



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

**DATE: JUNE 20, 2023
7:30 PM WORKSHOP**

WORKSHOP ITEMS

- Discussion on Fire Pits
- Discussion on Planning Board Informal Hearings
- Discussion on Amending Fee Schedule

PUBLIC COMMENTS ON WORKSHOP ITEMS

305.5 Unwanted fire ignitions. Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.

SECTION 306

MOTION PICTURE PROJECTION ROOMS AND FILM

306.1 Motion picture projection rooms. Electric arc, xenon or other light source projection equipment that develops hazardous gases, dust or radiation and the projection of ribbon-type cellulose nitrate film, regardless of the light source used in projection, shall be operated within a motion picture projection room complying with the construction code in effect at the time of the construction or alteration.

306.2 Cellulose nitrate film storage. Storage of cellulose nitrate film shall be in accordance with NFPA 40.

SECTION 307

OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

307.1 General. A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

307.1.1 Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

Exception: Forest Fire Service. In districts for which Forest Fire Wardens have been appointed in accordance with the General Forest Fire Act (N.J.S.A. 13:9-44.1 et seq.), any fire within, or adjacent to, any forest that has the potential to cause a wildfire is prohibited by this subchapter, without first obtaining a permit from the State Forest Fire Service in the New Jersey Department of Environmental Protection.

307.2 Allowable burning. Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs.

307.2.1 Approval required. Open burning shall be allowed after obtaining a permit from the fire official for a bonfire. All permits shall be requested by and issued to the owner or agent of the land upon which the bonfire is to be kindled.

307.2.1.1 Application. Applications for open burning shall be submitted in writing at least ten days before the fire is set and shall be in such form and contain such information as required by the fire official. Such applications shall contain, as a minimum, information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, the location of the burning site and the on-site fire-extinguishing equipment to be provided.

307.2.1.2 Agricultural burning permitted. The burning of herbaceous or infested plant life, the burning of orchard prunings and cuttings, prescribed burnings and the clearing of agricultural land by burning are prohibited by this subchapter, unless in accordance with a permit issued under the provisions of N.J.A.C. 7:27-2, administered by the State Forest Fire Service in the New Jersey Department of Environmental Protection.

307.2.2 Waste disposal. Open burning shall not be utilized for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

307.3 Extinguishment authority. Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for *open burning* shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

Exceptions:

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

307.4.1 Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

307.4.1.1 Bonfire size and duration. A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) in dimension and shall not burn longer than 3 hours. The maximum size and duration of a bonfire shall not be increased by the fire official unless it is determined that the fire safety requirements of the situation and the desirable duration of burn warrant the increase.

307.4.1.2 Material. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 308 OPEN FLAMES

308.1 General. Open flame, fire and burning on all premises shall be in accordance with Sections 308.1.1 through 308.4.1 and with other applicable sections of this code.

308.1.1 Where prohibited. A person shall not take or utilize an open flame or light in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well-secured in a glass globe and wire mesh cage or a similar approved device.

308.1.2 Throwing or placing sources of ignition. A person shall not throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, matches, or other flaming or glowing substance or object on any surface or article where it can cause an unwanted fire.

308.1.3 Torches for removing paint. A person utilizing a torch or other flame-producing device for removing paint from a structure or for sealing membrane roofs shall provide not less than one portable fire extinguisher complying with Section 906 and with a minimum 4-A rating, two portable fire extinguishers, each with a minimum 2-A rating, or a water hose connected to the water supply on the premises where such burning is done. The person doing the burning shall remain on the premises 1 hour after the torch or flame-producing device is utilized. The use of open-flame burning or the use of high-temperature (in excess of 1000 degrees Fahrenheit) heat guns on painted surfaces in buildings of Use Group R that were constructed before 1978, Use Group E and Use Group I-2 buildings used as child care facilities, shall be prohibited unless the painted surfaces have been tested and found to be free of lead-based paint.

308.1.3.1 Permit. A permit in accordance with N.J.A.C. 5:70-2.7 shall be secured from the fire code official prior to the utilization of a torch or flame-producing device to remove paint, to seal membrane roofs or for any similar use in or around any building, structure or combustible material.

308.1.4 Open-flame cooking devices and outdoor fireplaces. Charcoal burners, other open-flame cooking devices and outdoor fireplaces shall not be operated or stored on combustible balconies or decks or within 5 feet of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2½ pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

308.1.4.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds [nominal 1 pound (0.454 kg) LP-gas capacity] shall not be located on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Portable LP-gas cooking equipment such as barbecue grills and outdoor fireplaces shall not be stored or used:

1. On any porch, balcony or any other portion of a building;
2. Within any room or space of a building;
3. Within 5 feet of any combustible construction;
4. Within 5 feet, vertically or horizontally, of an opening in any wall; or
5. Under any building overhang.

Exception: Detached owner-occupied one- and two-family dwellings.

308.1.5 Location near combustibles. Open flames such as from candles, lanterns, kerosene heaters and gas-fired heaters shall not be located on or near decorative material or similar combustible materials.

308.1.6 Open-flame devices. Torches and other devices, machines or processes liable to start or cause fire shall not be operated or used in or upon wildfire risk areas, except by a permit in accordance with N.J.A.C. 5:70-2.7 secured from the fire code official.

Exception: Use within inhabited premises or designated campsites that are not less than 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

308.1.6.1 Signals and markers. Flame-employing devices, such as lanterns or kerosene road flares, shall not be operated or used as a signal or marker in or upon wildfire risk areas.

Exception: The proper use of fusees at the scenes of emergencies or as required by standard railroad operating procedures.

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or com-

§ 28-1.13.7 Open Burning. ^[1]

[Added 11-4-2020 by Ord. No. 2020-39]

Open-air burning is prohibited within the Borough of Belmar unless in conformance with the standards established herein. Except as provided herein, it shall be unlawful for any person to permit kindling, igniting or maintaining any bonfire, brush fire or to burn off grass, leaves, debris, branches, wood, refuse, garbage, waste, or rubbish on any lot or field or to authorize any such fire to be kindled or maintained on any street, alley lot, lands or public grounds or upon any private lots or fields unless a written permit to do so shall be first obtained from the Construction Code Official and Fire Official.

a. Open Burning Regulations.

1. Outdoor fires utilized for cooking are permitted without a permit either when contained in a manufactured metal grill or other similar device intended for such use or a campfire.
2. Outdoor fires utilized for any other recreational purpose are permitted when either contained in a manufactured device designed for such purpose and utilized strictly in accordance with the manufacturer's requirements or, alternatively, in a proper noncombustible stone, cement, brick, tile or metal assembled fire pit materials and shall not be more than three feet in diameter.
3. For all existing premade or assembled firepits within the Borough, should the Fire Chief, Fire Marshal, Construction Code Official or his authorized designee determine that a firepit is unsafe, he may order that said firepit not be used until he or his designee deems said firepit safe.
4. No open-air burn may occur on a residential property within 15 feet of any main or accessory structure on the property, including, but not limited to, any dwelling, garage or shed.
5. A fully functioning fire extinguisher must be available for fire-extinguishment purposes whenever any fire is ongoing.
6. Permitted Fuel. Only firewood and untreated lumber are permitted to be burned. Burning of any and all other materials, including but not limited to garbage, rubber, plastics, and yard waste, at any location within the Borough is prohibited. No green wood, leaves or other materials which cause excessive smoke may be burned indoors or outdoors at any time. Any smoke or odor from any indoor or outdoor fire must be kept to a minimum.
7. Flames may not exceed two feet in height at any time, and should the prevailing winds cause the sustained smoke from said fire to blow into a neighboring dwelling or property, said fire must be extinguished immediately. The Fire Chief, Fire Marshal, Construction Code Official or his designee are authorized to require that any residential outdoor fire be immediately extinguished if he determines that said fire constitutes a hazardous condition. In addition, the Belmar Fire Department and/or the Belmar Police Department are authorized to require that any residential outdoor firepit be immediately extinguished if sustained smoke emissions are found to be offensive to occupants of surrounding properties. Failure to comply with Fire or Police Department orders shall constitute a violation of this chapter in addition to any and all criminal and regulatory violations which may be cited against the property owner and those individuals responsible for maintenance of the hazardous or offensive condition.
8. Indoor and outdoor fires must be attended at all times by a competent adult owner or legal resident of the property from the time said fire is commenced through the time said fire is completely extinguished.
9. Permitted Locations. Open burning shall be permitted only on residential properties and/or properties used for agricultural purposes, except in the event that a school, church, or other nonprofit organization conducts a bonfire which has obtained the necessary permit from the Fire Marshal to conduct said activity.
10. Setbacks. Permitted open-air burning devices shall be set back not less than 10 feet from the nearest lot line.

