



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

**DATE: OCTOBER 20, 2020  
7:30 PM WORKSHOP**

**DISCUSSION ITEMS**

1. Resolution for Sale of Real Property
2. Animal House Ordinance

**PUBLIC COMMENTS ON WORKSHOP ITEMS**

**RESOLUTION OF THE BOROUGH OF LAKE COMO,**

**RESOLUTION NO. 2020-131**

**COUNTY OF MONMOUTH, STATE OF NEW JERSEY,**

**RESOLUTION OF THE BOROUGH COUNCIL  
OF THE BOROUGH OF LAKE COMO  
AUTHORIZING THE SALE OF REAL  
PROPERTY BY PUBLIC AUCTION**

**WHEREAS**, the Borough of Lake Como owns certain undersized real property, namely Lot 1 in Block 26 (the "Property"), and

**WHEREAS**, no capital improvements exist thereon and the Property is not needed for any public purpose; and

**WHEREAS**, all contiguous property owners have been advised in writing of their opportunity to purchase the Property but none of the land owners are willing to purchase same for the fair market value; and

**WHEREAS**, all contiguous property owners will have right to prior refusal to purchase the undersized Property pursuant to N.J.S.A. 40A:12-13.2; and

**NOW, THEREFORE, BE IT RESOLVED** that the Property be sold at public auction, to the highest bidder.

**BE IT FURTHER RESOLVED** that the Borough shall **not** establish a minimum price for the Property, but the Borough shall reserve the right to reject all bids in the event that the highest bid is not accepted; and

**BE IT FURTHER RESOLVED** that the public auction shall be held at the Lake Como Municipal Building, 1740 Main Street Lake Como, NJ 07719, at 6:30 p.m. Tuesday, December 1, 2020. The highest bidder shall be required to execute a contract and provide a check in the amount of ten (10%) percent of the bid, the form of contract can be obtained from the Borough Clerk; and

**BE IT FURTHER RESOLVED** that the highest bid will be reviewed and accepted or rejected by the Borough Council, subject to the right of prior refusal of contiguous property owners, at its public meeting to be held Tuesday, December 1, 2020 at 7:30 p.m; and

**BE IT FURTHER RESOLVED** that the successful bidder shall be required to close title within thirty (30) days from the date when all of the contiguous property owners have declined to exercise their right to prior refusal, time being of the essence.

Dated: 10/20/2020

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Kevin G. Higgins, Mayor

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

### **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 \_\_\_\_\_, 2020.

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

*Borough of Lake Como, NJ  
Monday, October 19, 2020*

## Chapter 11. Rental Housing

### § 11-1. BOND REQUIREMENTS FOR RENTAL PROPERTIES WITH THREE SUBSTANTIATED COMPLAINTS.

#### § 11-1.1. Legislative Findings.

[Ord. No. 94-597 § 1]

The Borough Council finds, determines and declares that:

- a. Lake Como is a resort community and its citizens have experienced disturbances, damage and public expense resulting from carelessly granted and inadequately supervised seasonal rentals to irresponsible vacationers by inept or indifferent landlords.
- b. This section is enacted to preserve the peace and tranquility of the community for its permanent residents, and to maintain the municipality as a viable vacation resort for all persons and families availing themselves of the facilities in the community.
- c. The enactment of this section is necessary and desirable to provide a means to curb and discourage those occasional excesses arising from irresponsible seasonal rentals.
- d. The Legislature of the State of New Jersey enacted N.J.S.A. 40:48-2.12n et seq. to enable certain communities to take effective action to assure that excesses, when they occur, shall not be repeated, and that landlords offering seasonal rentals be held to sufficient standards of responsibility.

#### § 11-1.2. Definitions.

[Ord. No. 94-597 § 2]

As used in this section:

##### **HEARING OFFICER**

shall mean a licensed attorney of the State of New Jersey appointed by the Mayor, subject to the advice and consent of the Borough Council. The hearing officer shall not own or lease any real property within the Borough of Lake Como nor hold any interest in the assets of or profits arising from the ownership of such property.

##### **LANDLORD**

shall mean the person or persons who own or purport to own any building in which there is rented or offered for rent housing space for living or dwelling under either a written or oral lease, including but not limited to any building subject to the "Hotel and Multiple Dwelling Law," N.J.S.A. 55:13A-1 et seq.

##### **SEASONAL RENTAL**

shall mean any rental of residential accommodations for a term of less than one (1) year and including any part of the period extending from May 15 to September 15.

**SUBSTANTIATED COMPLAINT**

shall mean an act of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction in any court of competent jurisdiction.

**§ 11-1.3. Hearing, Penalty.**

[Ord. No. 94-597 § 3]

- a. If in any one year, three complaints, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character.
- b. The Borough Council or any officer or employee of the Borough designated by the Borough Council shall cause to be served upon the landlord, in person or by registered mail, to the address appearing on the tax records of the municipality, notice advising of the institution of such proceedings, together with particulars of the substantiated complaint upon which those proceedings are based, and of the time and place at which the hearing will be held in the matter, which shall be in the Municipal Building, Building Court or such other public place as designated by the Borough Council, and which shall be no sooner than 30 days from the date upon which the notice is served or mailed.
- c. At the hearing convened pursuant to paragraph b above, the hearing officer shall give full hearing to both the complaint of the municipality and to any evidence in contradiction or mitigation that the landlord, if present or represented and offering such evidence, may present. At the conclusion of the hearing the Hearing Officer shall determine whether the landlord shall be required to post a bond in accordance with the terms of this section.
- d. Any bond required to be posted shall be in accordance with the hearing officer, in light of the nature and extent of the offenses indicated in the substantiated complaints upon which the proceedings are based, to be adequate in the case of subsequent offenses to make reparation for:
  1. Damages likely to be caused to public or private property and damages consequent upon disruption of affected residents' rights of fair use and quiet enjoyment of their premises; and
  2. Securing the payment of fines and penalties likely to be levied for such offenses; and
  3. Compensating the municipality for the costs of repressing and prosecuting such incidents of disorderly behavior; provided however, no such bond shall be in an amount less than \$500 nor more than \$5,000. The Borough may enforce a bond thus required in the Superior Court, and shall be entitled to an injunction prohibiting the landlord from making or renewing any lease of the affected premises for residential purposes until that bond or equivalent security, in satisfactory form and amount, has been deposited with the municipality.
- e. Any bond or other security deposited in compliance with paragraph d. above shall remain in force for a period of four years. Upon the lapse of the four-year period, the landlord shall be entitled to the discharge of the bond, unless prior thereto further proceedings leading to a forfeiture or partial forfeiture of the bond or other security shall have been had under subsection **11-1.4** below, in which case the security shall be renewed in an amount and for a period that shall be specified by the hearing officer. A transfer of ownership or control of the property shall not void a requirement for security imposed under this section. The person or persons to whom ownership or control is transferred shall maintain that security and shall be subject to injunctive proceedings as

authorized by paragraph d. above in the same manner as the landlord upon which the requirement was originally imposed; provided however, the Borough Council may by Resolution shorten the period for which security is required to not less than one year from the date of the transfer of ownership or control, if during that year no substantiated complaints are recorded with respect to the property in question.

## § 11-1.4. Bond Forfeiture, Extension.

[Ord. No. 94-597 § 4]

- a. If during the period for which a landlord is required to give security pursuant to subsection **11-1.3** above, a substantiated complaint is recorded against the property in question, the Borough Council or its designee may institute proceedings against the landlord for the forfeiture or partial forfeiture of the security, for an extension as provided in subsection **11-1.3e** above, of the period for which the security is required, or for increase in the amount of security required, or for any or all of those purposes.
- b. Any forfeiture or partial forfeiture of security shall be determined by the hearing officer solely in accordance with the amount deemed necessary to provide for the compensatory purposes set forth in subsection **11-1.3d** above. Any decision by the hearing officer to increase the amount or extend the period of the required security shall be determined in light of the same factors set forth in subsection **11-1.3d** above, and shall be taken only to the extent that the nature of the substantiated complaint or complaints out of which proceedings arise under this section indicates the appropriateness of such change in order to effectually carry out the purposes of this section. The decision of the hearing officer in such circumstances shall be enforceable in the same manner as provided in subsection **11-1.3d** above.

