



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

**DATE: OCTOBER 1, 2019  
REGULAR MEETING IMMEDIATELY FOLLOWING THE WORKSHOP**

**MEETING CALLED TO ORDER**

Mayor Higgins called the meeting to order at 7:30pm

**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	Excused Absence
Hawley Scull	Present
Christopher D'Antuono	Present
David Gardner	Excused Absence
Nick DeMauro	Excused Absence

**APPROVAL OF MINUTES**

Minutes from the September 3, 2019 Regular Meeting

**COMMUNICATIONS**

Letter from Amy Francesco Esq.

Re: First Aid Property

- Deputy Borough Clerk, Amy Boney, read a letter from Amy Francesco Esq. regarding the purchase of the First Aid Property.
- Mayor Higgins asked if this can be put on the workshop meeting for the October 15, 2019 meeting.

**REPORTS OF COMMITTEES**

- Councilman D'Antuono reported that all matters are in order.

- Councilwoman Scull thanked everyone for their hard work for Lake Como Day, Frankie Jones, Amy, Tina Lynch, Jen Lindsay, DPW, the Police Department, the Tourism Commission and the sponsors who donated to Lake Como Day. There will be a Halloween Party at Bar Anticipation on Saturday, October 26<sup>th</sup> from 12:00pm – 3:00pm, there will be a complimentary buffet, music, games and prizes as well as candy. All other matters are in order.
- Councilman Witte reported that the next Community Policing Meeting will be held on October 3<sup>rd</sup> at 7:00pm. Councilman Witte also asked if the Council could workshop a discussion on a curfew for Halloween. All other matters are in order.
- Mayor Higgins reported the following:
  - Thank you to all who had to do with Lake Como day this year – We had a planning committee this year – I would like to especially thank Amy Boney, Johnny B from Bar A, Bill Clanton and all the members of the tourism commission, Hawley Scull and our chairperson this year Frankie Jones. In addition, thank you to Brendan and his crew for set up and take down, Joe and John who worked the event, and everyone who helped set up or clean up after. Tony Jones and Kevin Jones for donating their time to the beer truck which they do every year. Also, Noel Vorhees and Tina Lynch for manning the wine and beer tent. I would also like to thank the Belmar Police Department (Captain Tina Scott) who were on hand giving out bike helmet to the boys and girls of Lake Como.
  - Coffee with the Mayor will return this month on Saturday October 19<sup>th</sup> at 9:00 right here in Borough Hall.
  - I have received a few questions from borough residents regarding articles in the Coast Star, one having to do with an application for an open space grant which Spring Lake applied for to clean up the bank on their side of Lake Como. I did want to mention that we plan on applying for the grant next year when we finish with the plans from the environmental committee and their joint project with the school from Brooklyn. Also another article was about Spring Lakes control over the addition of 5G cellular towers on existing telephone poles. The Lake Como Council had a workshop meeting not too long ago where a company was seeking permission to add cell towers on top of existing telephone poles which met with resistance from the council. We have not been approached officially seeking addition of these towers, but we will look into the need for possible legislation controlling the addition of these towers.

All other matters are in order.

### **UNFINISHED BUSINESS**

#### Option to Purchase First Aid Building

- This item of Unfinished Business will be addressed at the October 15, 2019 workshop meeting.

## **PUBLIC COMMENTS ON THE CONSENT AGENDA & NEW BUSINESS**

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

No public comments

Councilman Witte made a motion to close the meeting to the public, seconded by 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.

Resolution 2019-133  
Refund of Overpayment

Councilwoman Scull made a motion to approve the item on the Consent Agenda, seconded by Councilman Witte, all are in favor.