- b. Violations and Penalties. Each and every person failing to comply with any of the provisions in this chapter shall, upon conviction thereof, be punished by a fine of up to \$2,500 per offense, a term of imprisonment of up to 90

days and/or be required to perform community service for up to 90 days. Each day a violation exists shall constitute a new and separate offense subject to prosecution. If the device is found to be the fault of a fire that causes property damage, the property owner may be subject to reimbursement for Fire Department suppression costs.

[1] *Editor's Note: Former § 28-1.13.7, Open Burning, Ord. No. 2017-13, was repealed 5-7-2019 by Ord. No. 2019-09.*

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Borough of Belmar, NJ Fire Protection and Prevention Search: § 28-1.13.7 Open Burning. [1]

Chapter 17. Development Regulations

§ 17-12. PLANNING BOARD.

§ 17-12.1. Abolishment of Zoning Board of Adjustment.

[Ord. No. 90-535]

Editor's Note: See Appendix A to Chapter XVII.

- a. The Zoning Board of Adjustment is hereby dissolved in accordance with N.J.S.A. 40:55D-70 et seq. and the Planning Board shall exercise to the same extent and subject to the same restrictions all of the powers formerly exercised by the Zoning Board of Adjustment.
- b. All references to the "Zoning Board" or "Zoning Board of Adjustment" in this code are hereby amended to refer to the "Planning Board" except where such reference is clearly inapplicable.

§ 17-12.2. Combined Board Created.

[Ord. No. 90-535]

The Planning Board established is hereby amended to create a nine-member Planning Board pursuant to N.J.S.A. 40:55D-20 et seq.

§ 17-12.3. Planning Board Establishment and Composition.

[Ord. No. 90-535]

- a. There is hereby established pursuant to N.J.S.A. 40:55D-20 et seq., in the Borough of Lake Como a Planning Board of nine members consisting of the following four classes:
 1. Class I: The Mayor.
 2. Class II: One of the Officials of the municipality other than a member of the Governing Body to be appointed by the Mayor.
 3. Class III: A member of the Governing Body to be appointed by the Governing Body.
 4. Class IV: Six other citizens of the municipality to be appointed by the Mayor with the advice and consent of the Council. The members of Class IV shall hold no other municipal office, position or employment except that one such member may be a member of the Historic Preservation Commission or Board of Education. A member of the Environmental Commission who is also a member of the Planning Board pursuant to N.J.S.A. 40:56A shall be a Class IV Planning Board member unless there is a member of the Board of Education and a member of the Historic Preservation Committee who are Class IV members in which case, the member of the Environmental Commission shall be deemed a Class II member of the Planning Board. For the purpose of this section, membership on a municipal board or commission whose function is advisory in nature, and the establishment of which is discretionary and not required by statute, shall not be considered the holding of a municipal office.
- b. The term of the member composing Class I shall correspond to his official tenure. The terms of the members composing Class II and Class III shall be for one year or terminate at the completion of their respective terms of office, whichever occurs first, except for a Class II member who is also a member of the Environmental Commission. The term of a Class II or Class IV member who is also a member of the Environmental Commission shall be for three years or terminate at the completion of his term of office as a member of the Environmental Commission, whichever

occurs first. The term of a Class IV member who is also a member of the Board of Adjustment shall terminate whenever he is no longer a member of such other body or at the completion of his Class IV term, whichever occurs first. The terms of all Class IV members first appointed pursuant to this chapter shall be so determined that to the greater practicable extent the expiration of such terms shall be distributed evenly over the first four years after their appointment, provided that the initial Class IV term of no member shall exceed four years. Thereafter, the Class IV term of each such member shall be four years.

- c. The Mayor may appoint not more than two alternate members to the Planning Board. The alternate members shall meet the qualifications of Class IV members and shall be appointed as "Alternate No. 1" and "Alternate No. 2". The terms of the alternate members shall be for two years, except that the terms of the alternate members shall be such that the term of not more than one alternate member shall expire in any one year; provided, however, that in no instance shall the terms of the alternate members first appointed exceed two years.
- d. If a vacancy of any class shall occur otherwise than by expiration of term, it shall be filled by appointment as provided for the unexpired term.
- e. Alternate members may participate in discussions of the proceedings but may not vote except in the absence or disqualification of a regular member of any class. A vote shall not be delayed in order that a regular member may vote instead of an alternate member. In the event that a choice must be made as to which alternate member is to vote, Alternate No. 1 shall vote.

§ 17-12.4. Application Information Required.

[Ord. No. 90-535]

All applications submitted must be accompanied by a completed checklist.

§ 17-12.5. Provisions Applicable to the Planning Board.

[Ord. No. 90-535]

- a. Conflict of Interest. No member of the Planning Board shall act on any matter in which he has either directly or indirectly any personal or financial interest. Whenever any such member shall disqualify himself from acting on a particular matter, he shall not continue to sit with the Board on the hearings of such matter nor participate in any discussion or decision relating thereto.
- b. Organization of the Board. The Planning Board shall elect a Chairman and Vice Chairman from the members of Class IV. The Board shall select a Secretary and Assistant Secretary, who may or may not be a member of the Board or a municipal employee.
- c. Attorney. There is created the office of Planning Board Attorney. The Board may annually appoint, fix the compensation of or agree upon the rate of compensation of their Board Attorney, who shall be an attorney other than the Municipal Attorney.
- d. Experts and Staff. The Board may employ or contract for the services of experts and other staff and services as they may deem necessary. The Board can not authorize expenditures which exceed, exclusive of the gifts or grants, an amount appropriated by the governing body for its use.
- e. Rules and Regulations. The Board shall adopt such rules and regulations as are necessary to carry out its duties.
- f. Meetings.
 - 1. Meetings of the Planning Board shall be scheduled no less often than once a month, and any meeting so scheduled shall be held as scheduled unless cancelled for lack of applications for development to process.
 - 2. Special meetings may be provided for at the call of the Chairman or on the request of any two Board members, which shall be held on notice to its members and the public in accordance with all applicable legal requirements.
 - 3. No action shall be taken at any meeting without a quorum being present. All actions shall be by majority vote of a quorum except where a specified portion of the full authorized membership is required; N.J.S.A. 40:55D-1 et seq.

4. All meetings shall be open to the public. Notice of all such meetings shall be given in accordance with the requirements of the Open Public Meetings Act, Chapter 231, of the Laws of 1975.

g. Records.

1. Minutes of every regular or special meeting shall be kept and shall include the names of the persons appearing and addressing the Planning Board, and of the persons appearing by attorney, the action taken by the Planning Board, the findings, if any, made by it and reasons therefor. The minutes shall thereafter be made available for public inspection during the normal business hours at the office of the Borough Clerk. Any interested party shall have the right to compel production of the minutes for the use as evidence in any legal proceedings concerning the subject matter of such minutes and be charged a fee for their reproduction.
2. A verbatim recording shall be made of every hearing. The recording of the proceedings shall be made by either stenographer, mechanical or electronic means. The Borough shall furnish a transcript or duplicate recording in lieu thereof on request to any interested party at his expense.
3. Certified Court Reporter. If an applicant desires a certified court reporter, the cost of taking testimony and transcribing it and providing a copy of the transcript to the Borough shall be at the expense of the applicant, who shall also arrange for the reporter's attendance.

h. Hearings.

1. Rules. The Planning Board may make rules governing the conduct of hearings. The rules shall be consistent with N.J.S.A. 40:55D-1 et seq. and this chapter. The approving authority may waive the required notices and hearing for minor and exempt subdivisions and site plans except where a variance or conditional use is part of the application. The Board shall hold a hearing on each application for a request for site plan or subdivision approval, zoning variance, conditional use, appeal, interpretation or direction for the issuance of a permit.
2. The presiding officer at the hearing (or such person as he may designate) shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant evidence, including witnesses and documents presented by the parties, and the provisions of the County and Municipal Investigations Law, P.L., 1953, C. 38 (N.J.S.A. et seq.) shall apply.
3. The testimony of all witnesses relating to an application shall be taken under oath or affirmation by the presiding officer and the right of cross-examination shall be permitted to all interested parties through their attorneys, if represented, or directly, if not represented, subject to the discretion of the presiding officer and to reasonable limitations as to time and number of witnesses.
4. Technical rules of evidence shall not be applicable to the hearing, but the Planning Board may exclude irrelevant, immaterial or unduly repetitious evidence including testimony.
5. When any hearing before the Board shall carry to two or more meetings, a member of the Board who was absent for one or more of the meetings shall be eligible to vote on the matter upon which the hearing was conducted, notwithstanding the member's absence from one or more of the meetings, provided such Board Member has received a transcript or recording of the meeting from which he/she was absent and certifies in writing to the Board that he/she has read such transcript or listened to such recording.

i. Complete Application and Commencing Applicable Time Periods.