**ORDINANCE NO. 2020-36**

**ORDINANCE OF THE MAYOR AND BOROUGH COUNCIL OF THE  
BOROUGH OF BELMAR, COUNTY OF MONMOUTH, STATE OF  
NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 26-11  
OF THE BOROUGH CODE ENTITLED "ARTICLE III RENTAL  
PROPERTY"**

WHEREAS, the Mayor and Council of the Borough of Belmar (hereinafter referred to as "Belmar") has reviewed Chapter 26-11 of the Borough Code entitled "Article III Rental Property" in order to confirm whether any provisions therein should be updated.

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

**SECTION I.** Chapter 26, Section 11, shall be amended as follows:

**26-11.2 Definitions**

For the purposes of this section, the following meanings shall apply:

**SUBSTANTIATED COMPLAINT**

Shall mean an act of disorderly, indecent, tumultuous or riotous conduct, including by way of example but not limited to, simple assault, terroristic threats, harassment, urinating in public, lewdness, criminal mischief, excessive noise, petty disorderly offense, or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly conduct upon or in proximity to any seasonal rental premises, and attributed to the acts or incitements of any of the tenants of those premises which have been substantiated by prosecution and conviction and/or guilty plea in any court of competent jurisdiction. For purposes of this definition, the phrase "upon or in proximity to" shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways, or adjoining properties.

**26-11.3 Hearing Penalty**

- a. If, in any 24 month period, two complaints, as defined in subsection 2-11.2 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, excessive noise, a petty disorderly offense, or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character, or of a character actionable under this ordinance. For purposes of this definition, the phrase “upon or in proximity to” shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways, or adjoining properties.

#### 26-11.7 Revocation or Suspension of licenses

1. Causes: Any license granted or issued pursuant to Ordinance §26.3 et seq. may be suspended or revoked as provided herein after notice and hearing for any of the following causes:
  - a. In the event any tenant or occupant of any individual living unit upon the licensed premises is charged with a violation of a Borough Ordinance, notice of the pending charge will be given by mail to the licensee and the person designated to receive notices on the behalf of the licensee’s behalf. In the event two (2) such complaints are issued during one (1) licensing year and result in convictions and/or guilty pleas in Municipal Court, then such convictions and/or guilty pleas may be grounds for suspension or revocation of the license. In the event the owner of the licensed premises is the complaining party and said complaint results in a conviction -in municipal court, such conviction shall not be counted as a complaint for purposes of license suspension or revocation.





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(732) 681-3232  
AGENDA**

**DATE: OCTOBER 20, 2020 – VIRTUAL MEETING  
REGULAR MEETING**

**MEETING CALLED TO ORDER**

**SALUTE TO FLAG AND MOMENT OF SILENT REFLECTION**

**SUNSHINE LAW**

Introduction as required under the Sunshine Law: Adequate notice of this meeting has been provided by the adoption of a Resolution by the Mayor and Council on the seventh day of January 2020 in which Resolution the time and place of Agenda and Regular Meetings commencing with January 7, 2020 were set forth. Notice of same was delivered to the Asbury Park Press and the Coast Star and a copy of the notice was posted on the bulletin board in Borough Hall. All meetings are open to the public. Notice of the virtual meeting was noticed to the papers on October 16, 2020 and a copy of the notice was posted on the bulletin board in Borough Hall and posted on the website. All meetings are open to the public.

**ROLL CALL**

Douglas Witte  
Virginia Kropac  
Hawley Scull  
Christopher D'Antuono  
David Gardner  
Nick DeMauro

**APPROVAL OF MINUTES**

Minutes from the September 15, 2020 and October 6, 2020 Regular Meetings

**COMMUNICATIONS**

**REPORTS OF COMMITTEES**

**UNFINISHED BUSINESS**

**PUBLIC COMMENTS ON NEW BUSINESS**

### **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 2020-127  
Best Practices Survey

Resolution 2020-128  
Declaring Halloween Curfew

### **NEW BUSINESS**

Resolution 2020-129  
Payment of Bills  
Offered by Councilwoman Scull

Resolution 2020-130  
Executive Session – Contractual Discussion  
Offered by Councilman D’Antuono

Resolution 2020-131  
Sale of Real Property  
Offered by Councilwoman Kropac

Ordinance 2020-951  
Amending Noise Restrictions  
Second Reading and Public Hearing  
Offered by Councilman Witte

### **PUBLIC COMMENTS**

### **NEXT MEETING**

The next regular meeting of the Mayor and Council will be held on **MONDAY, NOVEMBER 16, 2020**, immediately following the 7:30pm Workshop meeting and the location is to be determined. All meetings are open to the public.

### **MOTION TO ADJOURN**

MOTION:  
SECOND:  
ALL IN FAVOR:  
OPPOSED:

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**RESOLUTION NO. 2020-127**

**RESOLUTION CONFIRMING THE SUBMISSION OF THE BEST PRACTICES CHECKLIST INVENTORY TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES ON BEHALF OF THE BOROUGH OF LAKE COMO**

**WHEREAS**, Local Finance Notice 2020-20 requires the municipality to submit by November 3, 2020 to the Director of the Division of Local Government Services a report describing the municipality's compliance with the "Best Practices Inventory" established by the Director of the Division of Local Government Services, and

**WHEREAS**, the report as required was submitted by the Chief Financial Officer on October 8, 2020 and the law allows the municipality to have the Best Practices Checklist available to review at their regular public meeting scheduled on or after the Best Practices checklist submission, and

**WHEREAS**, the members of the governing body have received the Best Practices Inventory 2020 questions and the answers as submitted; and

**WHEREAS**, the Borough of Lake Como has achieved a Positive Credit based on its responses which will entitle the Borough of Lake Como to 100% of the eligible State Aid; and

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Lake Como, that the Local Government Best Practices Checklist, as completed by the Chief Financial Officer, is hereby approved.

DATED: 10/20/20

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Kevin G. Higgins, Mayor

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

## 2020 Best Practices Inventory Online Platform

### Lake Como Borough

#### Printable Current Answers

001	Core Competencies	Personnel	
<p>The Fair Labor Standards Act (FLSA) is a federal law requiring that overtime pay must be paid for all hours over 40 hours in a work week except for those employees classified as exempt and thus not entitled to overtime. Management employees such as elected officials, managers/administrators, municipal clerks, CFOs, public works superintendents, police chiefs and other department heads are typically classified as having exempt status and thus not entitled to overtime pay. Other municipal employees may also be classified as exempt under the FLSA (please consult labor counsel for detailed guidance). Exempt status also precludes overtime pay for time worked during emergencies, attendance at night meetings and participation in training sessions. Compensated leave time in lieu of cash payments is considered a form of overtime pay unless such leave is utilized in the same pay period. Does your municipality not pay overtime to employees classified as exempt under the FLSA?</p>			[1.00] Yes
002	Core Competencies	Personnel	
<p>Has your municipality reviewed and updated its employee personnel manual/handbook by resolution or ordinance within the past three years or upon the conclusion of each of your municipality's collective negotiated agreements (CNAs)? If yes, please provide in the Comments section the date of the meeting at which the personnel manual was updated. If not yes, please type "Did Not Answer Yes" into the comment box.</p>			[1.00] Yes Comment: 9/18/2018
003	Core Competencies	Budget	
<p>Does your municipality complete an initial draft of its annual budget no later than the first week of January (or first week of July if an SFY municipality), and obtain input in crafting the draft budget from elected officials and department heads as appropriate to the form of government?</p>			[1.00] Yes
004	Core Competencies	Budget	
<p>Has your municipality created an accumulated absence liability trust fund pursuant to N.J.A.C. 5:30-15.5?</p>			[1.00] Yes

