



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

**DATE: MARCH 5, 2019
REGULAR MEETING IMMEDIATELY FOLLOWING THE WORKSHOP**

MEETING CALLED TO ORDER

Mayor Higgins called the meeting to order at 7:31pm

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 ADOPTION OF A RESOLUTION BY THE MAYOR AND COUNCIL ON THE SECOND DAY OF JANUARY 2019 IN WHICH RESOLUTION THE TIME AND PLACE OF AGENDA AND REGULAR MEETINGS COMMENCING WITH JANUARY 2, 2019 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
Virginia Kropac	Present
John Carvelli	Present
Hawley Scull	Present
Christopher D'Antuono	Present
David Gardner	Present

APPROVAL OF MINUTES

There were no minutes to approve at this meeting

COMMUNICATIONS

No Communications 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 announced that the Borough of Lake Como has been awarded the Gardenier Grant to install a vehicle charging station at Borough Hall. Councilwoman Scull reported that she is waiting to hear on

additional funding through the Pay to Plug In grant and asked if a resolution can be added to the next meeting. All other matters are in order.

- Councilman Carvelli reported that all matters are in order.
- Councilwoman Kropac thanked everyone who came out on Sunday for the Belmar/Lake Como St. Patrick's Day Parade. All other matters are in order.
- Councilman Witte turned his reported over to Capt. Cox to report in the Code Red message that went out. Capt. Cox reported that there have been numerous car break ins and 2 car thefts in the area of Belmar and Lake Como recently. Capt. Cox urged all residents to locks their cars and don't leave any property in the vehicle or in the trunk of the vehicle. All other matters are in order.
- Mayor Higgins reiterated what Capt. Cox reported and urged all residents to be sure their vehicles are locked. Mayor Higgins thanks Public Works and the Police Department for all their hard work leading up to and on parade day. All other matters are in order.

UNFINISHED BUSINESS

No Unfinished Business

PUBLIC COMMENTS ON THE CONSENT AGENDA & NEW BUSINESS

Councilwoman Scull made a motion to open the meeting to the public, seconded by Councilwoman Kropac, 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.

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.

NEW BUSINESS

Memorialization of Resolution 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

Offered by Councilwoman Scull and seconded by Councilman D'Antuono. Roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2019-64

Appropriations Transfer

Offered by Councilman Witte and 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 2019-65

Authorizing Project Agreement with CDBG

Offered by Councilwoman Kropac and seconded by Councilman Carvelli. Roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2019-66

Prohibiting the Use of Excessive Force or the Use of Federal Funds for Lobbying (For CDBG Grant)

Offered by Councilwoman Kropac and seconded by Councilman Carvelli. Roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2019-67

Authorizing Purchase of a Toro Heavy Duty Workman through State Contract

Offered by Councilman Carvelli and seconded by Councilwoman Scull. Roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2019-68

Authorizing Purchase of a Ford F-350 4wd Pickup through State Co-Operative Purchasing Agreement

Offered by Councilman Carvelli and seconded by Councilwoman Scull. Roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2019-69

Payment of Bills

Offered by Councilwoman Scull and seconded by Councilman D'Antuono. Roll call vote as follows:

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

No: None

Abstain: None

Absent: None

PUBLIC COMMENTS

Councilwoman Kropac made a motion to open the meeting to the public, seconded by Councilwoman Scull, 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 19, 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 Scull made a motion to adjourn, seconded by Councilwoman Kropac, 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.

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

Resolution 2019 – 64

Whereas, it appears that there was a deficit in budget appropriation reserves for the calendar year 2018 and there is a surplus in other appropriation reserves in the same budget;

Now, therefore, be it resolved by the Mayor and Council of the Borough of Lake Como that there be transferred from the following appropriation reserves the amounts hereinafter set forth:

CURRENT ACCOUNT:

From:

Engineering OE	8-10- 010-201	\$3,300.00
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To:

Landfill/Solid Waste Disposal	8-10- 021-201	\$3,300.00
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Dated: March 5, 2019

Kevin G. Higgins, Mayor

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

RESOLUTION NO. 2019-65

**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK
TO EXECUTE A PROJECT AGREEMENT WITH MONMOUTH COUNTY FOR
PERFORMANCE AND DELIVERY OF FISCAL YEAR 2015 COMMUNITY
DEVELOPMENT PROJECTS**

WHEREAS, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County of Monmouth expects to receive an allocation for Fiscal year 2015 from the United States Department of Housing and Urban Development; and

WHEREAS, the County of Monmouth has submitted its Annual Plan for Fiscal Year 2015 to the U.S. Department of Housing and Urban Development, which included a project thereafter referred to as Main Street Lighting Improvements with a grant allocation of \$41,852.00.