1. An application for development shall be complete for purposes of commencing the applicable time period for action when the application is certified complete by the approving authority. In the event that the application is not certified to be complete within 45 days of the date of its submission, the application shall be deemed complete upon the expiration of the forty-five-day period for purposes of commencing the applicable time period, unless:
 - (a) The application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and
 - (b) The approving authority has notified the applicant, in writing, of the deficiencies in the application within 45 days of submission of the application.
2. The applicant may request that one or more of the submission requirements be waived, in which event, the approving authority shall grant or deny the request within 45 days.

3. Nothing herein shall be construed as diminishing the applicant's obligation to prove in the application process that he is entitled to approval of the application.
 4. The approving authority may subsequently require correction of any information found to be in error and submission or additional information not specified in the ordinance or any revisions in the accompanying documents, as are reasonably necessary to make an informed decision as to whether the requirements necessary for approval of the application have been met. The application shall not be deemed incomplete for lack of any such additional information or revisions in the accompanying documents so required by the approving authority.
- j. Decisions. Each decision on any application for development shall be reduced to writing, including findings of fact and conclusions thereon through:
1. A resolution adopted at a meeting held within the required time period for action on the application; or
 2. A memorializing resolution adopted at a meeting held not later than 45 days after the date of the meeting at which the approving authority voted to grant or deny approval. Only the members who voted for the action taken may vote on the memorializing resolution, and the vote of a majority of such members present at the meeting at which the resolution is presented for adoption shall be sufficient to adopt the resolution.
 3. An action resulting from the failure of a motion to approve an application shall be memorialized by a resolution as provided above, with those members voting against the motion for approval being the members eligible to vote on the memorializing resolution.
 4. The vote on any such resolution shall be deemed to be a memorialization of the action of the approving authority and not be an action of the approving authority. However, the date of the adoption of the resolution shall constitute the date of the decision for purposes of mailings, filings and publications and set forth in subsection **17-12.6**. If the approving authority fails to adopt a resolution or memorializing resolution, any interested party may apply to the Superior Court in a summary manner for an order compelling the municipal agency to reduce its findings and conclusions to writing within a stated time, and the cost of the application, including attorney's fees, shall be assessed against the municipality.

§ 17-12.6. Public Hearing and Notices.

[Ord. No. 90-535]

The approving authority shall hold a public hearing on each application for development except that the approving authority may waive the required notices and hearing for minor and exempt subdivisions and site plans unless a variance or conditional use is part of the application. All public hearings conducted on subdivisions, site plans or variances before the Board shall follow the requirements of the Municipal Land Use Law as summarized below (N.J.S.A. , , and):

- a. Any maps and documents submitted for approval shall be on file and available for public inspection at least 10 days before the hearing date during normal business hours in the office of the Secretary.
- b. All notices shall state the date, time and place of the hearing, the nature of the matters to be considered and an identification of the property proposed for development by street address, if any, or by reference to lot and block numbers and the location and time(s) at which any maps and documents are available for public inspection.
- c. All hearing notices shall be the responsibility of the applicant and shall be given at least 10 days prior to the hearing date.
 1. Public notice shall be given by publication in the official newspaper of the Borough, if there is one, or in a newspaper of general circulation in the Borough.
 2. Notice shall be given to all owners of real property as shown on the current tax duplicate located within 200 feet in all directions of the property which is the subject of the hearing. This notice shall be given by serving a copy thereof on the property owner or his agent in charge, or by mailing a copy thereof by certified mail to the property owner at his address as shown on the current tax duplicate. It is not required that a return receipt be obtained. Notice is deemed complete upon mailing (N.J.S.A.).
 3. Notice to a partnership owner may be made by service upon any partner; notice to a corporate owner may be made by service upon its president, a vice president, secretary or other person authorized by appointment or by

law to accept service on behalf of the corporation.

4. Notice of all hearings on applications for development involving property located within 200 feet of an adjoining municipality shall be given by personal service or certified mail to the Clerk of such municipality which notice shall be given by personal service or certified mail.
 5. To the County Planning Board when the application for development involves property adjacent to an existing County road or proposed road shown on the Official County Map or County Master Plan or adjoins other County land or situated within 200 feet of a municipal boundary.
 6. To the Commissioner of Transportation of the State of New Jersey when the property abuts a State highway.
 7. To the Director of the Division of State and Regional Planning in the Department of Community Affairs when the hearing involves an application for development of property which exceeds 150 acres or 500 dwelling units, in which case the notice shall include a copy of any maps or documents required to be on file with the Borough Clerk pursuant to N.J.S.A. 40:55D-10b.
 8. The applicant shall file an affidavit of proof of service with the municipal agency holding the hearing.
- d. All taxes and municipal assessments due must be paid prior to any application being heard by the Planning Board.
- e. Upon the written request of an applicant or his agent and the payment of a fee of \$0.25 per name or \$10, whichever is more, either the Borough Clerk or the Tax Assessor shall make and certify a list from the current tax duplicates of names and addresses of owners within the Borough to whom the applicant is required to give notice. The applicant shall be entitled to rely upon the information contained in such list, and failure to give notice to any owner not on the list shall not invalidate the hearing or proceeding. (Note: For the names and addresses of property owners in adjacent municipalities, when required, contact the respective Clerks.)
- f. Contents of Notice. The notice shall state the date, time and place of the hearing and the nature of the matters to be considered, and an identification of the property proposed for development by the street address, if any, or by reference to lot and block numbers as shown on the current tax duplicate in the Borough Tax Assessor's Office, and the location and times at which any maps or documents for which approval is sought are available for inspection.

§ 17-12.7. Appeal of "Use" Variance Approvals.

[Ord. No. 90-535]

- a. Any interested party may appeal to the Borough Council any final decision of the Planning Board approving an application for development pursuant to subsection **17-12.7d** (Use or Structure Variance) of this chapter. (N.J.S.A. 40:55D-70d).
- b. Such appeal shall be made within 10 days of the date of publication of such final decision pursuant to subsection **17-12.8** of this chapter. The appeal to the Borough Council shall be made by serving the Borough Clerk, in person or by certified mail, with a notice of appeal, specifying the grounds thereof and the name and address of the appellant and the name and address of his attorney, if represented. Such appeal shall be decided by the Borough Council only upon the record established before the Planning Board.
- c. Notice of the meeting to review the record below shall be given by the Borough Council by personal service or certified mail to the appellant, to those entitled to notice of a decision pursuant to subsection **17-12.8** of this chapter, and to the Zoning Board of Adjustment or Planning Board at least 10 days prior to the date of the meeting. The parties may submit oral and written arguments on the record at such meeting, and the Borough Council shall provide for verbatim recording and transcripts of such meeting.
- d. The Borough Council shall conclude a review of the record below not later than 45 days from the date of receipt of the transcript of the hearing unless the appellant consents in writing to an extension of such a period. The appellant shall arrange for a transcript for use by the Borough Council. Failure of the Borough Council to hold a hearing and conclude a review of the record below and to render a decision within the specified period without such written consent of the appellant shall constitute a decision affirming the action of the Planning Board.
- e. The Borough Council may reverse, remand or affirm, wholly or in part, or may modify the final decision of the Zoning Board of Adjustment or Planning Board. The affirmative vote of a majority of the full authorized membership of the

Borough Council shall be necessary to reverse, remand or modify any final action to the boards.

§ 17-12.8. Notice of Decisions.

[Ord. No. 90-535]

Any decision of the Planning Board when acting upon any application for development and any decision of the Borough Council when acting upon an appeal shall be given notice in the following manner:

- a. A copy of the decision shall be mailed to the applicant or appellant, or if represented, then to his attorney, without charge, and for a reasonable charge to any interested party who has requested it, not later than 10 days after the date of the decision.
- b. A brief notice of the decision shall be published in the official newspaper of the Borough, if there be one, or in a newspaper of general circulation in the Borough. Such publication shall be arranged by the Secretary of the Board and paid for by the applicant.
- c. A copy of the decision shall be filed with the Borough Clerk.

ORDINANCE NO.