005	Core Competencies	Budget	
Does your municipality annually review 1) its fee schedules against revenue collected, and 2) its fee ordinance(s) to determine whether fees need to be brought more in line with expenses?			[1.00] Yes
006	Core Competencies	Financial Administration	
The Government Electronic Payment Acceptance Act (N.J.S.A. 40A:5-43 et seq.) and its implementing regulations (N.J.A.C. 5:30-9.1 et seq.) set forth requirements for municipalities accepting credit cards, debit cards, and other electronic fund transfer mechanisms as means of collecting payment. In part, N.J.A.C. 5:30-9.9 limits any surcharges or convenience fees charged by a municipality for handling and processing the transaction. Is your municipality adhering to N.J.A.C. 5:30-9.9 when charging surcharges or convenience fees relating to electronic payment acceptance?			[1.00] Yes
007	Core Competencies	Capital Projects	
Has your municipality adopted a capital program as defined by N.J.A.C. 5:30-4.2, meaning a moving, multi-year plan and schedule for capital projects (including prospective financing sources) and, when pertinent, first year operating costs and savings?			[1.00] Yes
008	Core Competencies	Capital Projects	
If your municipality charges administrative fees for off-duty police traffic safety personnel on a public works or utility project, are such fees set by ordinance at an amount not exceeding the municipality's actual costs for administering the off-duty work? See Local Finance Notice CFO 2000-14 for further guidance.			[1.00] N/A Comment: We do not have a police department. We have a contract with Belmar for police services.
009	Core Competencies	Transparency	
Are your municipality's codified and uncoded ordinances, including all current salary ordinances, available online?			[1.00] Yes

010	Best Practices	Transparency	
Does your municipality have an official social media account or accounts and, if so, is there a written policy establishing guidelines on access, use, and permitted content?			[0.50] Yes
011	Core Competencies	Procurement	
Do your municipality's professional services contracts include a "not to exceed" amount?			[1.00] Yes
012	Best Practices	Procurement	
If your municipality contracts with an insurance broker for health insurance, and said contract exceeds the Local Public Contracts Law bid threshold, is your municipality's health insurance broker being procured through a competitive contracting or sealed bid process conducted pursuant to the Local Public Contracts Law?			[0.50] N/A Comment: We do not have an insurance broker-insurance is purchased from the NJ Health Benefits program.
013	Best Practices	Procurement	
Insurance broker fees dependent on the amount of health insurance premiums or fees paid by the municipality are vulnerable to abuse as brokers could face conflicting incentives in seeking lower-cost health insurance alternatives. If your municipality contracts with an insurance broker for health insurance, is the structure for broker payments set at a flat-fee rather than on a commission basis to mitigate the risk of a broker recommending more expensive health insurance coverage to earn higher fees?			[0.50] N/A

014	Core Competencies	Cybersecurity	
A cybersecurity incident response plan is a set of instructions to help detect, respond to, and recover from network security incidents. These plans address areas such as cybercrime, data loss, and service outages. Does your municipality have a cybersecurity incident response plan?			[1.00] Yes Comment: The borough participates in the cybersecurity program through our JIF, which provided the guidelines for an incident response plan as well as training.
015	Core Competencies	Cybersecurity	
Are all municipal employees receiving ongoing cybersecurity training in malware detection, password construction, identifying security incidents and social engineering attacks?			[1.00] Yes
016	Core Competencies	Ratables/PILOTs	
Before formalizing negotiations and entering into a Long-Term Financial Agreement, does your municipality have at least one staff member or contractually-retained professional evaluate all proposed Long-Term PILOTs to assure that the proposed agreement is a net-benefit to the municipality?			[1.00] N/A
017	Best Practices	Environment	
If your municipality has a combined sewer overflow (CSO) system, has the conversion to a non-CSO overflow system been incorporated into your municipality's capital improvement program? If your municipality does not have a CSO system, is it undertaking affirmative measures to reduce stormwater runoff? Non-CSO municipalities answering Yes should explain these measures in the Comment Box.			[0.50] Yes Comment: Lake Como is part of a sewer authority. The sewer authority operates the system and maintains the sewer overflow system.

018	Core Competencies	Financial Administration	
Pursuant to N.J.S.A. 40A:5-14(d), a local unit's investment policies shall be based on a cash flow analysis prepared by the CFO, with those policies being commensurate with the nature and size of the funds held by the local unit. Has your municipality conducted a cash flow analysis of its deposited and invested funds, and, based on that analysis, does your municipality's cash management plan set policies for your municipality's investments that consider preservation of capital, liquidity, current and historical investment returns, diversification, maturity requirements, costs and fees associated with the investment and, when appropriate, policies of investment instrument administrators?			[1.00] Yes
019	Best Practices	Budget	
Does your municipality periodically review the historical activity and balances of all trust fund accounts not created through public referendum (i.e. open space) to determine the need for, and adequacy of, each account? Only answer N/A if your municipality does not have any non-referendum trust funds.			[0.50] N/A
020	Core Competencies	Budget	
Is your municipality ensuring that insurance reimbursements are credited back to the budget appropriation line item in the budget in accordance with N.J.S.A 40A:5-32, instead of applied as miscellaneous revenue not anticipated? Compliance with this statutory obligation relieves pressure on current year appropriations. Only answer N/A if your municipality had no insurance reimbursements in 2019 or 2020.			[1.00] Yes
021	Core Competencies	Capital Projects	
Has your municipality reviewed all completed capital project bond ordinances for remaining balances that can be cancelled by resolution, and revert to their respective balance sheet accounts?			[1.00] Prospective
022	Best Practices	Financial Administration	
Are monthly cash-flow statements prepared to assist in identifying and managing liquidity risk and used to conduct regular stress test forecasting payments based on known due dates and anticipated revenues received during the same period?			[0.50] Yes



023

Best Practices

Budget

Has your municipality reviewed individual grants receivable and appropriated to 1) ensure all grants are appropriately charged; 2) receivables are collected in a timely manner; and 3) considered cancelling any expired or otherwise stale grants? Doing so minimizes or avoids fund balance depletion due to use of current fund cash to cover grant expenses. Only answer N/A if your municipality does not have any grants receivable and appropriated.

[0.50] Yes

024

Best Practices

Personnel

In the event of a staff vacancy, municipalities should ensure there is backup to critical positions through cross-training staff and/or entering into shared services agreements with other local units. Has your municipality 1) cross-trained staff for multiple functions to the extent permitted by employee titles, labor agreements and Civil Service, as applicable; and/or 2) entered into a shared service agreement with another municipality or local government entity for the provision of staffing as may be needed?

[0.50] Yes

Comment: Cross training of all employees

025

Best Practices

Personnel

Has your municipality established by ordinance an anti-nepotism policy that, at minimum, prohibits hiring the immediate family members of elected officials, department heads, or supervisors?

[0.50] Yes

Comment: In the personnel policy manual

026

Core Competencies

Procurement

Has your municipality reviewed with legal counsel and other appropriate officials (e.g. engineer; purchasing agent) the boilerplate language in its bid or RFP documents to ensure such language meets legal requirements under the Local Public Contracts Law and pay-to-play, along with other relevant statutes and caselaw?

[1.00] Yes

027

Core Competencies

Transparency

Does your municipality maintain an up-to-date municipal website containing at minimum the following: past three years adopted budgets; the current year proposed budget (including the full adopted budget for the current year when approved by the governing body); most recent annual financial statement and audits; notification(s) for solicitation of bids and RFPs; and meeting dates, minutes and agendas for the governing body, planning board, board of adjustment and all commissions?