WHEREAS, the Borough of Lake Como hereby met all of the requirements for the release of funds to begin incurring costs for this project; and

WHEREAS, the Borough of Lake Como has filed with the Monmouth County Community Development Program an acceptable timetable for completion and expenditure of grant funds, which is included as an appendix to the Project Agreement.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Municipal Clerk are hereby authorized to execute with the County of Monmouth the attached Project Agreement on behalf of the Borough of Lake Como.

Dated: 3/5/2019

Kevin G. Higgins
Mayor

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

Offered by Councilmember _____, Seconded by Councilmember _____

In the Affirmative:
In the Negative:
Abstained:
Absent:

RESOLUTION 2019-66

**COMMUNITY DEVELOPMENT BLOCK GRANT RESOLUTION
AUTHORIZING THE MAYOR
TO SIGN A CERTIFICATION PROHIBITING THE USE
OF EXCESSIVE FORCE AND A CERTIFICATION PROHIBITING
THE USE OF FEDERAL FUNDS FOR LOBBYING**

WHEREAS, certain federal funds are potentially available to Monmouth County through the House and Community Development Act of 1974, as amended; and

WHEREAS, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY 2015; and

WHEREAS, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

WHEREAS, it is required that the Borough of Lake Como execute a project agreement with Monmouth County to undertake a project known as Main Street Improvements; and

WHEREAS, the US Department of Housing and Urban Development is requiring that the Mayor of the Borough of Lake Como sign additional certifications in order to receive these funds; and

WHEREAS, the Borough of Lake Como has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and

WHEREAS, a copy of that policy is attached to and made part of this resolution.

NOW, THEREFORE, BE IT ORDAINED, that the Borough of Lake Como has met the conditions of receiving a FY 2015 allocation by adopting a policy prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

BE IT FURTHER RESOLVED, that the Mayor and the Borough of Lake Como is hereby authorized to sign the attached certifications which will become a part of the FY 2015 Project Agreement.

Dated: 3/5/2019

Kevin G. Higgins
Mayor

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

Offered by Councilmember _____, Seconded by
Councilmember _____

In the Affirmative:
In the Negative:
Abstained:
Absent:

BOROUGH OF LAKE COMO

RESOLUTION 2019-67

AUTHORIZING PURCHASE OF ONE TORO HEAVY DUTY “WORKMAN” WITH BROYHILL HIGHLIGHT DUMP BODY WITH A UNITED STATES DEPARTMENT OF AGRICULTURE GRANT

WHEREAS, the Mayor and Council of the Borough of Lake Como, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29(c), may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey, State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

WHEREAS, the Borough of Lake Como has the need to purchase one (1) Toro Heavy Duty “Workman” with Broyhill highlight dump body through NJ State Contract #16-X-24053 (contract period of 6/29/16-6/28/19) from Storr Tractor Company, 3191 Route 22, Somerville, NJ 08876, in the amount of \$28,065.02; and

WHEREAS, the Chief Financial Officer has certified that sufficient funds in the total amount of \$28,065.02 are available for the above listed purchases through a USDA grant and Ordinance 2016-918.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Lake Como hereby authorizes the purchase of one (1) Toro Heavy Duty “Workman” with Broyhill highlight dump body through NJ State Contract #16-X-24053 (contract period of 6/29/16-6/28/19) from Storr Tractor Company, 3191 Route 22, Somerville, NJ 08876, in the amount of \$28,065.02.

