2000-679 §9-2.2)~~

The local enforcing agency shall be the Borough of Belmar Bureau of Fire Prevention ("Bureau of Fire Prevention"), which is hereby created upon the adoption of this section.

16-1.4 Duties.

The local enforcing agency shall enforce the Uniform Fire Safety Act and the Codes and regulations adopted under it in all buildings, structures and premises within the established boundaries of the Borough of Lake Como South Belmar, shall faithfully comply with the requirements of the Uniform Fire Safety Act and the Uniform Fire Code. (Ord. No. 2000-679 § 9-2.4)

16-1.5 Inspection of Life Hazard Uses.

The local enforcing agency as established by subsection 16-1.3 of this section shall carry out the periodic inspections of life hazard uses required by the Uniform Fire Code on behalf of the Commissioner of Community Affairs. (Ord. No. 2000-679 § 9-2.5)

~~16-1.6 Organization.~~

~~The local enforcing agency established by subsection 16-1.3 of this section shall be a part of the Department of Public Safety and shall be under the direct supervision and control of the Chairperson of Emergency Services. (Ord. No. 2000-679 § 9-2.6)~~

16-1.7 Fire Official

- ~~a. Appointment of Fire Official. The Local enforcing agency shall be under the supervision of a Fire Official who shall be applied by the Mayor and Council.~~
- ~~b. Term of Office of Fire Official. The Fire Official shall serve for a term of three (3) years. (Ord. No. 2000-679 §9-2.7; §9-2.8)~~

16-1.8 Inspectors and Employees

~~Such inspectors and other employees as may be necessary in the local enforcing agency shall be appointed by the Mayor and Council taking into consideration the recommendation of the Fire Official. (Ord. No. 2000-679)~~

16-1.9 Removal from Office

~~Inspectors and other employees of the enforcing agency shall be subject to removal by the Mayor and Council for inefficiency or misconduct. Each inspector and employee to be so removed shall be afforded an opportunity to be heard by the appointing authority or a designated hearing officer. (Ord. no. 2000-679 § 9-2.10)~~

16-1.10 Salaries.

~~The salaries of the Fire Official and inspectors shall be established and maintained through a separate salaries ordinance. The salaries and expenses shall not exceed funds recovered by the Fire Prevention Bureau. (Ord. no. 2000-679)~~

16-2 BUREAU OF FIRE PREVENTION.

16-2.1 Establishment and Duties.

- a. ~~The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention which is hereby established. The Bureau shall be under the supervision of the Borough of Belmar's Fire Official ("Fire Official").~~
- b. ~~The Mayor and Council shall appoint to the Bureau of Fire Prevention one (1) Fire Official. The appointment shall be the same person named as the Fire Official of the local enforcing agency of the Uniform Fire Safety Act pursuant to subsection 16-1.7. In addition, the Director of the Department of Public Safety may appoint up to two (2) fire prevention inspectors.~~
- c. ~~The members of the Bureau shall make, or cause to be made, such fire inspections as are necessary; complete and maintain such records as are required of them by the Chairperson of the Emergency Services.~~
- d. ~~A report of the Bureau of Fire Prevention shall be submitted quarterly to the Chairperson of Emergency Services. The report shall contain all proceedings under this Code which such statistics as the Chairperson of Emergency Services may wish to include therein. The Bureau of Fire Prevention shall also recommend any amendments to the Code which, in its judgment, may be desirable.~~
- e. ~~The Chairperson of Emergency Services shall from time to time adopt such rules and regulations as shall be necessary and proper in respect to the functioning of the Bureau of Fire Prevention.~~
- f. ~~**Duties.** The Bureau of Fire Prevention shall inspect all life hazard uses, multiple dwelling, business/mercantile and all other uses that appear in subsection 16-1.5. (Ord. No. 2000-679 § 9-2.2)~~

16-2.2 Definitions.

As used in this section:

Corporation counsel as is used in the Fire Prevention Code, shall mean the Attorney of the

Borough of ~~Lake Como~~ ~~South Belmar~~.

Habitable room as used in the Fire Prevention Code, shall mean a residential room or space in which the ordinary functions of domestic life are carried on, including bedrooms, living rooms, studies, recreation rooms, kitchens, dining rooms, and other similar spaces, but excluding closets, halls, stairways, laundry rooms, toilet rooms and bathrooms.

Municipality as used in the Fire Prevention Code, shall mean the Director of the Department of Public Safety of the Borough of ~~Lake Como~~ ~~South Belmar~~.
(Ord. No. 2000-679 § 9-2.3)

16-2.3 Appeals.