[1.00] Yes

028	Core Competencies	Transparency	
N.J.S.A. 34:13A-8.2 requires public employers, including municipalities, to file with the Public Employment Relations Commission (PERC) a copy of all contracts negotiated with public employee representatives. This includes, but is not limited to, collective bargaining agreements, memoranda of understanding, contract amendments, and "side letter" or "side bar" agreements. Copies of same may be emailed to <a href="mailto:contracts@perc.state.nj.us">contracts@perc.state.nj.us</a> . Has your municipality filed all current contracts with PERC? Only answer N/A if your municipality does not have any employee labor unions.			[1.00] Yes
029	Core Competencies	Cybersecurity	
Does your municipality perform off-network daily incremental backups with weekly full backups of all data?			[1.00] Yes
030	Unscored Survey	COVID-19 Response	
How has the COVID-19 crisis impacted your municipality's cash flow and/or anticipated surplus going into 2021? Please select one answer only.			[0.00] Minimally
031	Unscored Survey	COVID-19 Response	
Has your municipality had to make any reductions in expenditures due to COVID-19? If so, please include under Comments the departments or programs impacted by COVID-19 related spending reductions. If the answer is no, insert None under Comments.			<p>[0.00] No</p> <p>Comment: None.</p> <p>The budget was adopted with the concerns in mind. Our budget was introduced at a time when all revenues and expenditures were considered and any anticipated shortfalls were adjusted prior to adopting the budget.</p>

032

Unscored Survey

COVID-19 Response

Has your municipality received any CARES Act funding from the State, your county government, or directly from the federal government? Please state under Comments the dollar amount of such funding, the source(s), and whether such funds have been partially or totally disbursed to the municipality; if none please insert \$0 under Comments.

[0.00] Yes  
 Comment: \$5831.66 was reimbursed for directly related COVID 19 expenses. Reimbursed through CARES Act funding administered by Monmouth County.

033

Unscored Survey

COVID-19 Response

Please select the one most critical area in which your municipality currently requires technical non-monetary assistance.

[0.00] Public Health

034

Unscored Survey

COVID-19 Response

In reviewing your municipality's operations during the COVID-19 pandemic, what is the department, division, office or other area of municipal operations that has been most strained by the pandemic?

[0.00] Public Safety

035

Unscored Survey

COVID-19 Response

Provide one procedure or process that your municipality developed in response to the pandemic that it intends to keep after the COVID-19 emergency concludes.

Comment: That an employee stay home if they don't feel well.

036

Unscored Survey

COVID-19 Response

Is your municipality providing grants to small businesses impacted by COVID-19? If so, please provide under Comments the total number of businesses approved for grants thusfar, the total amount in grants approved, and a link to the grant program guidelines. If your municipality is not providing grants, please insert N/A under Comments.

[0.00] No  
 Comment: N/A The County of Monmouth is providing grants for businesses in towns that qualify.

## 037                      Unscored Survey                      Alcoholic Beverage Licensing

Have any liquor licenses for Type 33 plenary retail consumption licenses (e.g. bars) been sold in your municipality by private sale during 2019 and 2020? If yes, please state the date of sale along with sale price for each license under Comments. If no, please insert the number zero under Comments.

[0.00] No  
Comment: 0

## 038(a)                      Unscored Survey                      Shared Services

Is your municipality currently in negotiations with another local government or board of education to either provide or receive one or more of the following shared services? If the fact that negotiations are taking place has not yet been made public, this question may be answered No. (a) Police

[0.00] No  
Comment: Lake Como has already entered into a shared services contract with the Borough of Belmar for police services.

## 038(b)                      Unscored Survey                      Shared Services

Is your municipality currently in negotiations with another local government or board of education to either provide or receive one or more of the following shared services? If the fact that negotiations are taking place has not yet been made public, this question may be answered No. (b) Fire

[0.00] No  
Comment: Already have a contract with Belmar for Fire Services.

## 038(c)                      Unscored Survey                      Shared Services

Is your municipality currently in negotiations with another local government or board of education to either provide or receive one or more of the following shared services? If the fact that negotiations are taking place has not yet been made public, this question may be answered No. (c) Dispatch

[0.00] No  
Comment: Already have a contract with Belmar for dispatch services.

038(d)

Unscored Survey

Shared Services

Is your municipality currently in negotiations with another local government or board of education to either provide or receive one or more of the following shared services? If the fact that negotiations are taking place has not yet been made public, this question may be answered No. (d) Public Works

[0.00] No  
Comment:  
Researched this 3 times in the past and the cost was always much more expensive than the cost to do it in house.

038(e)

Unscored Survey

Shared Services

Is your municipality currently in negotiations with another local government or board of education to either provide or receive one or more of the following shared services? If the fact that negotiations are taking place has not yet been made public, this question may be answered No. (e) Health Department / Board of Health

[0.00] No  
Comment: Already have a contract with Monmouth County for Health Department contract.

038(f)

Unscored Survey

Shared Services

Is your municipality currently in negotiations with another local government or board of education to either provide or receive one or more of the following shared services? If the fact that negotiations are taking place has not yet been made public, this question may be answered No. (f) Construction Code Enforcement

[0.00] No  
Comment: Already have a contract with Belmar for Construction Code enforcement

039

Unscored Survey

Shared Services

Does your municipality handle the entirety of its public safety and emergency dispatching with its own employees? If Yes, please indicate in the Comments what, if anything, has been done to explore a more regional approach to dispatch along with any barriers. If the answer is No, please list under Comments the other local government entities and/or private entity and the dispatching services each provides for the municipality.

[0.00] No  
Comment: Lake Como has a contract with Belmar for all emergency services (Police, dispatching, fire and first aid)

040(a)

Unscored Survey

Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (a) Chief Financial Officer

[0.00] No

Comment: N/A

040(b)

Unscored Survey

Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (b) Tax Collector

[0.00] No

Comment: N/A

040(c)

Unscored Survey

Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (c) Tax Assessor

[0.00] No

Comment: N/A

040(d)

Unscored Survey

Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (d) Municipal Clerk

[0.00] No

Comment: N/A

040(e)                      Unscored Survey                      Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (e) Municipal Treasurer

[0.00] No  
Comment: N/A

040(f)                      Unscored Survey                      Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (f) Qualified Purchasing Agent

[0.00] No  
Comment: N/A

040(g)                      Unscored Survey                      Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (g) Certified Public Works Manager

[0.00] No  
Comment: N/A

040(h)                      Unscored Survey                      Shared Services

Does your municipality currently provide a chief financial officer, tax collector, tax assessor, municipal clerk, qualified purchasing agent, certified public works manager, municipal treasurer, and/or a public works superintendant to another municipality pursuant to a shared services agreement, Please answer yes if the following position is being provided pursuant to a shared services agreement and indicate under Comments list each municipality where this position is being provided. If the following position is not being provided, select No and insert N/A into Comments. (h) Public Works Superintendent

[0.00] No  
Comment: N/A

041	Unscored Survey	Shared Services	
If the answer to any subpart in Question 40 is yes, did one or more of the identified shared service agreements result in the dismissal of a tenured official? If yes, please insert under Comments the position or positions where an agreement resulted in the dismissal of a tenured official. If no or N/A, please also insert No or N/A under Comments. See LFN 2018-3R for more information on this provision of the Common Sense Shared Service Act.			[0.00] N/A Comment: N/A
042	Unscored Survey	Environment	
How much did your municipality spend on operational costs associated with managing and treating stormwater runoff in the prior fiscal year, and how much did your municipality appropriate toward same for the current fiscal year? Examples of such costs include street cleaning, conveyance system clean-out, routine maintenance of storm drains and outfall pipes, and stormwater runoff-related educational programs. For projects with definite but ancillary stormwater runoff benefits, describe those benefits under Comments. Also list under Comments the FCOA codes your municipality is using to classify these stormwater-related prior year expenditures and current year appropriations.			Comment: CY 2019 \$13,237.90 9-10- 018-201 and 9-20- 100-201 CY 2020 \$15,000
043	Unscored Survey	Environment	
Please list which projects in your municipality's most recent adopted capital budget, if any, are associated with stormwater management. State "None" if no project fits this criteria or "N/A" if your municipality has not adopted a capital budget in the most recent fiscal year.			Comment: Road improvements; storm drain inlets are upgraded as required by stormwater management
044	Unscored Survey	Environment	
Is your municipality considering establishing a stormwater utility, authorizing a sewerage authority or MUA to establish a separate stormwater operation, or joining a regional stormwater utility? If the answer to the above is "Yes", please explain under Comments where your municipality is in the process. If the answer to the above is "No", please explain under Comments the reason(s) why your municipality is not currently pursuing the creation of a stormwater utility.			[0.00] No Comment: Not considering a stormwater utility, however, the Borough is already a member of a sewerage authority