Dated: 3/5/2019

Kevin G. Higgins
Mayor

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

RESOLUTION 2019-68

Resolution Authorizing the Award of a Contract to National Auto Fleet for the purchase and delivery of Public Works Vehicle

WHEREAS, the Borough of Lake Como has been authorized by the United States Department of Agriculture (USDA) to purchase the following equipment for the Public Works Department through a fully funded grant provided by the USDA:

- Ford Super Duty F-350 4wd pickup - \$40,658.00

WHEREAS, the Borough has researched vendors that would achieve the Borough's goals and determined that the sought after equipment may be procured through a nationally-recognized and accepted cooperative purchasing contract in effect until January 17, 2021 between Sourcewell and National Auto Fleet Group; and

WHEREAS, the Borough of Lake Como is a member of the Sourcewell Cooperative Purchasing Contract (Lake Como ID#43370); and

WHEREAS, P.L. 2011, c. 139, and Local Finance Notice 2012-10 authorized a New Jersey Municipality to purchase goods and services without public bidding under the Local Public Contracts Law through the use of a nationally recognized and accepted cooperative purchasing contract that has been developed utilizing a competitive bidding process by the State of New Jersey; and

WHEREAS, the subject cooperative purchasing contract was awarded by the State of New Jersey to National Auto Fleet Group utilizing a competitive contracting process, Contract Award #RFP120716; and

WHEREAS, pursuant to NJSA 52:34-6.2b(3) (as amended by PL 2011, c. 139) and LFN 2012-10, prior to making purchases under nationally-recognized and accepted cooperative purchasing contracts, the municipality must determine that the use of the cooperative purchasing contract shall result in cost savings after all factors, including charges for service, material and delivery, have been considered; and

WHEREAS, both the USDA and the Borough of Lake Como have determined Lake Como's use of the cooperative purchasing contract to procure the Public Works equipment will result in cost savings to the Borough of Lake Como;

WHEREAS, consistent with the New Jersey cooperative purchasing contract and needs of the Borough of Lake Como, National Auto Fleet Group has submitted proposals to provide all of the above stated equipment for use by the Borough of Lake Como within 120 days of execution of purchase order for same for the sum of \$40,658.00, and;

WHEREAS, the Chief Financial Officer has certified that sufficient funds in the the total amount of \$40,658.00 are available for the above listed purchases through a USDA grant and Ordinance 2016-918:

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

1. The foregoing "Whereas" clauses are hereby incorporated as if fully restated.
2. A contract for the purchase of the following vehicle:
 - o Ford Super Duty F-350 4wd pickup - \$40,658.00

For use by the Borough of Lake Como for the sum of \$40,658.00 is hereby awarded to Sourcewell without public bidding as permitted by law.

3. The Borough Clerk and Public Works Superintendent are hereby authorized and directed to obtain the purchase orders to order the equipment listed with National Auto Fleet Group pursuant to the terms of the nationally recognized and accepted cooperative purchasing agreement with Sourcewell.
4. A copy of this Resolution, the Pay to Play Form and the purchase orders shall be on file in the office of the Municipal Clerk.

A notice of Award shall be advertised in the Coast Star as required by law.

Dated: 3/5/2019

Kevin G. Higgins
Mayor

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

Resolution 2019 – 69

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 \$291,619.99

WATER/SEWER ACCOUNT:

Per Attached Bill List \$ 1,070.23

TOURISM ACCOUNT:

JCP&L \$ 329.40

March 5, 2019

Kevin G. Higgins, Mayor

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

19.69

CURRENT ACCOUNT:

Amco Pest Control	PB&G OE	110.00
Atlantc Fire Safety	PB&G OE	1440.57
Circle Chevrolet	Streets & R Roads OE	67.70
Delisa Waste Services	Recycle OE	2000.00
	Solid Waste OE	6500.00
	Solid Waste/Landfill OE	2574.66
	Recycle OE	250.00
	Solid Waste/Landfill OE	3239.32
Edmunds & Assoc.	Collection of Taxes OE	725.00
	Fianancial OE	600.00
Jaeger Lumber	PB&G OE	13.12
LC Board of Education	School Tax	257471.00
G. Marmero & Assoc.	Legal Services	30.00
Brendan Maas	PB&G OE	75.00
Mon. Mun. Judges Assoc.	Court OE	160.00
NJ Pensions & Benefits	Employeee Group Ins.	13825.29
	Due from Payroll	1741.44
Sean Rydholm	PB&G OE	75.00
Taylor Hardware	PB&G OE	144.81
TCTANJ	Fianancial OE	395.00
USA Bluebook	Streets & Roads OE	119.78
Watchung Spring Water	PB&G OE	62.30
		<hr/> 291,619.99

WATER/SEWER ACCOUNT:

John Cusic	OE	75.00
Edmunds & Assoc.	OE	600.00
Joseph Kelly	OE	75.00
Neofunds	OE	299.01
Taylor Hardware	OE	21.22
		<hr/> 1,070.23