Whenever a majority of the members of the Bureau of Fire Prevention shall disapprove an application or refuse to grant a permit applied for to the Construction Official and then submitted to the Bureau for review or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the majority of the members of the Bureau of Fire Prevention to the Borough Council within thirty (30) days from the date of the decision appealed. (Ord. No. 2000-679 § 9-1.4)

16-2.4 Penalties.

- a. Any person who shall violate any of the provisions of the Codes hereby adopted or fail to comply therewith, or who shall violate or *tail* to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not less than fifty (\$50.00) dollars, nor more than five hundred (\$500.00) dollars or by imprisonment for not less than five (5) days not more than ninety (90) days or by both such fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that the prohibited conditions are maintained shall constitute a separate offense.
- b. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
(Ord. No. 2000-679 § 9-1.5)

16-3 BOARD OF APPEALS.

Pursuant to Sections 15 and 17 of the Uniform Fire Safety Act, any person aggrieved by any order of the local enforcing agency shall have the right to appeal to the Construction Board of Appeals of the County of Monmouth. (Ord. No. 2000-679 § 9-2.11)

16-4 FIRE INSPECTIONS FEES FOR NON-LIFE HAZARD USES.

- a. *Annual Fire Registration Fees for Non-life Hazard Uses.*

Fire Inspection Fee	\$50.00
Fire Investigation Report	12.00
Multiple Dwellings - 3 units	40.00

additional units	5.00 per unit
Assembly uses- 500 to 1,000 square feet	40.00
Business, mercantile and similar uses	35.00
Storage- each unit	23.00
Temporary and miscellaneous uses	25.00

- b. *Life Hazard Use Fees.* All life hazard uses fees are established and maintained through the State of New Jersey.
(Ord. No. 2000-679 § 9-1.6, § 9-1.7)

16-5 FIRE ALARMS.

16-5.1 Definitions.

As used in this section:

False alarm shall mean any fire alarm causing notification to the municipal, Police, Fire or Fire Prevention Bureau through an alarm panel, switchboard or alarm lines or local alarm in a case where no fire exists.

Fire alarm system shall mean a system containing automatic detecting devices which actuate an alarm signal, requiring a response by fire suppression forces. It includes protective signaling systems or devices designed to transmit alarms and supervisory and trouble signals necessary for this protection of life and property.
(Ord. No. 2000-679 § 9-3.1)

16-5.2 Alarm System Permit Required.

Any person or business desiring to install an alarm system on the premises shall apply for an alarm system permit by writing to the Construction Official. (Ord. No. 2000-679 § 9-3.2)

16-5.3 Permit Applications.

Application forms issued by the Construction Official or Fire Subcode Official shall include the following information. The owner shall be responsible for transmitting the following information in writing or on forms provided to the fire agency to which the alarm or signal is sent:

- The owner's name and the address of the location of the alarm system;
- A description of the alarm system;
- An acknowledgment that the applicant consents to Municipal/Fire Department inspection of the system and the premises where the system is installed in addition to that permitted or required by State law or regulation.
- An agreement to test the fire alarm system in the fire agency representative's presence either annually or as required following transmission of a false alarm.
- An acknowledgment that the system may not be used unless appropriate approval is granted.

A permit shall be issued upon presentation of the permit application if the equipment is in conformance with the above provisions and upon payment of the alarm system permit fee.
(Ord. No. 2000-679 § 9-3.3)

16-5.4 Revocation of Permit; Notice.

The issuing authority may revoke any alarm system permit issued pursuant to this section if the authority determines the alarm system has been operated or maintained in violation of these provisions, or for failure to pay the required fee.

The owner of the alarm system must receive written notice of the violation and an opportunity to be heard. (Ord. No. 2000-679 § 9-3.4)

16-5.5 Inspection of Alarm System.

A Borough of Belmar Fire Official ("Fire Official") qualified by a local enforcing agency shall annually inspect the fire alarm system to ensure the system complies with the operational requirements set forth herein.

Any violations as set forth in the following subsections or defects in the alarm system shall be noted by the Fire Official and a copy of the citations given to the owner. The owner shall have twenty (20) days to correct the violations.

The owner of the alarm system shall maintain on the premises an accurate log of the location and number of alarm systems installed, any defects in, or modifications and repairs to the alarm systems and shall make this log available to the enforcing agency for inspection and evaluation. (Ord. No. 2000-679 § 9-3.5)

16-5.6 Equipment Maintenance.