045	Unscored Survey	Environment	
What type of residential recycling program does your municipality have? Select only one.			[0.00] Single-stream
046	Unscored Survey	Environment	
Has your residential recycling program changed from single-stream to dual-stream in the past two years?			[0.00] No
047	Unscored Survey	Environment	
If your residential recycling program is single-stream, is your municipality considering a conversion to dual-stream recycling?			[0.00] No
048	Unscored Survey	Environment	
Is recycling in your municipality picked up utilizing a truck with an automated single-arm?			[0.00] Yes
049	Unscored Survey	Opportunity Zones	
Is your municipality aware of any real estate development projects or businesses that will be using the Opportunity Zone tax incentive or receiving an Opportunity Fund investment? Only answer N/A if your municipality is not located within an Opportunity Zone.			[0.00] N/A
050	Unscored Survey	Opportunity Zones	
If your municipality knows of any projects that are using or will be using the Opportunity Zone tax incentive, please include the name of each project, the full address, a short description that includes the primary developer (if applicable), estimated value of the development (i.e. total permitted value), and the project's status (if known) on the Excel form provided on DLGS's Best Practices webpage. Upload the Excel form using the "Attach File" button toward the bottom of your screen. If you have uploaded the Excel form, type "File Uploaded" in the Comment Box. If you have not uploaded the Excel Form, type NA in the Comment Box.			Comment: We are not in an opportunity zone
051	Unscored Survey	Planning & Econ. Devt.	
Does your municipality have a minimum lot size requirement of one acre or more for new residential development?			[0.00] No

052                                      Unscored Survey                                      Planning & Econ. Devt.

Does your municipality place annual limits on the total allowable number of permits or dwellings for new single family construction?                                      [0.00] No

053                                      Unscored Survey                                      Planning & Econ. Devt.

Does your municipality place annual limits on the total allowable number of permits or dwellings for new multi-family construction?                                      [0.00] No

054                                      Unscored Survey                                      Planning & Econ. Devt.

Does your municipality have an urban growth or containment ordinance or policy in place?                                      [0.00] No

055                                      Unscored Survey                                      Planning & Econ. Devt.

Does your municipality currently have a development moratorium or a set of regulations that effectively create a development moratorium?                                      [0.00] No  
 Comment: These questions are more relative to rural communities. Our town is already built up as it's a shore community.

056                                      Unscored Survey                                      Planning & Econ. Devt.

Does your municipality currently have a ban on mobile homes?                                      [0.00] Yes

057                                      Unscored Survey                                      Planning & Econ. Devt.

Does your municipality have any restrictions on the pace of residential development (i.e. number of units that can be added each year)?                                      [0.00] No

058                                      Unscored Survey                                      Planning & Econ. Devt.

Inclusionary zoning ordinances require developments to provide a percentage of the residential units constructed/developed/created be set-aside and available to low- and moderate-income households. Does your municipality have an inclusionary zoning ordinance in place?                                      [0.00] Yes

## Unscored Survey

## Planning &amp; Econ. Devt.

059

Density bonuses encourage the production of affordable housing by allowing developers to build more units than would ordinarily be allowed on a site by the underlying zoning code, in exchange for a commitment to include a certain number of below-market units in the development. Do you offer a density bonus for affordable housing development?

[0.00] No

060

## Unscored Survey

## Planning &amp; Econ. Devt.

Please describe the general attitude of your residents toward additional affordable housing development? (Select only one answer)

[0.00] Neutral

Comment: Our community is already built up and we actually have more units considered as affordable housing than we would be required to have if you were building the community as a new one. In the past, when it was allowed, we had neighboring communities reaching out to us to utilize our affordable housing units to meet their requirements, however, the courts have since ruled that this isn't allowable.

**RESOLUTION NO. 2020-128**

**RESOLUTION AUTHORIZING MAYOR AND COUNCIL TO  
DECLARE HALLOWEEN CURFEW**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Lake Como that the Mayor hereby declares a curfew on the use of streets and highways in all of the Borough of Lake Como, between the hours of 8 o'clock in the evening prevailing time and 6 o'clock in the morning prevailing time, beginning at 8 p.m. on October 29, 2020 and ending at 6 a.m. on November 1, 2020. During such hours, no person under the age of 18 shall remain in or upon any public street, highway or place except those accompanied by a parent or guardian and except those who are going directly between their home and place of work or school.

Dated: 10/20/2020

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Kevin G. Higgins, Mayor

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

Resolution 2020 – 129

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	\$308,144.37
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WATER/SEWER ACCOUNT:

Per Attached Bill List	\$121,968.55
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PAYROLL ACCOUNT:

4835	Employee Payroll Dated 10/14/2020	\$ 27,755.33
2326	Employee Payroll Dated 10/14/2020	8,627.21
1432	Employee Payroll Dated 10/14/2020	134.56
Wire	State of NJ – PERS	<u>7,841.23</u>
		\$ 44,358.33

TOURISM ACCOUNT:

1432	Lake Como Payroll Account	\$ 134.56
	Bry's Marine	<u>494.50</u>
		\$ 629.06

Dated: October 20, 2020

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Kevin G. Higgins, Mayor

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

Range: First to Last

P.O. Type: All

Format: Condensed

Include Non-Budgeted: Y

Include Revenue: Y

First Enc Date Range: to 10/19/20

Open: N Rcvd/Aprv/Held: Y Paid: N Void: N Deleted: N  
Bid: Y State: Y Other: Y Exempt: Y As of Date: 10/19/20

PO #	PO Date	Vendor	Description	R/A/H Amount
20-00573	09/01/20	TAYLOR HARDWARE	September Purchases	200.79
20-00621	09/24/20	Vancho ToImanos	Res20-83 Street Open Refund	600.00
20-00629	09/29/20	JUNGLE LASERS, LLC.	National Geomatica August	120.00
20-00631	09/29/20	MONMOUTH CTY PUBLIC WORKS&ENG	Street Sweeping 9/23/2020	564.05
20-00632	09/29/20	WATCHUNG SPRING WATER CO INC	Water/Rental	80.83
20-00639	10/01/20	SHAIN SCHAFFER PC	Borough Attorney October	2,083.34
20-00643	10/02/20	DELISA WASTE SERVICES	Tipping Fees Sept 16-30, 2020	2,781.14
20-00644	10/05/20	BRENDAN MAAS	Reimburse tarp canopy	399.00
20-00645	08/19/20	Lease Servicing Center, Inc.	Leaf Machine Doc/Process fee	250.00
20-00646	10/06/20	TREASURER, STATE OF NJ	Marriage Lic/Civil Union 3rd Q	125.00
20-00647	10/06/20	HOLMAN FRENIA ALLISON, PC	Final Billing-Audit 2019	500.00
20-00648	10/06/20	VAN WICKLE AUTO SUPPLY, INC.	Air Filter	8.19
20-00649	10/06/20	LAKE COMO BOARD OF EDUCATION	October School Tax	265,195.10
20-00650	10/06/20	GARDEN STATE LABORATORIES, INC	Water Analysis October	207.00
20-00651	10/06/20	BOROUGH OF BELMAR	Fuel September	357.61
20-00652	07/28/20	US DEPT OF AGRICULTURE	USDA Phase I	38,966.00
20-00653	08/03/20	US DEPT OF AGRICULTURE	USDA Phase II	52,119.00
20-00658	10/06/20	Craney's Interpreting Services	Interpreting Service Court	100.00
20-00659	10/08/20	Beverly Fierro	Tree Escrow Refund RES20-126	2,800.00
20-00660	10/08/20	DELTA DENTAL OF NEW JERSEY	Dental	1,012.12
20-00661	10/08/20	ATLANTIC SECURITY & FIRE	Alarm monitor/Total Conn/Fire	809.40
20-00663	10/08/20	ELLCOTT NETWORK CONSULTANTS	Sonic wall 3 year license	1,137.00
20-00664	10/09/20	LAKE COMO PAYROLL ACCOUNT	Employee Payroll 10/14/2020	36,517.10
20-00665	10/13/20	BRY'S MARINE	Rowboat	1,289.00
20-00666	10/14/20	Marco Technologies LLC	Copy Machine Lease	394.24
20-00667	10/14/20	VERIZON	Police Dispatch Telephone	77.27
20-00668	10/14/20	NEW JERSEY AMERICAN WATER CO.	Purchase of water September	20,309.67
20-00669	10/14/20	STATE OF NEW JERSEY-PWT	PWT July/August/September	206.88
20-00672	10/15/20	VERIZON WIRELESS	Building Dept Cell Phone	42.74
20-00673	10/13/20	Gannett NJ Newspapers	Legal Adv Ord 2020-951	583.10
20-00680	10/19/20	ELLCOTT NETWORK CONSULTANTS	Maintenance Contract	906.41