AN ORDINANCE TO AMEND CHAPTER 9, SECTION 1.3 OF THE CODE OF THE BOROUGH OF LAKE COMO BY FURTHER AMENDING THE CONSTRUCTION FEE SCHEDULE IN ACCORDANCE WITH THE UNIFORM CONSTRUCTION CODE

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

SECTION 1 Chapter 9 Section 1.3 "Construction Fee Schedule", be and is hereby amended in its entirety to read as follows:

A. Building subcode fees:

(1) New structures and additions: Use Fee All use groups except R-3, R-5, S-1 and S-2

Volume of building _____ cubic feet x 0.045 = _____ (volume fee) Use groups R-3 and R-5

Volume of building _____ cubic feet x 0.045 = _____ (volume fee) Use groups S-1 and S-2

Volume of building _____ cubic feet x 0.034 = _____ (volume fee) Commercial farm buildings

Volume of building _____ cubic feet x 0.012 = _____ (volume fee) Maximum fee: \$1,000

(2) Renovations, alterations, repair and minor work fees.

(a) The applicant may submit cost data by an architect or engineer of record, a recognized estimation firm or by contractor bid. The Department will review the construction for acceptability.

R3 and R5 Only

Cost

Fee

Estimated cost up to and including \$50,000 plus \$35 per \$1,000 = \$_____

Portion of cost \$50,000 to and including \$100,000 plus \$30 per \$1,000 = \$_____

Portion of cost above \$100,000 \$24 per \$1,000 = \$_____

Sum of above items: \$_____

All Other Use Groups

Cost

Fee

Estimated cost up to and including \$50,000 plus \$40 per \$1,000 = \$_____

Portion of cost \$50,000 to and including \$100,000 plus \$35 per \$1,000 = \$_____

Portion of cost above \$100,000 \$34 per \$1,000 = \$_____

Sum of above items: \$_____

(b) For a combination of renovations and addition, the sum of the fees is computed separately as renovations and additions.

(3) Other fees:

(a) Aboveground pools: \$100.

(b) In-ground pool permit:

[1] Residential: \$250.

[2] Commercial: \$500.

[3] C/O: \$80.

[4] Fences over six feet in height: \$80.

[5] New pool barriers: \$65.

[6] Replacement of barrier, partial or full: \$50.

(c) Decks: assessed at \$0.40 per square foot.

(d) Asbestos abatement: \$150; C/O: \$60.

(e) Lead hazard abatement: \$150; C/O: \$60.

(f) Demolition:

[1] For a structure less than 5,000 square feet or less than 30 feet in height: \$150.

[2] All other structures: \$250.

[3] Residential pools: \$150; commercial pools: \$250.

(g) Signs.

[1] Pylon signs: \$4 per first 100 square feet and \$3 per next 400 square feet and \$2 per square foot for remaining square feet.

[2] Ground/wall signs: \$2.50 per first 100 square feet and \$2 per next 400 square feet and \$1.25 per square foot for remaining square feet.

(h) Wood stoves, fireplaces, pellet stoves: \$80.

(i) Masonry fireplaces, R-5 and R-3: \$125; all other use groups: \$250.

(j) Retaining walls:

[1] Residential.

[a] Less than 500 square feet: \$100.

[b] 500 square feet or greater: \$175.

[2] All other use groups: based on construction cost (see alteration fees).

(k) Wind turbine.

[1] Residential: \$130.

[2] Commercial: calculated based upon cost of work; see Subsection A(10) of this section.

(l) R-3 and R-5 solar racking system: \$150; all other use groups: calculated based upon cost of work.

(4) Relocation of buildings or structures.

(a) For the relocation of buildings and structures to a new location (including remanufactured construction, assembly or components transported to a construction site), the fee shall be based on the following estimated cost:

[1] Transportation and moving.

[2] New foundation.

[3] Placement of structure on foundation.

[4] External utility connections.

[5] Additional site work on the structure.

Cost \$1 to \$50,000	Fee \$35 per \$1,000
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Cost \$50,000 to \$100,000	Fee \$30 per \$1,000
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Cost Over \$100,000	Fee \$25 per \$1,000
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(b) The applicant shall submit a copy of the contract proposal cost data prepared by the architect or engineer of record or a recognized estimating firm by contract bid. The Construction Code Official shall make the final decision regarding the estimated cost. In addition, a handout obtained from the Building Department is to be filled out and submitted with the application.

(5) Waiver of construction permit fee. It is within the discretion of the Borough Council to waive a construction permit fee if an applicant is undertaking the alteration or improvement of an existing public or private structure solely to make it more handicapped accessible per N.J.A.C.

52:27D-126e.

(6) Prototype processing. Requests for prototype processing shall reduce the cost of each technical section by 10%.

(7) Variation. The fee for an application for a variation with N.J.A.C. 5:23-210 shall be \$655 for Class I structures and \$75 for Class II and III structures. Resubmission fees shall be \$250 for Class I structures and \$75 for Class II and Class III structures.

(8) Minimum fee. The minimum building subcode fee for plan review and/or inspections for R-3 and R-5 shall be \$85. All other use groups shall be \$150.

(9) Foundation location survey: \$35.

(10) Miscellaneous for all subcodes. The fee for any work not listed shall be \$85 or calculated by the dollar value of the project [see Subsection A(2) above], whichever is greater.

(11) State training fees. Current fees are pursuant to N.J.A.C. 5:23-4.19.

(12) To reinstate a lapsed permit, the fee shall be 20% of the original fee.

(13) The reinspection fee, for all subcodes, if a third inspection is required, shall be \$75.

(14) Certificate fees:

- (a) Residential certificate of occupancy (new construction): \$70.
- (b) Commercial certificate of occupancy (new construction): \$175.
- (c) Change of use certificate of occupancy: \$120.
- (d) Continued certificate of occupancy (commercial): \$80.
- (e) Certificate of approval for hazardous equipment: \$100.
- (f) Temporary certificate of occupancy: \$40 residential; \$100 commercial.
- (g) Hotel/Motel certificate of occupancy: \$50 per each unit.
- (h) Letter of no interest (required for all residential resale): \$65.

(15) There shall be a returned check fee of \$20.

(16) Plan review fees for all subcodes:

(a) Pursuant to N.J.A.C. 5:23-4.18(b)(1), the plan review fee shall be 25% of the cost of the construction permit.

(b) The hourly fee for review of any amendments or changes to a plan that has already been reviewed shall be \$50.

(c) Plan review fees shall be collectable on all applications whether the project has been undertaken or not.

(17) Request for permit refunds. All plan review and state training fees are nonrefundable.

(18) Change of contractor fee: \$15 per subcode residential; \$25 per subcode for all remaining use groups.

B. Plumbing subcode fees:

(1) Minimum fee. The minimum plumbing subcode fee for plan review and/or inspections for R-5 and R-3 shall be \$85; all other use groups: \$150.

(2) Fixtures and appliances. The installation of plumbing per fixture or stack shall include but not be limited to water closets, urinals, bidets, bathtubs, shower stalls, laundry tubs, floor drains, drinking fountains, dishwashers, clothes washers, water heaters, roof drains, hose bibs, indirect connections, backflow preventers for R-3 and R-5 residential boilers, or similar devices. The fee shall be as follows: \$20 per fixture and appliance. Chimney liners: R-5 and R-3 are \$75 each; all other use groups: \$150 each.

(3) Special devices. The installation of special devices shall include but not be limited to grease interceptors, oil separators, refrigeration units, backflow preventers with test ports, reduced pressure zone backflow preventers with test ports, pressure vacuum breakers with chemical injectors (other than R-3 and R-5), steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, interceptors, fuel piping (other than R-3 and R-5), air conditioners (other than R-3 and R-5), LP tanks (under 2,000 gallons) or similar devices. The fee shall be as follows: \$75 per fixture and appliance.

(4) Annual backflow inspection. The minimum fee for annual backflow certification shall be as follows: \$75 per device.

(5) Baseboard heat. The minimum fee for baseboard heat shall be as follows: (a) One foot to 150 feet: \$45. (b) Over 150 feet: \$60.

(6) Air conditioning. For the installation of air conditioning for R-3 and R-5, the fee shall be as follows: \$50 per unit.

(7) Gas piping. For the installation of each appliance connected to the gas piping system, the fee shall be as follows: \$20 per fixture and appliance.

(8) Fuel piping. § 139-86 § 139-86 :5 (a) For the installation of fuel lines for R-3 and R-5, the fee shall be as follows: \$50 per fixture and appliance. (b) The fee for each additional fixture or appliance connected to the same fuel line shall be as follows: \$20 per fixture and appliance.