## **NEW BUSINESS**

Resolution 2019-127

Cops in Shops

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

Yes: Councilmembers Witte, Scull and D'Antuono

No: None

Abstain: None

Absent: Councilmembers Kropac, Gardner and DeMauro

Resolution 2019-128

Annual Audit

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

Yes: Councilmembers Witte, Scull and D'Antuono

No: None

Abstain: None

Absent: Councilmembers Kropac, Gardner and DeMauro

Resolution 2019-129

Supporting Amendment to Veteran's Deduction

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

Yes: Councilmembers Witte, Scull and D'Antuono

No: None

Abstain: None

Absent: Councilmembers Kropac, Gardner and DeMauro

Resolution 2019-130

Payment of Bills

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

Yes: Councilmembers Witte, Scull and D'Antuono

No: None

Abstain: None

Absent: Councilmembers Kropac, Gardner and DeMauro

Resolution 2019-131

Payment of NJNG Bills

Tabled to October 15, 2019 meeting

Resolution 2019-132

Authorizing Solicitation of Bids for Recycling Contract

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

Yes: Councilmembers Witte, Scull and D'Antuono

No: None

Abstain: None

Absent: Councilmembers Kropac, Gardner and DeMauro

Ordinance 2019-944

Bamboo Ordinance

Second Reading and Public Hearing

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

Yes: Councilmembers Witte, Scull and D'Antuono

No: None

Abstain: None

Absent: Councilmembers Kropac, Gardner and DeMauro

### **PUBLIC COMMENTS**

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

Debbie Russo of Redmond Avenue came before the Council to address her concerns with the painting of parking brackets and yellow curbs.

Councilman Witte 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, OCTOBER 15, 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 Councilman D'Antuono, 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.



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**From:** Amy Francesco [<mailto:amy@ellislawcenter.com>]  
**Sent:** Wednesday, September 18, 2019 3:34 PM  
**To:** Marguerite Schaffer <[mschaffer@shainlaw.com](mailto:mschaffer@shainlaw.com)>  
**Cc:** Richard Panitch <[rpanitchesq@me.com](mailto:rpanitchesq@me.com)>; Ron <[coyote0110@aol.com](mailto:coyote0110@aol.com)>  
**Subject:** South Belmar First Aid Squad Real Estate Matter

Ms. Schaffer, As per our telephone conversation today, this shall confirm that my client is not able to proceed with this deal as I have been told they unfortunately could not get financing. Please advise if the town is interested in purchasing as per the terms of the agreement that is in effect. I await your response.

Thank you,

**Amy B. Francesco, Esq.**

Law Offices of Herbert I. Ellis, PC

87 South Street

Freehold, New Jersey 07728

P: (732) 308-0200

F: (732) 577-0100

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RESOLUTION 2019-133  
RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES ON 2103 MAIN STREET  
(BLOCK 34 LOT 30)

WHEREAS, a tax overpayment in the amount of \$2,341.32, has resulted from a duplicate payment made by the property owner being applied to property located at 2103 Main Street (Block 34, Lot 30); and

WHEREAS, the Tax Collector has confirmed that a refund of this overpayment is in order;

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Lake Como that a refund of the overpayment of taxes, in the amount of \$2,341.32, be made payable to Mark Donlon and mailed to Mark Donlon, 2 Harmony Lane, Monmouth Junction, NJ 08852; and

BE IT FURTHER RESOLVED that the appropriate Borough officials are authorized to take action in accordance with this resolution.

Dated: October 1, 2019

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Kevin G. Higgins  
Mayor

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

**RESOLUTION NO. 2019-127**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE COPS IN SHOPS  
SUMMER SHORE INITIATIVE 2019 GRANT #AL-19-45-05-01 AWARD**

**WHEREAS**, the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control has received grant funds from the Federal Fiscal Year 2019 National Priority Safety programs which is funded by the Department of Transportation, National Highway Traffic Safety Administration; and

**WHEREAS**, this program is a cooperative effort between the Division of Highway Safety, the Division of Alcoholic Beverage Control and Belmar Police Department; and