The fire alarm system and protective equipment shall be tested monthly by the owner.

The owner shall notify the Fire Official reasonably in advance of any test and within twenty-four (24) hours of any defect in or malfunction of the alarm system. (Ord. No. 2000-679 § 9-3.6)

16-5.7 Registration; Operation.

No individual or business shall install, operate or maintain any alarm system unless he has applied for and been granted a permit for such system as follows:

- a. An alarm system shall be deemed registered at such time as a permit is issued therefor.
- b. In successive years, an alarm system shall be deemed registered when the owner of the building in which the system is installed files a completed registration form with the Fire Official.
- c. No further permit shall be required unless or until there is material change in any of the information previously submitted. The owner of the building shall file a revised, amended or supplemental application, at no additional charge, containing accurate current information, within ten (10) days of the change in the original information submitted to the Borough.

(Ord. No. 2000-679 § 9-3.7)

16-5.8 False Alarms.

~~In the case of a false alarm, the local Fire Official shall investigate or cause to be investigated and keep a record of the alarm on file. If an investigation discloses that the false alarm was due to misuse, improper supervision, or equipment malfunction and was not due to an unpreventable, unavoidable outside cause, the Fire Official shall provide notice and order corrective action or that the alarm system be disconnected for a specified period of time~~

~~The Fire Official shall serve on the owner of the building a written order stating the nature of violations and the date by which the violations must be corrected. (Ord. No. 2000-679 §9-3.8)~~

False Alarms/ Notification.

- a. *Fire Alarms.* The Fire Official or designated Fire Inspector shall investigate, or cause to be investigated, the activation of any fire alarm, fire detector or fire protection system occurring within the Borough to determine the cause for such activation and determine if the device and/or equipment have been properly restored to full service.
- b. *Failure to Report.* It shall be a violation for any person or persons, having knowledge of same, to fail to report to the Borough of Belmar Fire Department and/or the Fire Official the activation of any fire protection system or device or to fail to report the occurrence of any fire or attempted arson or to fail to report the spill or leakage of any flammable or combustible liquid or gas or of any hazardous material immediately upon gaining such knowledge.
- c. *Define Fire Alarms; False Alarms; Nuisance Alarm.*
 1. Fire alarm shall be defined as the giving, signaling or transmission to any public fire station, or company or to an officer or employee thereof, whether by telephone, spoken word or otherwise, of information to the effect that there is a fire at or near the place indicated by the person giving, signaling, or transmitting such information.
 2. False alarm shall be defined as the willful and knowing initiation or transmission of a signal, message or other notification of an event of fire when no such danger exists.
 3. Nuisance alarm shall be defined as an alarm caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance, or an alarm activated by a cause that cannot be determined.
 4. Penalty. Any person who maintains or permits to be maintained, any mechanical or electronic fire alarm device which transmits more than three (3) false or nuisance fire alarms (excluding line-trouble signals) within any consecutive twelve (12) month period, after written notification by the Fire Prevention Bureau of Fire Prevention, shall be punished by a fine of two hundred fifty (\$250.00) dollars for the fourth offense. For subsequent false or nuisance fire alarms after the fourth offense in the same calendar year, the fines will progressively increase for each additional offense. In no event, however, shall the fine exceed five hundred (\$500.00) dollars for any one occurrence. All penalties shall be in addition to any court costs that may be required.

16-5.9 Penalties.

Any person who, after receiving notice of the malfunction of the alarm system, and an order and an opportunity to correct, refuses or neglects to comply shall be subject to a penalty as set forth below in addition to any other penalties issued under State law or regulation for improper installation or maintenance:

- a. For the first false alarm following notification-a penalty not to exceed fifty (\$50.00) dollars.
- b. For the second false alarm-a penalty of at least seventy-five (\$75.00) dollars but not to exceed two hundred fifty (\$250.00) dollars.
- c. For the third false alarm-a penalty of at least one hundred seventy (\$170.00) dollars but not to exceed two hundred fifty (\$250.00) dollars.

- d. For the fourth and subsequent false alarms-a penalty of at least three hundred (\$300.00) dollars but not to exceed five hundred (\$500.00) dollars and/or disconnection of the system or imprisonment not to exceed five (5) days.

All penalties should be made payable to the Borough of Lake Como ~~South Belmar~~ Bureau of Fire Prevention. (Ord. No. 2000-679 § 9-3.9)

16-6 FIRE LANES AND FIRE ZONES.

16-6.1 Fire Lanes and Zones on Public and Private Property.