(9) Lawn irrigation. (a) The fee for the installation of a PVB (pressure vacuum breaker), backflow preventer without chemical injectors shall be as follows: \$50 per preventer for residential and \$100 per preventer for commercial. (b) Modular and premanufactured structures. The construction permit is based on the estimated cost of the plumbing tech, external utility connections, and HVAC systems; the fee shall be as follows: \$35 per \$1,000.

(10) Temporary tanks on construction sites.

(a) LP tanks [DOT]: Number of Tanks Fee 1 to 10 \$75 11 to 20 \$130 Over 20 \$195 (b) ASME tanks: \$100 residential, \$150 commercial per tank.

(11) Water and sewer service lines: R-5 and R-3, \$75; all other use groups, \$150 (on multiple units the fee is per unit).

(12) Septic tank abandonment:

(a) Residential: \$100.

(b) Commercial: \$200.

(13) Dual-suction bottom drain lines for swimming pools/spas:

(a) Residential: \$80.

(b) Commercial: \$100.

(14) Pool heaters: \$95 each.

(15) Generators:

(a) Residential: \$95.

(b) Commercial: \$125.

C. Electrical subcode fees.

(1) Electrical fixtures and devices. When calculating the above fee, the terms "receptacles," "fixtures," and "switches" shall include lighting outlets, fluorescent fixtures, light standards, pool bonding, intercom devices, telephone outlets, CRT outlets, thermostats, burglar alarm devices, heat detectors, and smoke detectors.

Items 1 to 50 receptacles, fixtures, and switches	Fee \$75
Increments of 25 additional items	Fee \$15

(2) Motors and electrical devices.

(a) Motors.

Size (horsepower)	Fee
Greater than 1 but less than or equal to 10	\$25
Greater than 10 but less than or equal to 50	\$65
Greater than 50 but less than or equal to 100	\$150
Greater than 100	\$500

(b) Electrical devices (This includes transformers, generators and PV devices.).

[1] Fees.

Size (kilowatts)	Fee
Greater than 1 but less than or equal to 10	\$25
Greater than 10 but less than or equal to 45	\$65
Greater than 45 but less than or equal to 112.5	\$150
Greater than 112.5	\$500
R-5 and R-3 photovoltaic (PV) array systems up to 10 KW	\$225
For each KW (or portion) above 10 KW	\$25

[2] For the purpose of computing this fee, typical ratings are listed below. NOTE: Actual nameplate KW rating must be on the application to assure no delay in permit issuance.

Device	Average Ratings (KW)
Electric dryer	5.0
Electric range	10.8
Electric oven	5.7
Surface unit	5.1
Geothermal	Range from 3.8 to 19.2, Plus heat pump 2.6 to 7.4

Device	Average Ratings (KW)
Electric baseboard heat, four-foot length	1.3
Hard-wired microwave ovens	1.44
Water heater	4.5
Central air (per ton)	1.4
Central heat (electric)	5.0
Dishwasher	1.2

(3) Service equipment (service panel, service entrance, and subpanels). Each piece of equipment shall be priced as follows:

Size (amps)	Fee
Greater than 0 but less than or equal to 200	\$75
Greater than 200 but less than or equal to 1,000	\$200
Greater than 1,000	\$500

(4) Temporary service/pole. Service plus GF receptacle: \$90.

(5) Central air. Average residential unit/air handler plus disconnect: \$65.

(6) Above Ground pools:

- (a) With one pump motor: \$75.
- (b) Each additional pump motor: \$20.

(7) In-ground pool:

- (a) With one pump motor: \$120.
- (b) Each additional pump motor: \$25.
- (c) Pool lights: \$25 each.
- (d) Pool heater: \$25 each.

(8) Annual commercial in-ground pool inspection: \$75.

(9) Minimum fee. The minimum fee for electrical subcode plan review and/or inspections for R-5 and R-3 shall be \$85; all other use groups: \$150.

D. Fire subcode fees.

(1) Minimum fee. The minimum fee for fire subcode plan review and/or inspections for R-5 and R-3 shall be \$85; all other use groups: \$150.

(2) Tents. Tents greater than 900 square feet or larger than 30 feet in any direction: \$125.

(3) Standpipes and risers: \$275 each.

(4) Sprinkler heads, detectors and devices.

Number of Heads or Detectors	Fee
1 to 20	\$125
21 to 100	\$175
101 to 200	\$300
201 to 400	\$800
401 to 1,000	\$1,400
Over 1,000	\$1,600
Complete sprinkler system, R-5 and R3 \$250	

(5) Fire alarms and signal devices:

(a) Residential:

[1] One to 12: \$75.

[2] 12 or greater \$150.

(b) All other use groups follow the chart in (4) above.

(c) Fire alarm control panel or annunciator panel: \$150.

(6) Fire pumps:

(a) Zero to 1,250 GMP: \$300.

(b) Over 1,250 GMP: \$350.

(7) Independent pre-engineered systems: \$150.

(8) Engineered suppression systems: \$150.

(9) Spray booths/dipping tanks: \$150 each.

(10) Tank removal, abandonment or installation per tank.

(a) Residential: \$100.

(b) Commercial: \$200.

(11) Fuel-dispensing units/piping per island (three per group): \$300.

(12) Gas/oil-fired appliances per appliance.

(a) Residential: \$75.

(b) Commercial: \$125.

(13) Combustion air commercial: \$75.

(14) Kitchen exhaust systems.

(a) Residential: \$35 per hood.

(b) Commercial: \$150 per hood.

(15) Chimneys, wood stoves, liners and zero-clearance fireplaces:

R-5 and R-3 are \$75 each.

All other use groups: \$150 each.

(16) Incinerators/crematoriums: \$460 each.

(17) Smoke control systems: \$250.

(18) Generators: R-5 and R-3: \$75; all other use groups \$150.

(19) Installation of private fire-suppression water mains, hydrants and control valves:

(a) Private fire service mains per linear foot: \$1.25.

(b) Fire hydrant, for each unit installed: \$75.

(c) Control valves, for each unit installed: \$75.

E. Annual permits. Annual permit requirements are as follows:

(1) The fee to be charged for an annual construction permit shall be charged annually. This fee shall be a flat fee based upon the number of maintenance workers who are employed by the facility, and who are primarily engaged in work that is governed by a subcode. Managers, engineers and clericals shall not be considered maintenance workers for the purpose of establishing the annual construction permit fee. Annual permits may be issued for building/fire protection, electrical and plumbing.

(2) Fees for annual permits shall be as follows:

(a) One to 25 workers (including foremen): \$667/worker; each additional worker over 25: \$232/worker.

(b) Prior to the issuance of the annual permit, a training registration fee of \$140 per subcode and a list of not more than three individuals to be trained per subcode shall be submitted by the applicant to the Department of Community Affairs, Bureau of Code Services, Education Unit, along with a copy of the construction permit (Form F170). Checks shall be made payable to "Treasurer, State of New Jersey." The Department shall register these individuals and notify them of the courses being offered.



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

**DATE: JUNE 20, 2023
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 third day of January 2023 in which Resolution the time and place of Agenda and Regular Meetings commencing with January 3, 2023 were set forth. Notice of same was delivered to the Asbury Park Press, the Coast Star and TAPinto and a copy of the notice was posted on the borough website at www.lakecomonj.org and on the bulletin board in Borough Hall. All meetings are open to the public.

ROLL CALL

Douglas Witte
Hawley Scull
Christopher D'Antuono
Nick DeMauro
Peter Ventrice
Heather Albala-Doyle

APPROVAL OF MINUTES

Minutes from the June 7, 2023 Meeting

COMMUNICATIONS

REPORTS OF COMMITTEES

UNFINISHED BUSINESS

PUBLIC COMMENTS ON NEW BUSINESS & CONSENT AGENDA

CONSENT AGENDA

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

NEW BUSINESS

Application for use of Recreational Facilities
With Intentions Holistic Studio LLC

Resolution 2023-88
Canceling Outstanding and Stale Checks
Offered by Councilman D'Antuono

Resolution 2023-89
Payment of Bills
Offered by Councilman Witte

Resolution 2023-90
Changing Meeting Date
Offered by Councilwoman Albala-Doyle

Resolution 2023-91
Closed Session
Offered by Councilman Ventrice

PUBLIC COMMENTS

ALCOHOLIC BEVERAGE CONTROL BOARD

Resolution 2023-86
Salty's Beach Bar Belmar LLC t/a Salty's Beach Bar

Resolution 2023-87
MacTav Inc. t/a McCann's Steer and Spirits

NEXT MEETING

The next regular meeting of the Mayor and Council will be held on Tuesday, July 18, 2023, immediately following the 7:30 PM Workshop in the Lake Como Meeting Room. All meetings are open to the public.