**WHEREAS**, it is the intent and spirit of the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control to use the grant to assist local undercover law enforcement officers to join forces with local establishments to deter the sale of alcohol to people under the legal age; and

**WHEREAS**, it is the recommendation of the Lake Como Borough Administrator and the Belmar Police Department to accept this grant award in the of \$7040.00; and

**WHEREAS**, it is the desire of the Mayor and Council to accept this grant.

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

1. The Borough of Lake Como hereby accepts the grant award as set forth in the Cops in Shops Summer Shore Initiative 2019 Grant program in the amount of \$7,040.00.
2. Upon the adoption of this resolution, the Borough Clerk is authorized to forward a certified copy to the Chief of Police.

Dated: 10/1/2019

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Kevin G. Higgins  
Mayor

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



**BOROUGH OF LAKE COMO  
RESOLUTION NO. 2019-128**

**WHEREAS**, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the Fiscal Year 2018 has been filed by a Registered Municipal Accountant with the Borough Clerk as per the requirements of N.J.S.A.40A:5-6, and a copy has been received by each member of the governing body, and

**WHEREAS**, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S.52:27BB-34, and

**WHEREAS**, the Local Finance Board has promulgated NJAC 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed as a minimum, the sections of the annual audit entitled "Comments and Recommendations" and

**WHEREAS**, the Members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto, and

**WHEREAS**, such Resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to NJAC 5:30-6.5, and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the Local Governing Body to the penalty provisions of R.S.52:27BB-52, to wit:

R.S.52-27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.19.

**NOW, THEREFORE, BE RESOLVED** that the Mayor and Council of the Borough of Lake Como hereby states that it has complied with NJAC 5:30-6. and does hereby submit a certified copy of this Resolution and the required affidavit to said Board to show evidence of said compliance.

Dated: 10/1/2019

\_\_\_\_\_  
Kevin Higgins, Mayor

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

SYNOPSIS OF 2018 AUDIT REPORT  
BOROUGH OF LAKE COMO, COUNTY OF MONMOUTH  
AS REQUIRED BY N.J.S.A. 40A:5-7

**RECOMMENDATIONS**

None noted

The above Synopsis was prepared from the report of audit of the Borough of Lake Como, County of Monmouth, State of New Jersey for the calendar year 2018 This report of audit, submitted by Robert W. Allison, Registered Municipal Accountant, is on file at the Borough Clerk's office and may be inspected by any interested person.

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Louise A. Mekosh, Borough Clerk/Administrator

**CORRECTIVE ACTION PLAN**

NAME OF MUNICIPALITY: Borough of Lake Como

COUNTY: Monmouth

Date of Municipal Meeting: October 1, 2019

Contact Person: Louise A Mekosh, 732-681-3232, ext. 202

There were no recommendations noted on the 2018 Municipal Audit. No corrective action plan required.

\_\_\_\_\_  
Louise A Mekosh  
Chief Financial Officer

\_\_\_\_\_  
Kevin G. Higgins  
Mayor

Date: 10/1/2019

**NO PHOTO COPIES OF SIGNATURES**

**GROUP AFFIDAVIT FORM**

**CERTIFICATION OF GOVERNING BODY**

**BOROUGH OF LAKE COMO**

**We, members of the governing body of the Borough of Lake Como, County of Monmouth, of full age, being duly sworn according to law, upon oath depose and say:**

**1. We are duly elected members of the Mayor and Council of the Borough of Lake Como.**

**2. In the performance of our duties, and pursuant to NJAC 5:30-6.5, we have familiarized ourselves with the contents of the Annual Municipal Audit filed with the Clerk pursuant to N.J.S.A.40A:5-6 for the year 2018.**

**3. We certify that we have personally reviewed and are familiar with, as a minimum, the sections of the Annual Report of Audit entitled "Comments and Recommendations".**

\_\_\_\_\_  
**Kevin Higgins, Mayor**

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**Douglas E. Witte, Council President**