Total Purchase Orders: 31 Total P.O. Line Items: 88

PO #	PO Date	Vendor	Description	R/A/H Amount
Total R/A/H Amount:			430,741.98	

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	0-10	308,144.37	0.00	0.00	308,144.37
	0-20	121,968.55	0.00	0.00	121,968.55
	0-74	629.06	0.00	0.00	629.06
Total of All Funds:		430,741.98	0.00	0.00	430,741.98



**RESOLUTION OF THE BOROUGH OF LAKE COMO,**

**RESOLUTION NO. 2020-130**

**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 contractual 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 October 20, 2020 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: October 20, 2020**

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**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 October 20, 2020.

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

**RESOLUTION OF THE BOROUGH OF LAKE COMO,**

**RESOLUTION NO. 2020-131**

**COUNTY OF MONMOUTH, STATE OF NEW JERSEY,**

**RESOLUTION OF THE BOROUGH COUNCIL  
OF THE BOROUGH OF LAKE COMO  
AUTHORIZING THE SALE OF REAL  
PROPERTY BY PUBLIC AUCTION**

**WHEREAS**, the Borough of Lake Como owns certain undersized real property, namely Lot 1 in Block 26 (the "Property"), and

**WHEREAS**, no capital improvements exist thereon and the Property is not needed for any public purpose; and

**WHEREAS**, all contiguous property owners have been advised in writing of their opportunity to purchase the Property but none of the land owners are willing to purchase same for the fair market value; and

**WHEREAS**, all contiguous property owners will have right to prior refusal to purchase the undersized Property pursuant to N.J.S.A. 40A:12-13.2; and

**NOW, THEREFORE, BE IT RESOLVED** that the Property be sold at public auction, to the highest bidder.

**BE IT FURTHER RESOLVED** that the Borough shall **not** establish a minimum price for the Property, but the Borough shall reserve the right to reject all bids in the event that the highest bid is not accepted; and

**BE IT FURTHER RESOLVED** that the public auction shall be held at the Lake Como Municipal Building, 1740 Main Street Lake Como, NJ 07719, at 6:30 p.m. Tuesday, December 1, 2020. The highest bidder shall be required to execute a contract and provide a check in the amount of ten (10%) percent of the bid, the form of contract can be obtained from the Borough Clerk; and

**BE IT FURTHER RESOLVED** that the highest bid will be reviewed and accepted or rejected by the Borough Council, subject to the right of prior refusal of contiguous property owners, at its public meeting to be held Tuesday, December 1, 2020 at 7:30 p.m; and

**BE IT FURTHER RESOLVED** that the successful bidder shall be required to close title within thirty (30) days from the date when all of the contiguous property owners have declined to exercise their right to prior refusal, time being of the essence.

Dated: 10/20/2020

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Kevin G. Higgins, Mayor

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

### **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 \_\_\_\_\_, 2020.

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

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

**ORDINANCE NO. 2020-951, —**

**ORDINANCE OF THE BOROUGH OF LAKE COMO  
AMENDING CHAPTER § 3-15 "NOISE RESTRICTIONS"  
OF THE BOROUGH CODE**

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**BE IT ORDAINED** by the Borough Council of the Borough of Lake Como, in the County of Monmouth and State of New Jersey that § 3-15 of the Code of the Borough of Lake Como be and is hereby amended to read as follows:

**§ 3-15 Noise Control**

**I. Declaration of Findings and Policy**

**WHEREAS** excessive sound is a serious hazard to the public health, welfare, safety, and quality of life; and

**WHEREAS** a substantial body of science and technology exists by which excessive sound may be substantially abated; and

**WHEREAS** the people have a right to, and should be ensured of, an environment free from excessive sound; and

**WHEREAS** it is the policy of the Borough of Lake Como to prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

This ordinance shall apply to the control of sound originating from sources within the Borough of Lake Como.

**II. Definitions**

The following words and terms, when used in this ordinance, shall have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this ordinance have the same meaning as those defined in N.J.A.C. 7:29.

"Construction" means any site preparation, assembly, erection, repair, alteration or similar action of buildings or structures.

"dBC" means the sound level as measured using the "C" weighting network with a sound level meter meeting the standards set forth in ANSI S1.4-1983 or its successors. The unit of reporting is dB(C). The "C" weighting network is more sensitive to low frequencies than is the "A" weighting network.

"Demolition" means any dismantling, destruction or removal of buildings, structures, or roadways.

"Department" means the New Jersey Department of Environmental Protection.

"Emergency work" means any work or action necessary at the site of an emergency to restore or deliver essential services including, but not limited to, repairing water, gas, electricity, telephone, sewer facilities, or public transportation facilities, removing fallen trees on public rights-of-way, dredging navigational waterways, or abating life-threatening conditions or a state of emergency declared by a governing agency.

"Impulsive sound" means either a single pressure peak or a single burst (multiple pressure peaks) that has a duration of less than one second.

"Minor Violation" means a violation that is not the result of the purposeful, reckless or criminally negligent conduct of the alleged violator; and/or the activity or condition constituting the violation has not been the subject of an enforcement action by any authorized local, county or state enforcement agency against the violator within the immediately preceding 12 months for the same or substantially similar violation.

"Motor vehicle" means any vehicle that is propelled other than by human or animal power on land.

"Muffler" means a properly functioning sound dissipative device or system for abating the sound on engines or equipment where such device is part of the normal configuration of the equipment.

"Multi-dwelling unit building" means any building comprising two or more dwelling units, including, but not limited to, apartments, condominiums, co-ops, multiple family houses, townhouses, and attached residences.

"Multi-use property" means any distinct parcel of land that is used for more than one category of activity. Examples include, but are not limited to:

1. A commercial, residential, industrial or public service property having boilers, incinerators, elevators, automatic garage doors, air conditioners, laundry rooms, utility provisions, or health and recreational facilities, or other similar devices or areas, either in the interior or on the exterior of the building, which may be a source of elevated sound levels at another category on the same distinct parcel of land; or
2. A building, which is both commercial (usually on the ground floor) and residential property, located above, below or otherwise adjacent to.

"Noise Control Officer" (NCO) means an employee of a local, county or regional health agency which is certified pursuant to the County Environmental Health Act (N.J.S.A. 26:3A2-21 et seq.) to perform noise enforcement activities or an employee of a municipality with a Department-approved model noise control ordinance. All NCOs must receive noise enforcement training as specified by the Department in N.J.A.C. 7:29 and is currently certified in noise enforcement. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Noise Control Investigator" (NCI) means an employee of a municipality, county or regional health commission that has a Department-approved model noise control ordinance and the employee has not received noise enforcement training as specified by the Department in N.J.A.C. 7:29. However, they are knowledgeable about their model noise ordinance and enforcement procedures. A Noise Control Investigator may only enforce sections of the ordinance that do not require the use of a sound level meter. The employee must be acting within his or her designated jurisdiction and must be authorized to issue a summons.

"Plainly audible" means any sound that can be detected by a NCO or an NCI using his or her unaided hearing faculties of normal acuity. As an example, if the sound source under investigation is a portable or vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to verify plainly audible sound. The NCO or NCI need not determine the title, specific words, or the artist performing the song.

"Private right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a non-governmental entity.