MOTION TO ADJOURN



Borough of Lake Como

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

Kevin G. Higgins
Mayor

Andrew Huisman
Administrator

Borough of Lake Como Application for Use of Recreational Facility

Name: Regina Viqueira, co-owner, With Intentions Holistic Studio LLC
Address: 1700 Main St, Ste 101, Lake Como, NJ
Telephone Number: 732-800-6960
Date(s) of Request: Mondays, July - September 2023 Time: from 9:30am to 10:30am
Description of Use: Sun Flow Yoga Class - This open level yoga class is a mindful vinyasa based flow to tune into our bodies and breath. It would be open to the public, and sign up and waivers would be completed through our business via withintentions.com/Mindbody.

Area Requested:

- ☐ Soccer Fields – Behrman Park
- ☐ Baseball/Softball Fields – Behrman Park (Little League Field located at the south end of the park is not to be used)
- ★ Lake Como lakefront

RV Please initial here that you understand the following conditions and requirements:

- The remainder of the park is still open to the public
- The area that you use must be cleaned before leaving
- The area requested can be for a period not to exceed 5 hours
- You are to keep the permit with you when using the park
- All Borough ordinances must be followed (No Alcoholic Beverages, No Animals, etc.)
- Hours of permits are between 8:00AM and 9:00PM unless otherwise approved
- Please note that field availability is contingent of Lake Como Little League and Soccer League use

Signature 

6/15/2023
Date

FOR OFFICE USE ONLY

Date of Receipt of Application

6/16/23

Date of Approval/Rejection of Application

Signature of Licensing Official

Copies given to

☐ Public Works

☐ Police

RESOLUTION 2023-88
A RESOLUTION AUTHORIZING THE CANCELLING OF OUTSTANDING
AND STALE CHECKS

WHEREAS, the Borough of Lake Como maintains bank accounts in all funds of the Borough for checking accounts, statement savings and cash management funds; and

WHEREAS, the Chief Municipal Finance Officer of the Borough reconciles the various municipal accounts on a monthly basis; and

WHEREAS, there exists reconciling items that relate to the period ending 5/31/2023; and

WHEREAS, such items are deemed outdated and stale; and

WHEREAS, generally accepted accounting principals and general accepted internal control standards require periodic review; and

WHEREAS, the Chief Municipal Finance Officer of the Borough and the Lake Como Court Administrator have performed and reviewed and determined that such action of cancellation be taken as follows:

Fund: Checks from Lake Como Municipal Court General Account Ending in 2045

Outstanding Checks

Check #	Amount
1029	\$1.00
1057	\$1.00
1111	\$60.00
1121	\$2.00
1122	\$60.00
1130	\$650.00
1157	\$175.00
1189	\$1.00
1190	\$1.00
1255	\$60.00
1256	\$3.00
1257	\$4.00
1282	\$3.00
Total Amount to be canceled	\$1,021.00

Total Amount to be cancelled = \$1,021.00

NOW, THEREFORE, BE IT RESOLVED that the Chief Municipal Finance Officer and the Lake Como Court Administrator are authorized to make such adjustments to the books and records.

BE IT FURTHER RESOLVED that certified copies of this resolution shall be forwarded to the Chief Municipal Finance Officer.

Dated: June 20, 2023

Kevin G. Higgins
Mayor

Douglas Witte
Council President

Certification

I hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Lake Como Borough Council at its meeting held on June 20, 2023.

Amy L. Boney
Acting Borough Clerk

Resolution 2023 - 89

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	\$ 338,420.69
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WATER/SEWER ACCOUNT:

Per Attached Bill List	\$ 63,563.15
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TOURISM ACCOUNT:

Per Attached Bill List	\$ 1,084.48
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ACH WIRE PAYMENTS:

Per Attached Budget Entry List	\$ 23,984.87
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TOTAL:	\$ 427,053.19
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Dated: June 20, 2023

Kevin G. Higgins
Mayor

Douglas Witte
Council President

Certification

I hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Lake Como Borough Council at its meeting held on June 20, 2023.

Amy L. Boney
Acting Borough Clerk

June 15, 2023
03:52 PM

Borough Of Lake Como
Received P.O. Batch Listing By P.O. Number

Page No: 1

Rcvd Batch Id Range: First		to Last		Rcvd Date Start: 0		End: 06/15/23		Report Format: Condensed	
Rcvd Date	Batch Id	PO #	Description	Vendor		Amount		Contract	
06/06/23	DAWND	23-00385	ANIMAL CONTROL SERVICE APRIL	MCSPCA	MONMOUTH COUNTY SPCA	200.00			
06/06/23	DAWND	23-00402	CFO SERVICES MAY 2023	HOLMANFR	HOLMAN FRENIA ALLISON, PC	5,000.00			
06/06/23	DAWND	23-00405	NJLM MINI CONFERENCE 6/14/23	NJLM	NJ LEAGUE OF MUNICIPALITIES	375.00			
06/06/23	DAWND	23-00408	FIBER	NJ034	NJ GRAVEL & SAND CO	96.00			
Total for Batch: DAWND						5,671.00			
Total for Date: 06/06/23						Total for All Batches:		5,671.00	
06/07/23	DAWND	23-00387	MONTHLY WATER TESTING MAY	R4640	E. RUNYON T/A AQUATIC SERVICES	465.00			
Total for Batch: DAWND						465.00			
Total for Date: 06/07/23						Total for All Batches:		465.00	
06/08/23	DAWND	23-00406	TIPPING FEES MAY 16-31	DELIS	DELISA WASTE SERVICES	2,678.86			
06/08/23	DAWND	23-00415	GROUP DENTAL INSURANCE JULY	DELTADNJ	DELTA DENTAL OF NEW JERSEY	1,038.68			
Total for Batch: DAWND						3,717.54			
Total for Date: 06/08/23						Total for All Batches:		3,717.54	
06/09/23	DAWND	23-00400	HARDWARE STORE MAY	T0059	TAYLOR HARDWARE	114.94			
06/09/23	DAWND	23-00417	STREET OPENING 23-11 REFUND	JOHNKELL	JOHN KELLY MECHANICAL	600.00			
06/09/23	DAWND	23-00424	QUARTERLY MAINT. APRIL BILLING	ATLSEFIR	ATLANTIC SECURITY & FIRE	689.55			
Total for Batch: DAWND						1,404.49			
Total for Date: 06/09/23						Total for All Batches:		1,404.49	
06/12/23	DAWND	23-00399	WATER COOLER SERVICE	KEPWE	KEPWEL SPRING WATER CO.	51.25			
06/12/23	DAWND	23-00410	FOUNTAIN SUPPLIES	GOODELEC	GOOD FRIEND ELECTRIC	56.40			
06/12/23	DAWND	23-00412	MONTHLY LEGAL SERVICE JUNE	SHAINSCH	SCHAFER SHAIN JALLOH, PC	2,125.00			
06/12/23	DAWND	23-00416	Online Mandatory Training	NJPO	NEW JERSEY PLANNING OFFICIALS	196.00			
06/12/23	DAWND	23-00426	WATER SERVICE MAY 2023	NJAW0	NEW JERSEY AMERICAN WATER CO.	53,679.64			
06/12/23	DAWND	23-00427	SCHOOL TAXES JUNE	SBBED	LAKE COMO BOARD OF EDUCATION	320,166.60			
Total for Batch: DAWND						376,274.89			
Total for Date: 06/12/23						Total for All Batches:		376,274.89	
06/13/23	DAWND	23-00428	CELLULAR SERVICE IPADS	VERW1	VERIZON WIRELESS	2,216.92			
06/13/23	DAWND	23-00429	RAW WATER QUAR MAINT 4/1-6/30	NJW00	NJ WATER SUPPLY AUTHORITY	9,223.11			
Total for Batch: DAWND						11,440.03			
Total for Date: 06/13/23						Total for All Batches:		11,440.03	
06/14/23	DAWND	23-00401	STUDENT BANNERS 2023	RILEIGHS	RILEIGHS OUTDOOR DECOR	1,084.48			
06/14/23	DAWND	23-00407	FUEL SERVICE MAY 2023	BELMA	BOROUGH OF BELMAR	1,194.04			
06/14/23	DAWND	23-00414	PLOW LIGHTS, LAWN BLADES	AMAZON	AMAZON BUSINESS	464.30			
Total for Batch: DAWND						2,742.82			