~~Fire lanes and zones shall be determined as follows:~~

- ~~a. The Fire Official may require and designate public and private lanes and fire zones as necessary for the efficient and effective operations of fire apparatus.~~
- ~~b. Fire lanes shall have a minimum width of eighteen (18) feet. (New)~~
- a. Requirement, Designation. Fire lanes shall be designated as follows for the efficient use of the fire apparatus, access for firefighting, and/or the egress of occupants.
 - b. Where Needed. The Fire Official may establish fire areas on property devoted to public and private use, in accordance with N.J.A.C. 5:70- 3.2(a)3, offices, warehouses, factories, restaurants, nightclubs, etc., and similar uses.
 - c. Existing Fire Lanes. Any and all fire lanes created by prior ordinance are hereby continued in effect and when repairs or modifications are made to such fire lanes, they shall be brought into conformity with this code, as much as shall be practical in the appropriate Fire Official's judgment. The standard for exercise of said judgment shall conform to those contained in subsections 28-1.13.6a and b. above.
- d. Markings. The owner shall, within thirty (30) days of being given a notice to do so by the Fire Official, mark the lane(s) as follows:
 - Signs, with minimum dimensions of 12"x18", constructed of metal and with raised red letters a minimum of two (2") inches in size on a white background shall be posted at level of at least seven (7') feet above grade, indicating "FIRE LANE NO PARKING." Spacing signs shall be even with a minimum of one (1) sign for everyone hundred (100') feet when viewed from a position approximately five (5') feet above the ground while in the fire lane.
- e. Definitions: For the purpose of fire lane enforcement, the following terms are defined:
 - Fire area shall mean the same as fire lane.
 - Fire lane shall mean an area necessary to provide safety for the public or to provide proper access for the Fire Department operations in the event of an emergency.
 - No parking shall mean that a vehicle may not be parked within the designated area unless loading or unloading passengers or materials with a time limit of three (3) minutes.
- f. Size. Fire lanes for vehicles access shall be a minimum of eighteen (18') feet in width or as approved by the Fire Official. Fire lanes for egress of occupants shall be a minimum of at

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least the width of the exit way served.

- g. Notification. Once a fire lane has been designated by the Fire Official, approved as provided above and properly marked by the owner of the premises, the Fire Official shall notify the Police Department, Construction Department, and Municipal Court Administrator in writing of the existence and location of the designated fire lane(s).
- h. Restricted Areas. Gates, chains or other approved methods utilized to prevent unauthorized access to fire lanes shall be approved by the Fire Official prior to installation, provided such restrictions will not impeded access by firefighting apparatus. The Fire Official shall determine whether any changes or deviations from the appropriate methods may be utilized.
- i. Installation, Maintenance. Fire lanes shall be installed and maintained by the owner of the premises or a designee in conformity with the provisions of this subsection. Fire lanes in existence prior to the enactment of this subsection. Fire lanes in existence prior to the enactment of this subsection shall be required to conform to the provisions herein at the discretion of the Fire Official. Fire lanes must be accessible for fire apparatus use at all time.
- j. Parking. Standing and Obstruction Prohibited. Designated Fire lane shall be maintained free of snow and obstructions, including vehicles, at all times
- k. Notice of Violation. The Fire Official or designated Fire Inspector(s) may complete a Municipal Summons, or a Notice of Violations, which shall be issued to offenders by personally serving same upon any offender, or if the offender is not attendant to the vehicle(s), shall leave the notice under the windshield wiper or otherwise attached to the vehicle(s) in a manner reasonably calculated to ensure receipt of same by the offender.
- l. This subsection shall supersede any and all provisions of any other ordinance promulgated for the enforcement of parking in fire lanes. Enforcement shall only be done by personnel from the Borough of Belmar. Personnel enforcing these provisions shall be either uniformed or carry appropriate identification.

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16-6.2 Obstructions.

Designated areas shall be maintained free of obstructions by any vehicles or other obstructions.
(New)

16-6.3 Violations.

Any violations of this section shall be cited by the Fire Official or his designee or a Police Officer of the Borough of Lake Como ~~South Belmar~~. (New)

16-6.4 Fire Watch Stand By

Firewatch/Fire Stand By.

- a. Whenever the Fire Official or designated Fire Inspector shall determine that on-site fire inspector(s) or firefighting personnel shall be required for fire watch as a result of fire protection system failure or deficiencies, or fire safety at any occupancy or event to insure the safety of the public or emergency responders, the owner or occupant responsible shall

obtain a permit for the use or event.