"Public right-of-way" means any street, avenue, boulevard, road, highway, sidewalk, alley or easement that is owned, leased, or controlled by a governmental entity.

"Public space" means any real property or structures thereon that are owned, leased, or controlled by a governmental entity.

"Real property line" means either (a) the vertical boundary that separates one parcel of property (i.e., lot and block) from another residential or commercial property; (b) the vertical and horizontal boundaries of a dwelling unit that is part of a multi-dwelling unit building; or (c) on a multi-use property as defined herein, the vertical or horizontal boundaries between the two portions of the property on which different categories of activity are being performed (e.g., if the multi-use property is a building which is residential upstairs and commercial downstairs, then the real property line would be the interface between the residential area and the commercial area, or if there is an outdoor sound source such as an HVAC unit on the same parcel of property, the boundary line is the exterior wall of the receiving unit). Note- this definition shall not apply to a commercial source and a commercial receptor which are both located on the same parcel of property (e.g., a strip mall).

"Sound production device" means any device whose primary function is the production of sound, including, but not limited to any, musical instrument, loudspeaker, radio, television, digital or analog music player, public address system or sound-amplifying equipment.

"Sound reduction device" means any device, such as a muffler, baffle, shroud, jacket, enclosure, isolator, or dampener provided by the manufacturer with the equipment, or that is otherwise required, that mitigates the sound emissions of the equipment.

"Weekday" means any day that is not a federal holiday, and beginning on Monday at 7:00 a.m. and ending on the following Friday at 6:00 p.m.

"Weekends" means beginning on Friday at 6:00 p.m. and ending on the following Monday at 7:00 a.m.

### **III. Applicability**

(A) This model noise ordinance applies to sound from the following property categories:

1. Industrial facilities;
2. Commercial facilities;
3. Public service facilities;
4. Community service facilities;
5. Residential properties;
6. Multi-use properties;
7. Public and private right-of-ways;
8. Public spaces; and
9. Multi-dwelling unit buildings.

(B) This model noise ordinance applies to sound received at the following property categories:

1. Commercial facilities;
2. Public service facilities;
3. Community service facilities (i.e. non-profits and/or religious facilities)
4. Residential properties;
5. Multi-use properties;
6. Multi-dwelling unit buildings.

(C) Sound from stationary emergency signaling devices shall be regulated in accordance with N.J.A.C. 7:29-1.4, except that the testing of the electromechanical functioning of a stationary emergency signaling device shall not meet or exceed 10 seconds.

### **IV. Exemptions**

(A) Except as provided in IX. and X. below, the provisions of this ordinance shall not apply to the exceptions listed at N.J.A.C. 7:29-1.5.

(B) Sound production devices required or sanctioned under the Americans with Disabilities Act (ADA), FEMA or other government agencies to the extent that they comply with the noise requirement of the enabling legislation or regulation. Devices which are exempted under N.J.A.C. 7:29-1.5 shall continue to be exempted.

- (C) Construction and demolition activities are exempt from the sound level limits set forth in tables I and II and III except as provided for in IX. below.

#### **V. Enforcement Officers**

- (A) Noise Control Officers shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance and pursue enforcement activities.
- (B) Noise Control Investigators shall have the authority within their designated jurisdiction to investigate suspected violations of any section of this ordinance that do not require the use of a sound level meter (i.e., plainly audible, times of day and/or distance determinations) and pursue enforcement activities.
- (C) Noise Control Officers and Investigators may cooperate with NCOs and NCIs of an adjacent municipality in enforcing one another's municipal noise ordinances.

#### **VI. Measurement Protocols**

(A) Sound measurements made by a Noise Control Officer shall conform to the procedures set forth at N.J.A.C. 7:29-2, except that interior sound level measurements shall also conform with the procedures set forth in VIB of this ordinance and with the definition of "real property line" as contained herein.

(B) When conducting indoor sound level measurements across a real property line the measurements shall be taken at least three feet from any wall, floor or ceiling and all exterior doors and windows may, at the discretion of the investigator, be closed. The neighborhood residual sound level shall be measured in accordance with N.J.A.C. 7:29-2.9(b)2. When measuring total sound level, the configuration of the windows and doors shall be the same and all sound sources within the dwelling unit must be shut off (e.g., television, stereo). Measurements shall not be taken in areas which receive only casual use such as hallways, closets and bathrooms.

#### **VII. Maximum Permissible Sound Levels**

(A) No person shall cause, suffer, allow, or permit the operation of any source of sound on any source property listed in III.(A) above in such a manner as to create a sound level that equals or exceeds the sound level limits set forth in Tables I, II or III when measured at or within the real property line of any of the receiving properties listed in Tables I, II or III except as specified in VI(B).

##### **(B) Impulsive Sound**

Between 7:00 a.m. and 10:00 p.m., impulsive sound shall not equal or exceed 80 decibels. Between 10:00 p.m. and 7:00 a.m., impulsive sound which occurs less than four times in any hour shall not equal or exceed 80 decibels. Impulsive



sound which repeats four or more times in any hour shall be measured as continuous sound and shall meet the requirements as shown in Tables I and II.

**TABLE I**  
**MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS**  
**WHEN MEASURED OUTDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours
Maximum A- Weighted sound level standard, dB	65	50	65

**TABLE II**  
**MAXIMUM PERMISSIBLE A-WEIGHTED SOUND LEVELS**  
**WHEN MEASURED INDOORS**

RECEIVING PROPERTY CATEGORY	Residential property, or residential portion of a multi-use property		Commercial facility or non- residential portion of a multi-use property
TIME	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 Hours
Maximum A- Weighted sound level standard, dB	55	40	55

Note: Table II shall only apply when the source and the receptor are separated by a real property line and they also share a common or abutting wall, floor or ceiling, or are on the same parcel of property.

**TABLE III  
MAXIMUM PERMISSIBLE OCTAVE BAND  
SOUND PRESSURE LEVELS IN DECIBELS**

Receiving Property Category	Residential property, or residential portion of a multi-use property		Residential property, or residential portion of a multi-use property		Commercial facility, public service facility, non-residential portion of a multi-use property, or community service facility	Commercial facility or non-residential portion of a multi-use property
	OUTDOORS		INDOORS		OUTDOORS	INDOORS
Octave Band Center Frequency, Hz.	Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB		Octave Band Sound Pressure Level, dB	Octave Band Sound Pressure Level, dB
Time	7 a.m.-10 p.m.	10 p.m.-7 a.m.	7 a.m.-10 p.m.	10 p.m.-7 a.m.	24 hours	24 hours
31.5	96	86	86	76	96	86
63	82	71	72	61	82	72
125	74	61	64	51	74	64
250	67	53	57	43	67	57
500	63	48	53	38	63	53
1,000	60	45	50	35	60	50
2,000	57	42	47	32	57	47
4,000	55	40	45	30	55	45
8,000	53	38	43	28	53	43

Note: When octave measurements are made, the sound from the source must be constant in level and character. If octave band sound pressure level variations exceed plus or minus 2 dB in the bands containing the principal source frequencies, discontinue the measurement.

#### **VIII. Sound Production Devices**

No person shall cause, suffer, allow, or permit the operation of any sound production device in such a manner that the sound crosses a property line and raises the total sound levels above the neighborhood residual sound level by more than the permissible sound level limits set forth in Table IV when measured within the residence of a complainant according to the measurement protocol in VI(B) of this ordinance. These sound level

measurements shall be conducted with the sound level meter set for "C" weighting, "fast" response.