June 15, 2023
03:52 PM

Borough Of Lake Como
Received P.O. Batch Listing By P.O. Number

Page No: 2

Rcvd Date	Batch Id	PO #	Description	Vendor	Amount	Contract
			Total for Date: 06/14/23	Total for All Batches:	2,742.82	
06/15/23	DAWND	23-00409	REGULAR LOCATES	ONECC ONE CALL CONCEPTS	45.40	
06/15/23	DAWND	23-00418	CELL PHONE RELIEF	RYDHO SEAN RYDHOLM	75.00	
06/15/23	DAWND	23-00419	CELL PHONE RELIEF	KELLY JOSEPH KELLY	75.00	
06/15/23	DAWND	23-00420	CELL PHONE RELIEF	CUSIC JOHN CUSIC	75.00	
06/15/23	DAWND	23-00421	CELL PHONE RELIEF	BRAHN JUSTIN BRAHN	75.00	
06/15/23	DAWND	23-00422	CELL PHONE RELIEF	DALEX DEREK ALEXANDER	75.00	
06/15/23	DAWND	23-00430	EMPLOYEE DENTAL INS JULY	DSO DENTAL SERVICE ORGANIZATION	267.15	
06/15/23	DAWND	23-00431	ZERO'S AMENDED SITE PLAN	H2MASSOC H2M ASSOCIATES, INC.	380.00	
06/15/23	DAWND	23-00432	ALACAN VARIANCE APP	H2MASSOC H2M ASSOCIATES, INC.	190.00	
06/15/23	DAWND	23-00433	DYNAMIC VARIANCE APP	H2MASSOC H2M ASSOCIATES, INC.	95.00	
			Total for Batch: DAWND		1,352.55	
			Total for Date: 06/15/23	Total for All Batches:	1,352.55	

June 15, 2023
03:52 PM

Borough Of Lake Como
Received P.O. Batch Listing By P.O. Number

Page No: 3

Batch Id	Batch Total
Total for Batch: DAWND	403,068.32
Total Of All Batches:	<u>403,068.32</u>

Totals by Year-Fund Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	3-10	338,420.69	0.00	0.00	338,420.69
	3-20	63,563.15	0.00	0.00	63,563.15
	3-74	1,084.48	0.00	0.00	1,084.48
Total of All Funds:		<u>403,068.32</u>	<u>0.00</u>	<u>0.00</u>	<u>403,068.32</u>

June 12, 2023
12:50 PM

Borough Of Lake Como
Budget Entry Verification Listing

Page No: 1

Batch Id: HLTHEMP Batch Date: 06/13/23 Batch Type: Recurring

Account No. Account Description	Type	Entry Description	Amount	Tracking Id	Seq
3-10- -013-304 EMPLOYEE GROUP INSURANCE	Expenditure	emp health benifit	17,247.45		1
Db: 3-10- - -500-001		CURRENT APPROPRIATIONS		Cr: 3-10- - -100-010	CURRENT CHECKING INVESTORS
3-10- -900-993 DUE TO/FROM PAYROLL AC	Expenditure	emp health benifit emp co pay	2,043.64		2
Db: 3-10- - -300-006		DUE TO/FROM PAYROLL A/C		Cr: 3-10- - -100-010	CURRENT CHECKING INVESTORS

WARNING: This account would have a negative balance: 3-10- -013-304. Balance would be: 79,263.39-.

WARNING: Control Acct would have a negative balance but error was overridden: 3-10- -013-304. Balance would be: 79,263.39-.

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
	3-10	19,291.09	0.00	0.00	0.00	0.00	0.00
Total Of All Funds:		19,291.09	0.00	0.00	0.00	0.00	0.00

	Entries	Amount
Expenditures:	2	19,291.09
Reimbursements:	0	0.00
Transfer In:	0	0.00
Transfer Out:	0	0.00
Cancel:	0	0.00
Encumbrance:	0	0.00
YTD 1099:	0	0.00
Total:	2	

There are warnings in this listing, but can proceed with update.

June 12, 2023
12:50 PM

Borough Of Lake Como
Budget Batch Update/Posting Report

Page No: 1

	Updated Entries	Updated Amount			
Reimbursements:	0	0.00			
Expenditures:	2	19,291.09			
Transfer In:	0	0.00			
Transfer Out:	0	0.00			
Cancel:	0	0.00			
Encumbrances:	0	0.00			
YTD 1099:	0	0.00			
Batch: HLTHEMP	Updated Entries:	2	Updated Amount:	19,291.09	Ref Num: 2172

June 12, 2023
12:53 PM

Borough Of Lake Como
Budget Entry Verification Listing

Page No: 1

Batch Id: HLTHRET Batch Date: 06/13/23 Batch Type: Recurring

Account No. Account Description	Type	Entry Description	Amount	Tracking Id	Seq
3-10- -013-304 EMPLOYEE GROUP INSURANCE	Expenditure	retired emp health benifits	4,693.78		1
Db: 3-10- - -500-001 CURRENT APPROPRIATIONS		Cr: 3-10- - -100-010 CURRENT CHECKING INVESTORS			

WARNING: This account would have a negative balance: 3-10- -013-304. Balance would be: 83,957.17-.

WARNING: Control Acct would have a negative balance but error was overridden: 3-10- -013-304. Balance would be: 83,957.17-.

Fund Description	Fund	Expenditures	Reimbursements	Transfer In	Transfer Out	Cancel	Encumbrances
	3-10	4,693.78	0.00	0.00	0.00	0.00	0.00
Total of All Funds:		4,693.78	0.00	0.00	0.00	0.00	0.00

	Entries	Amount
Expenditures:	1	4,693.78
Reimbursements:	0	0.00
Transfer In:	0	0.00
Transfer Out:	0	0.00
Cancel:	0	0.00
Encumbrance:	0	0.00
YTD 1099:	0	0.00
Total:	1	

There are warnings in this listing, but can proceed with update.

	Updated Entries	Updated Amount
Reimbursements:	0	0.00
Expenditures:	1	4,693.78
Transfer In:	0	0.00
Transfer Out:	0	0.00
Cancel:	0	0.00
Encumbrances:	0	0.00
YTD 1099:	0	0.00

Batch: HLTHRET Updated Entries: 1 Updated Amount: 4,693.78 Ref Num: 2173

RESOLUTION 2023-90
CHANGE OF MEETING DATE

BE IT RESOLVED by the Mayor and Council of the Borough of Lake Como that the Regular meeting of Mayor and Council scheduled for Tuesday, July 18, 2023 shall be cancelled and rescheduled for Tuesday, July 11, 2023 at 7:30 PM, following the workshop meeting.

A copy of this Notice shall be published in the Coast Star and on the Borough website and a copy shall be sent to the Asbury Park Press and TapInto. All meetings are open to the public.

Dated: June 20, 2023

Kevin G. Higgins
Mayor

Douglas Witte
Council President

Certification

I hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Lake Como Borough Council at its meeting held on June 20, 2023.

Amy L. Boney
Acting Borough Clerk

RESOLUTION 2023-91

RESOLUTION OF THE BOROUGH OF LAKE COMO COUNCIL EXECUTIVE SESSIONS

WHEREAS, the Borough Council of the Borough of Lake Como must discuss matters which are not appropriate for discussion in a public meeting; and

WHEREAS, these subjects are within the exceptions to the Open Public Meetings Act and are permitted to be discussed in Closed Session pursuant to N.J.S.A. 10:4-12b; and

WHEREAS, the Borough Council intends to discuss matters as follows:

- ☐ Pursuant to N.J.S.A. 10:4-12b(1), "any matter which, by provision of federal law or State statute or rule of court shall be rendered confidential or excluded from the provisions of subsection a." of N.J.S.A. 10:4-12, public meetings. The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:
- ☐ Pursuant to N.J.S.A. 10:4-12b(2), "any matter in which the release of information would impair a right to receive funds from the Government of the United States". The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:
- ☐ Pursuant to N.J.S.A. 10:4-12b(3), "any material the disclosure of which constitutes an unwarranted invasion of individual privacy such as records, data, reports, recommendations, or other personal material of any educational, training, social service, medical, health, custodial, child protection, rehabilitation, legal defense, welfare, housing, relocation, insurance and similar program or institution operated by a public body pertaining to any specific individual admitted to or served by such institution or program, including but not limited to information relative to the individual's personal and family circumstances, and any material pertaining to admission, discharge, treatment, progress or condition of any individual, unless the individual concerned (or, in the case of a minor or incompetent, his guardian) shall request in writing that the same be disclosed publicly." The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:
- ☐ Pursuant to N.J.S.A. 10:4-12b(4), "any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body." The collective bargaining contract(s) discussed are between the Commission and:
- ☐ Pursuant to N.J.S.A. 10:4-12b(5), "any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matter were disclosed." The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:
- ☐ Pursuant to N.J.S.A. 10:4-12b(6), "any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law." The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:
- ☒ Pursuant to N.J.S.A. 10:4-12b(7), "any pending or anticipated litigation or contract negotiation other than in subsection b. (4)" of N.J.S.A. 10:4-12 "in which the public body is or may become a party. Any matters falling within the attorney-client privilege, to the

extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer." The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is: attorney-client privilege