- b. The Fire Official or designated Fire Inspector shall determine the number of inspectors and/or firefighting personnel required.
- c. The Fire Official or designated Fire Inspector shall determine the hours that the fire inspector(s) and/or firefighting personnel will be on duty.
- d. The permit fee shall cover the expenses incurred by the ~~Bureau of Fire Prevention and the Borough of Lake Como~~.
- e. The fee for the permit shall include:
 1. Compensation for fire personnel at thirty-five (\$35.00) dollars per hour Monday through Friday 7:00 a.m. to 3:00 p.m. fifty (\$50.00) dollars per hour for holidays, Saturdays, Sundays, and from 3:00 p.m. to 7:00 a.m. weekdays.
 2. Reimbursement rates for other related services, equipment, or expenses shall be provided to the owner by the Fire Official or designated Fire Inspector prior to the scheduled use or event.
 3. The Fire Official or designee(s) shall have the right of access to the premises and area surrounding it without interference from the property owner.
 4. Failure to secure a permit shall be punishable by a penalty equal to amount of the permit plus one hundred (\$100.00) dollars for the first offense, amount of the permit plus two hundred fifty (\$250.00) dollars for the second offense, amount of the permit plus five hundred (\$500.00) dollars for the third and each subsequent offense.
 5. A permit shall be required for each separate event or date of the activity requiring such a permit.
 6. Any occupancy or event requiring fire apparatus and firefighting personnel on site to insure the safety of the public and/or other occupants, and/or to insure the safety of any building and/or exposures shall reimburse the appropriate fire district. Fees shall be one hundred fifty (\$150.00) dollars per required fire apparatus unit per occurrence and twenty-five (\$25.00) dollars per hour per firefighter manning apparatus.

16-6.5 Keybox / KNOX BOX

- a. *Purpose and Intent.* The purpose and intent of these regulations are to require the provision of key boxes for the mutual benefit of property owners and fire personnel responding to fire related alarms, to prevent damage through forceful entry to structures, and to provide swift entry into structures by the Fire Department in the event of a fire alarm. The Borough of Lake Como ~~Belmar~~ also wishes to encourage voluntary compliance by those not required to comply with these regulations, persons doing so will be required to comply with the regulations set forth herein.
- b. *Definitions.* Terms not defined shall have their usual and customary meanings, unless a different meaning clearly appears from the context. The following terms whenever used or referred to in this subsection shall have the following respective meanings, unless a different meaning clearly appears from the context:

Fire alarm system shall be defined as to include, but is not limited to; any and all device or devices which provide fire; and/or smoke; and/or heat detection; and/or carbon monoxide detection and in response to detecting the same activates an alarm and/or sprinkler, and/or extinguishing system.

Keys shall be defined as key, and/or combination codes, and/or any other such entry devices or equipment which may be necessary for access.
- c. All properties within the Borough of Lake Como ~~Belmar~~ having a fire alarm system shall

be equipped with a Key Box. This requirement shall not apply to owner-occupied one (1) and (2) family properties.

- d. The Key Box shall be of an Underwriters' Listed ("UL") type and shall be approved by the Borough of ~~Lake Como~~ Belmar Fire Marshal. The Key Box shall be installed in a location approved by the Borough of Belmar Fire Marshal.
- e. Key Box Contents. Key Boxes may be required to contain any or all of the following, as shall be determined by the Fire Marshal:
 - 1. Keys to all locked points of ingress and/or egress, whether interior or exterior of such structures;
 - 2. Keys to all locked mechanical rooms;
 - 3. Keys to all elevator controls;
 - 4. Keys to all locked elevator rooms;
 - 5. Keys to all fence or secured areas;
 - 6. Keys to all other areas which may be needed to conduct a thorough and complete fire alarm system activation investigation;
 - 7. A floor plan of all rooms within the structure;
 - 8. All access or combination codes to locked points of egress or ingress, whether interior or exterior of such structures.
- f. Time for Compliance. All existing structures shall comply with this subsection within twelve (12) months of its effective date all newly constructed structures for which a certificate of occupancy has not been issued, or structures currently under construction, shall comply immediately.

Associated Costs. All associated costs for the purchase and installation of a Key Box(s) shall be assumed by the property owner.