**TABLE IV**  
**MAXIMUM PERMISSIBLE INCREASE IN TOTAL SOUND LEVELS**  
**WITHIN A RESIDENTIAL PROPERTY**

Week nights 10:00 p.m. - 7:00 a.m. Weekend nights 11:00 p.m. and 9:00 a.m.	All other times
3 dB(C)	6 dB(C)

## **IX. Restricted Uses and Activities**

The following standards shall apply to the activities or sources of sound set forth below:

- A. Excluding emergency work, power tools, home maintenance tools, landscaping and/or yard maintenance equipment used by a residential property owner or tenant shall not be operated between the hours of 8:00 p.m. and 8:00 a.m., unless such activities can meet the applicable limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- B. Excluding emergency work, power tools, landscaping and/or yard maintenance equipment used by nonresidential operators (e.g. commercial operators, public employees) shall not be operated on a residential, commercial, industrial or public (e.g. golf course, parks, athletic fields) property between the hours of 6:00 p.m. and 8:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends or federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in these activities shall be operated with a muffler and/or sound reduction device.
- C. All construction and demolition activity, excluding emergency work, shall not be performed between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, or between the hours of 6:00 p.m. and 9:00 a.m. on weekends and federal holidays, unless such activities can meet the limits set forth in Tables I, II or III. At all other times the limits set forth in Tables I, II or III do not apply. All motorized equipment used in construction and demolition activity shall be operated with a muffler and/or sound reduction device.
- D. Motorized snow removal equipment shall be operated with a muffler and/or a sound reduction device when being used for snow removal. At all other times the limits set forth in Tables I, II or III do not apply.
- E. All interior and exterior burglar alarms of a building or motor vehicle must be activated in such a manner that the burglar alarm terminates its operation within five (5) minutes for continuous airborne sound and fifteen (15) minutes for intermittent sound after it has been activated. At all other times the limits set forth in Tables I, II or III do not apply.
- F. Self-contained, portable, non-vehicular music or sound production devices shall not be operated on a public space or public right-of-way in such a manner as to be plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m. Between the hours of 10:00 p.m. and 8:00 a.m., sound, operated on a public space or public right-of-way, from such

equipment shall not be plainly audible at a distance of 25 feet in any direction from the operator;

- G. It shall be unlawful for any property owner or tenant to allow any domesticated or caged animal to create a sound across a real property line which unreasonably disturbs or interferes with the peace, comfort, and repose of any resident, or to refuse or intentionally fail to cease the unreasonable noise when ordered to do so by a Noise Control Officer or Noise Control Investigator. Prima facie evidence of a violation of this section shall include but not be limited to:

- (1) Vocalizing (howling, yelping, barking, squawking etc.) for five (5) minutes without interruption, defined as an average of four or more vocalizations per minute in that period; or,
- (2) Vocalizing for twenty (20) minutes intermittently, defined as an average of two vocalizations or more per minute in that period.

It is an affirmative defense under this subsection that the dog or other animal was intentionally provoked to bark or make any other noise.

#### **X. Motor Vehicles**

Violations of each paragraph of this section shall be considered purposeful and therefore non-minor violations.

(A) No person shall remove or render inoperative, or cause to be removed or rendered inoperative or less effective than originally equipped, other than for the purposes of maintenance, repair, or replacement, of any device or element of design incorporated in any motor vehicle for the purpose of noise control. No person shall operate a motor vehicle or motorcycle which has been so modified. A vehicle not meeting these requirements shall be deemed in violation of this provision if it is operated stationary or in motion in any public space or public right-of-way.

(B) No motorcycle shall be operated stationary or in motion unless it has a muffler that complies with and is labeled in accordance with the Federal Noise Regulations under 40 CFR Part 205.

(C) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that it is plainly audible at distance of 25 feet in any direction from the operator between the hours of 10:00 p.m. and 8:00 a.m.

(D) Personal or commercial vehicular music amplification or reproduction equipment shall not be operated in such a manner that is plainly audible at a distance of 50 feet in any direction from the operator between the hours of 8:00 a.m. and 10:00 p.m.

## **XI. Enforcement**

(A) Violation of any provision of this ordinance shall be cause for a Notice of Violation (NOV) or a Notice of Penalty Assessment (NOPA) document to be issued to the violator by the Noise Control Officer or Noise Control Investigator.

(B) Any person who violates any provision of this ordinance shall be subject to a civil penalty for each offense of not more than the maximum penalty pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014. If the violation is of a continuing nature, each day during which it occurs shall constitute an additional, separate, and distinct offense.

(C) Upon identification of a violation of this Ordinance the Noise Control Officer or Noise Control Investigator shall issue an enforcement document to the violator. The enforcement document shall identify the condition or activity that constitutes the violation and the specific provision of this Ordinance that has been violated. It shall also indicate whether the violator has a period of time to correct the violation before a penalty is sought.

(D) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a minor violation (as defined in Section II of this ordinance) a NOV shall be issued to the violator.

1. The document shall indicate that the purpose of the NOV is intended to serve as a notice to warn the responsible party/violator of the violation conditions in order to provide them with an opportunity to voluntarily investigate the matter and voluntarily take corrective action to address the identified violation.

2. The NOV shall identify the time period (up to 90 days), pursuant to the Grace Period Law, N.J.S.A. 13:1D-125 et seq. where the responsible party's/violator's voluntary action can prevent a formal enforcement action with penalties issued by the Noise Control Officer. It shall be noted that the NOV does not constitute a formal enforcement action, a final agency action or a final legal determination that a violation has occurred. Therefore, the NOV may not be appealed or contested.

(E) If the violation is deemed by the Noise Control Officer or Noise Control Investigator to be a non-minor violation, the violator shall be notified that if the violation is not immediately corrected, a NOPA with a civil penalty of not more than the maximum penalty allowed pursuant to N.J.S.A. 40:49-5, which is \$2,000 as of December 2014, will be issued. If a non-minor violation is immediately corrected, a NOV without a civil penalty shall still be issued to document the violation. If the violation occurs again (within 12 months of the initial violation) a NOPA shall be issued regardless of whether the violation is immediately corrected or not.

(F) The violator may request from the Noise Control Officer or Noise Control Investigator, an extension of the compliance deadline in the enforcement action. The Noise Control Officer or Noise Control Investigator shall have the option to approve any reasonable request for an extension (not to exceed 180 days) if the violator can demonstrate that a good faith effort has been made to achieve compliance. If an extension is not granted and the violation continues to exist after the grace period ends, a NOPA shall be issued.

(G) The recipient of a NOPA shall be entitled to a hearing in a municipal court having jurisdiction to contest such action.

(H) The Noise Control Officer or Noise Control Investigator may seek injunctive relief if the responsible party does not remediate the violation within the period of time specified in the NOPA issued.

(I) The Chief of Police, a Borough Police Officer or any taxpayer or resident of the Borough may make a complaint in the Municipal Court for any violation of this Ordinance. A first time offender convicted under this Ordinance will be subject to a fine of \$250 for each offense; a second conviction of the same person or entity within a 12 month period will be subject to a fine of \$500 for each offense; and a third conviction within the same 12 month period will be subject to a fine of \$2,000 for each offense, regardless whether such offense is minor violation or not. The Noise Control Officer or Noise Control Investigator can also elect to make a complaint under Subsection (I) without issuing any prior notice.

(J) Any claim for a civil penalty may be compromised and settled based on the following factors:

1. Mitigating or any other extenuating circumstances;
2. The timely implementation by the violator of measures which lead to compliance;
3. The conduct of the violator; and
4. The compliance history of the violator.

## **XII. Consistency, Severability and Repealer**

- (A) If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by Federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated.
- (B) All ordinances or parts of ordinances, which are inconsistent with any provisions of this ordinance, are hereby repealed as to the extent of such inconsistencies.
- (C) No provision of this ordinance shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or



damage arising from any violation of this ordinance or from other law.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged, and the remainder of the Ordinance shall be deemed valid and effective.

**SECTION 4.** This Ordinance shall take effect upon final passage and publication as provided by law.

**SO ORDAINED** as aforesaid.

\_\_\_\_\_  
DOUGLAS E. WITTE, Council President

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Lake Como Borough Council held on \_\_\_\_\_, October 6, 2020. Said Ordinance will again be read and considered for final passage at a meeting of the Lake Como Borough Council to be held at 7:030 p.m. on \_\_\_\_\_ on October 20, 2020 at 1740 Main Street, Lake Como, New Jersey 07719. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

\_\_\_\_\_  
LOUISE A. MEKOSH, Borough Clerk

**MAYORAL APPROVAL**

APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_  
DAY OF \_\_\_\_\_, 2020

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

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