\_\_\_\_\_  
**Virginia Kropac, Council Member**

\_\_\_\_\_  
**Hawley Scull, Council Member**

\_\_\_\_\_  
**Christopher D'Antuono, Council Member**

\_\_\_\_\_  
**David Gardner, Council Member**

\_\_\_\_\_  
**Nicholas DeMauro, Council Member**

**Sworn to and subscribed before  
me this \_\_\_\_ day of \_\_\_\_\_, 2019.**

**Louise A. Mekosh  
Notary Public of New Jersey**

**The Municipal Clerk shall set forth the reason for the absence of signature of any members of the governing body.**

**RESOLUTION NO. 2019-129**

**RESOLUTION TO URGE VOTERS TO SUPPORT THE REFERENDUM ON THE ELECTION  
BALLOT IN NOVEMBER, PERMITTING VETERANS OR WIDOWED SPOUSES OF VETERANS  
WHO RESIDE IN CONTINUING CARE RETIREMENT COMMUNITIES (CCRC) TO BE  
ELIGIBLE FOR PROPERTY TAX DEDUCTION**

**WHEREAS**, the State Constitution for New Jersey authorizes veterans and widowed spouses of veterans who served in active duty during war and other times of emergency to receive a property tax deduction, in the amount of \$250 per year, in well-deserved recognition of their service to our country; and

**WHEREAS**, veterans and widowed spouses or veterans who reside in Continuing Care Retirement Communities (CCRC) have been unfairly denied eligibility for the \$250 property tax deduction because they do not own their units, even though they instead contribute to property taxes through a monthly payment, and even though they have made the same sacrifices as all veterans in our great country; and

**WHEREAS**, there are twenty-five CCRC's in the State which collectively house approximately 2,500 veterans or widowed spouses who are being denied the property tax deduction, two of which are located in Monmouth County; and

**WHEREAS**, Senator Vin Gopal has sponsored legislation (S1331), that has been approved by the Senate and General Assembly to extend the deduction to veterans and their widowed spouses in CCRCs;

**WHEREAS**, the extension of the deduction, because it requires an amendment to the State Constitution, must be approved by the voters at the ballot in November before it will become valid and effective; and

**WHEREAS**, the Mayor and Council of the Borough of Lake Como now desire to support the referendum on the ballot in November, and urge the voters of this State to vote in favor of the property tax deduction for veterans and widowed spouses of veterans who reside in CCRCs;

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Council of the Borough of Lake Como urges voters to support the referendum on the ballot in November 2019, so that veterans and widowed spouses of veterans who reside in Continuing Care Retirement Communities (CCRC) will be eligible for the \$250 property tax deduction.

**BE IT FURTHER RESOLVED** that the Mayor and Council of the Borough of Lake Como believes that this small benefit to our veterans and widowed spouses of veterans who reside in CCRC's is a proper and warranted acknowledgement of the tremendous sacrifices that veterans have given to protect and serve our great nation.

Dated: 10/1/19

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Kevin G. Higgins, Mayor

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

Resolution 2019 – 130

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 \$379,957.77

WATER/SEWER ACCOUNT:

Per Attached Bill List \$180,529.23

PAYROLL ACCOUNT:

4533	Employee Payroll Dated 9/4/19	\$ 25,983.09
2243	Employee Payroll Dated 9/4/19	7,289.82
1388	Employee Payroll Dated 9/4/19	129.18
4537	Employee Payroll Dated 9/16/19	25,672.01
2247	Employee Payroll Dated 9/16/19	12,862.19
Wire	State of NJ – PERS	<u>7,335.00</u>
		\$ 79,271.29

TOURISM ACCOUNT:

1388	LC Payroll Account	\$ 129.19
1390	MRT Rental/Big Marks	2,588.25
1391	Advanced Pyrotechnics	<u>2,250.00</u>
		\$ 4,967.44

DOG LICENSE ACCOUNT:

1104	NJ Dept of Health	\$ 1.20
	MGL Printing Solutions	<u>182.00</u>
		\$ 183.20

Dated: October 1, 2019

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Kevin G. Higgins, Mayor

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

Resolution 2019 – 131

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:

NJ Natural Gas Co.	PB&G OE	\$100.71
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Dated: October 15, 2019

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Kevin G. Higgins, Mayor

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

**RESOLUTION 2019-132**

**AUTHORIZING THE BOROUGH CLERK/ADMINISTRATOR  
TO SOLICIT BID PROPOSALS FOR THE RECYCLING COLLECTION  
SERVICE**

**WHEREAS**, the Borough of Lake Como currently contracts out Recycling services and the contract expires 12/31/2019; and

**WHEREAS**, the Borough of Lake Como desires to solicit bid proposals from Recycling contractors interested in providing recycling collection and disposal services for the Borough of Lake Como for either a new three or five year term;

**BE IT RESOLVED** that the Borough Clerk/Administrator is hereby authorized to advertise bids and shall report back to the Mayor and Council after the bids have been received.

Dated: 10/1/2019

\_\_\_\_\_  
Kevin G. Higgin, Mayor

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



**ORDINANCE 2019-944**  
**ORDINANCE OF THE BOROUGH OF LAKE COMO**  
**REGULATING THE PLANTING OR GROWING**  
**OF BAMBOO WITHIN THE BOROUGH**

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF LAKE COMO THAT CHAPTER 10 BE AMENDED AND SUPPLEMENTED AS FOLLOWS:

**SECTION I. PURPOSE AND INTENT.**

The purpose of this Ordinance is to preserve and protect private and public property from the damaging spread of running bamboo grasses and to protect indigenous plants and the wildlife they support from the invasive spread of such bamboo.

**SECTION II. DEFINITIONS.**

- A. Running Bamboo – Any monopodial (running) woody grass from the genera of bamboos including, but not limited to, *Bambusa*, *Phyllostachys* and *Pseudosasa*, as well as common bamboo, golden bamboo and arrow bamboo.
- B. Bamboo Property Owner(s) – Any property owner(s) or tenant(s) who, or which, have Running Bamboo on their property, even if the Bamboo has spread onto their property from an adjoining property.
- C. Borough – The Borough of Lake Como, Monmouth County, New Jersey.
- D. Notice – Any written notice by, from or on behalf of the Borough, notifying the Bamboo Property Owner(s) that they are in violation of this Ordinance and directing them to cure or fix the violation. Such Notice shall be sent by certified mail, return receipt requested, addressed to the owner(s) listed on the current tax address on file with the Borough. A copy may also be posted on the property in question.
- E. Receipt of Notice – Receipt of the Notice required herein shall be the date of mailing said Notice, or, if applicable, posting of the Notice on the property in question, whichever is earlier.

**SECTION III. NO PLANTING OF RUNNING BAMBOO.**

- A. The planting of Running Bamboo is prohibited in the Borough of Lake Como.
- B. Any existing Running Bamboo may not be replanted or replaced after any such existing Running Bamboo has died or been removed.

#### **SECTION IV. REGULATION OF AND LIMITATIONS ON EXISTING RUNNING BAMBOO.**

- A. In the event any species commonly known as “Running Bamboo” is located upon any property within the Borough of Lake Como, prior to the effective date of this prohibition, the owner and occupant of said property shall jointly and severally be required to confine such species to prevent encroachment, spread, invasion or intrusion of same onto any other private or public property or public right-of-way. In lieu of confining the species, the property owner or occupant may elect to totally remove the Bamboo from the property and all affected properties. Failure to properly confine such Bamboo shall require removal as set forth below. The cost of said Removal shall be at the Bamboo property owner’s expense. This duty to confine shall not apply if the property owner and/or occupant can establish to the satisfaction of the Code Enforcement Officer that the Bamboo, which is on his/her property at the time of the adoption of this chapter, originated on another property.
  