- h. It shall be a violation of this subsection for any person, except for the property owner or his authorized representative and/or fire personnel to access or alter a Key Box or its contents.
- i. Violations - Penalties. Every person violating the provisions of this subsection shall upon conviction thereof, be subject to a fine of two hundred fifty (\$250.00) dollars plus costs. The property owner shall have ten (10) calendar days, from the date of issuance of a violation, to remedy the violation, if the violation is remedied in this time frame the property owner shall only be subject to a fine of two hundred fifty (\$250.00) dollars plus costs. If the violation is not remedied in this time frame the property owner shall be subject to a fine of two hundred fifty (\$250.00) dollars
Plus costs, plus an additional fine of fifty (\$50.00) dollars per day, calculated from the date of the violation, and continuing until the violation is remedied.

16-6.6 Open Burning

Open burning for any reason is hereby prohibited except where permits have been obtained from the Fire Official. Open burning is defined as the burning of any material, in anything other than an approved device, or in an uncontained manner.

16-6.7 Blocking of Hydrants and Fire Department Connections.

It shall be unlawful to obscure from view, damage, deface, obstruct, or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public

or private streets and access lanes, or on private property. Minimum clearance to any fire hydrant or connection shall be ten (10') feet in all directions.

16-6.8 Requirement of Smoke Detectors and Carbon Monoxide Detectors.

- a. Smoke detectors capable of sensing visible and invisible particles of combustion shall be required on each floor and the basement area in all principal structures on a lot. The smoke detectors shall be approved, listed and labeled by Underwriter's Laboratories Inc. and shall be installed in a manner and location consistent with the requirements of the New Jersey Uniform Construction Code and approved by the Municipal Fire Subcode Official. The smoke detector shall provide an alarm suitable to warn the occupant of the structure when actuated by the presence of smoke therein. Smoke detectors shall be installed as required by the provisions of N.J.S.A. 52:27D-198.1.
- b. Carbon monoxide detectors shall be required in all principal structures which contain fuel-burning appliances or have an attached garage. Standard NFPA-720 requires only one (1) detector per sleeping area. Carbon monoxide detectors shall be approved, listed and labeled by Underwriter's Laboratories Inc., and shall be installed in a manner and location consistent with the New Jersey Uniform Fire Code. The carbon monoxide detector shall provide an alarm suitable to warn the occupant of the structure when actuated by the presence of carbon monoxide therein.

16-6.9 Enforcement, Violations, and Penalties.

- a. Any owner, agency, or person or corporation who shall violate any provision of this Chapter or fail to comply therewith or with any of the requirements thereof, shall be subject to a penalty to be determined by the Fire Official. The effective date of the enforcement provisions set forth in this section shall be twelve (12) months for existing structures and twenty (20) days from the passage of this amendment for new structures.
- b. The Fire Official of the appropriate Local Enforcing Agency shall be responsible to enforce this Chapter as an amendment to N.J.A.C. 5:70 et seq., and penalties may be assessed as provided in the New Jersey Uniform Fire Prevention Code.
- c. The maximum penalty for violation of any provision of this Chapter shall be one thousand (\$1,000.00) dollars or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the Municipal Court Judge. Any fines collected shall belong to the Borough of Lake Como. ~~forwarded to the Belmar Fire Prevention Bureau.~~
- d. Each and every day in which a violation of any provision of this Chapter exists shall constitute a separate violation.
- e. The maximum penalty stated in this section is not intended to state an appropriate penalty for each and every violation. Any lesser penalty, including a nominal penalty or no penalty at all may be appropriate for a particular case or violation, and shall be mandated where a specific penalty is set forth in each subsection herein above.

16-7 FIRE INSURANCE CLAIMS.

16-7.1 Payment of Claims Restricted.

In accordance with the dictates of N.J.S.A. 17:36-8, as amended, the Mayor and Council of the Borough of Lake Como hereby adopts the required ordinance as set forth in N.J.S.A. 17:36-9 whereby the Borough of Lake Como hereby prohibits the payment to a claimant by any insurance company of any claim in excess of two thousand five hundred (\$2,500.00) dollars for fire damages on any real property located within the Borough of Lake Como pursuant to any fire

insurance policy issued or renewed after the effective date of this section, unless and until all taxes, assessments or other municipal liens or charges affecting such property have been paid in full. (Ord. No. 2010-848)

16-7.2 Copy to be Filed.

A copy of this section shall be filed with the State Commissioner of Insurance in accordance with the above-enumerated Statute. (Ord. No. 2010-848)

16-7.3 When Effective.

This section shall take effect immediately upon adoption and publication in accordance with Statute. Ordinance No. 2010-848, codified herein, was adopted September 21, 2010. (Ord. No. 2010-848)

Dated: February 26, 2019

Kevin G. Higgins
Mayor

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