- B. This Ordinance shall not be deemed to alter any rights at common law or otherwise that any property owner may have to recover the cost of removal of Running Bamboo on their own property from another property owner from whose property the Running Bamboo has spread.

#### **SECTION V. REMOVAL OF RUNNING BAMBOO.**

- A. In the event Running Bamboo is present on the effective date of this prohibition and a complaint is received by the Borough regarding an encroachment of any Bamboo plant or root, and the Code Enforcement Officer of the Borough, after observation and/or inspection, determines that there is an encroachment or invasion on any adjoining/neighborly private or public property or public right-of-way (hereinafter, “the affected property”), the Borough shall serve notice to the Bamboo property owner in writing that the Bamboo has invaded other private or public property(s) or public right-of-way(s) and demand the removal of the Bamboo from the affected property, and demand approved confinement against future encroachment or, in the alternative, the total removal from the Bamboo property owner’s property. Notice shall be provided to the Bamboo property owner, as well as the owner of the affected property, by certified, return receipt request mail and regular mail. Within 45 days of receipt of such notice, the Bamboo property owner shall submit to the Code Enforcement Officer of the Borough, with a copy to the owner of the affected property, a plan for the removal of the bamboo from the affected property, which plan shall include restoration of the affected property after removal of the Bamboo. Within 120 days of receipt of the Code Enforcement Officer’s approval of the plan of removal and restoration, the removal and restoration shall be completed to the satisfaction of the Code Enforcement Office of the Borough.

- B. If the Bamboo property owner does not accomplish the removal of the Bamboo from such other private or public property or public right-of-way in accordance herewith, the Code Enforcement Officer of the Borough of Lake Como shall cause a citation to be issued with a penalty up to \$200 for each day the violation continues, enforceable through the Municipal Court of the Borough of Lake Como. The Administrative Officer may request, and the Municipal Court may grant, a specific performance remedy. The Borough may also institute civil proceedings for injunctive or civil relief.
- C. If the Bamboo Property Owner fails to comply with the Notice, the Code Enforcement Officer may remove or otherwise control the invasive plant species and the Borough may thereafter recover the cost of such removal from the Running Bamboo Property Owner and place a lien on the property to recover the cost of the removal.
- D. When an encroachment is upon public property or public right-of-way and the Bamboo property owner and/or occupant has not complied with the written notice provided as set forth above, the Borough of Lake Como, at its discretion, may remove or contract for the removal of such Bamboo from the Borough property or public right-of-way. The cost of such removal shall be the responsibility of the Bamboo property owner and occupant and shall be paid or assessed as a lien against the property on which the Bamboo growth originated. The cost of said removal from the Borough-owned property and/or public right-of-way shall include the installation of an appropriate barrier to prevent future Bamboo invasion.

#### **SECTION VI. INSPECTION.**

All places and premises in the Borough of Lake Como shall be subject to inspection by the Code Enforcement Officer to determine compliance with this Ordinance.

#### **SECTION VIII. SEVERABILITY CLAUSE.**

If any part of this Ordinance is found to be unconstitutional, illegal or invalid, for any reason, such unconstitutionality, illegality, or invalidity shall not affect any of the remaining provisions or parts of this Ordinance and those remaining provisions shall remain in full force and effect.

#### **SECTION IX. EFFECTIVE DATE.**

This Ordinance shall become effective thirty (30) days after enactment by Council and written approval by the Mayor.

ENACTED AND ORDAINED this      day of      , 2019.

BOROUGH OF LAKE COMO

\_\_\_\_\_  
Kevin G. Higgins, Mayor

ATTESTED:

\_\_\_\_\_  
Louise A. Mekosh, Borough Clerk

APPROVED this      day of      , 2019.

\_\_\_\_\_  
Kevin G. Higgins, Mayor