- ☐ Pursuant to N.J.S.A. 10:4-12b(8), "any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of, promotion or discipline of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting." The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:
- ☐ Pursuant to N.J.S.A. 10:4-12b(9), "any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility." The nature of the matter, described as specifically as possible without undermining the need for confidentiality, is:

WHEREAS, the length of the Closed Session is estimated to be **30 minutes** after which the public meeting of the Borough Council shall reconvene, and action may be taken.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council will recess into Closed Session for only the aforesaid subject(s); and

BE IT FURTHER RESOLVED that the Borough Council hereby declares that its discussion of the aforesaid subject(s) will be made public at a time when the public's interest in disclosure is greater than any privacy or governmental interest being protected from disclosure in accordance with the Open Public Meetings Act.

Dated: June 20, 2023

Kevin G. Higgins, Mayor

Douglas Witte, Council President

CERTIFICATION

I hereby certify the foregoing Resolution to be a true and exact copy of a Resolution adopted by the Borough of Lake Como Council at its meeting held on June 20, 2023.

Amy Boney, Acting Borough Clerk

RESOLUTION 2023-86

WHEREAS, The Mayor and Council of the Borough of Lake Como have approved the renewal of Alcoholic Beverage License No. 1347-33-006-012 in the name of:

**SALTY'S BEACH BAR BELMAR LLC
T/A SALTY'S
1705 MAIN STREET
Lake Como, NJ 07719**

BE IT RESOLVED, that the Mayor and Council sitting as the Local Alcoholic Beverage Control Board and the applicant have agreed to the following conditions:

1. Outside Live bands and DJ's (with reduced amplification) are permitted until 10:00pm. No amplification of percussions. Doors should be closed when there is a live band inside.
2. All windows in the licensed premises shall be closed at all times during the hours of operation. Licensee shall have the discretion to keep the door open from 12:00 noon to 9:00pm as long as there is no noise emanating from the premises.
3. Officer(s) will be assigned /stationed in the vicinity of the Salty's Beach Bar May 1st to Labor Day at the discretion of the Chief of Police.
4. Additional paid police officers on holidays, special events, and busier than normal days is at the discretion of the Chief of Police.
5. The Licensee shall post an escrow with the Belmar Police Department in the amount of \$10,000.00 upon renewal of license. After the initial \$10,000.00 deposit is made, should the escrow be depleted to an amount of \$5,000.00 or less the Licensee shall be required to replenish the escrow to \$10,000.00, or such lesser amount as may be determined by the Borough's Chief Financial Officer, within ten (10) days of receiving notice to replenish the escrow. If the initial escrow is not posted or if the escrow is not replenished, the Licensee will not be permitted to serve alcoholic beverages until the full escrow is posted. These procedures and time frames for the posting of the escrow shall apply each year.
6. The use of the escrow shall be limited to the posting of an Officer and back-up Officers as set forth in Conditions 3 and 4. The Licensee shall be provided with reasonable documentation by the Borough, on a weekly basis, for

all charges to the escrow. Should the Licensee object to any charges against the escrow the Licensee shall file a written objection to the charges with the Borough Administrator within ten (10) days of the receipt of the proposed charges.

7. At least two security personnel must be outside to monitor and maintain any line that forms to enter the establishment. Any security personnel must be clearly identified wearing Salty's Tavern staff attire.

8. All employees licensed to handle alcoholic beverages must undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.

9. Shush patrol will be implemented at the discretion of the Chief of Police.

10. The Licensee shall provide a litter patrol, which shall remove litter and debris on the west side of Main Street from 17th to 18th Avenue by 10:00 a.m. each morning.

11. Unruly Patrons: All personnel responsible for the distribution of alcohol and providing security will be trained in the ServSafe program as well as have knowledge of the local ordinances. When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, they will be immediately asked to leave. If a patron refuses, management will notify the Borough of Belmar's Police Department.

12. Intoxicated Patrons: All personnel may not sell, dispense, or give away alcohol to any person who is deemed intoxicated. When a customer has been "cut-off", the server will notify the other employees. Management will support the server's decision to terminate service to any customer. The customer will be asked to leave and management will secure a sober driver or provide a taxi service to take the patron home. If the customer refuses, management will notify the Borough Belmar's Police Department with a description of the person and the license plate number of the vehicle, if possible.

13. False IDs: All identification cards used to prove age must be valid (i.e., may not be expired), and must be government issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask purchasers questions relating to their identification in order to verify the information. If the employee checking an ID has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be

presented to the police.

14. Control/Supervision of Patron under 21 Licensee will request proof of age from any customer who appears to be 30 years of age or younger, and will refuse service to any customer who cannot produce adequate ID.

15. Circumstances under which the Police will be called: The police will be called, in a timely manner, any time management or staff has information to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs in the premises or off premises in areas that would be considered in view or earshot of the establishment.

16. Handling of Physical Disturbances, including Fights: Security or management will ask anyone who is fighting to leave. If necessary, security or management will call the local law enforcement agency for assistance. Licensee will permanently refuse admittance to any chronic problem customer.

17. The licensee shall keep an accurate count either by electronic or manual means of the number of persons entering and exiting the premises in order to have an accurate count of the occupancy of the licensed premise at all times.

18. Occupancy limits contained herein are superseded by any executive order currently in effect.

WHEREAS, the seasonal area originally designated in Resolution 2008-160 delineated at 48 feet 6 inches west of the rear wall of the main building of Salty's Beach Bar thence south 45 feet to the southerly existing fence and then easterly 71 feet to the existing fence and then again north 12 feet 8 inches to the southerly wall of the main building from July 1, 2023 through October 15, 2023 and April 15, 2024 through June 30, 2024. This area shall be subject to be renewed on a year-by-year basis and shall be a licensed premises for the sale and consumption of alcoholic beverages.

BE IT FURTHER RESOLVED that the licensee shall provide a copy of the layout of the establishment to the Belmar Fire Company marking all exits, floor plan and fire panel. Licensee shall send updated layouts any time a change is made.

BE IT FURTHER RESOLVED the State of New Jersey Alcoholic Beverage Control Board be notified and License be issued to the above for the period of July 1, 2023 through June 30, 2024.

Dated: June 20, 2023

Kevin G. Higgins
Mayor

Douglas Witte
Council President

Certification

I hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Lake Como Borough Council at its meeting held on June 20, 2023

Amy L. Boney
Acting Borough Clerk

RESOLUTION 2023-87

WHEREAS, Mayor and Council of the Borough of Lake Como have approved the renewal of Alcoholic Beverage License No. 1347-33-005-008 in the name of:

**MAC-TAV INC.
T/A McCANN'S TAVERN
1704 MAIN STREET
LAKE COMO, NJ 07719**

WHEREAS, the seasonal area originally designated in Resolution 2014-94 delineated an expansion onto the Borough sidewalk for a distance not exceeding 7 feet from the front of the building and 20'4" in length, leaving 11'3" from the curb line open for use of the sidewalk on Main Street. For the purpose of selling and consuming alcohol, only for patrons seated at tables not exceeding eight in number from 5:00pm until 10:00pm from July 1, 2023 until October 15, 2023 and from April 15, 2024 until June 30, 2024.

AND WHEREAS, the applicant shall also comply with the Borough of Lake Como's outside dining ordinance.

AND WHEREAS, this area shall be subject to be renewed on a year-by-year basis and shall be a licensed premises for the sale and consumption of alcoholic beverages.

NOW THEREFORE BE IT RESOLVED that the outdoors expansion is approved for the period of July 1st, 2023 through June 30th 2024.

BE IT FURTHER RESOLVED that the licensee has agreed to the following conditions:

1. All windows in the licensed premises shall be closed at all times during hours of operation. All doors shall remain closed except for providing ingress and egress to patrons and employees. At no time shall doors be left continually open to provide ingress and egress. Doors may be opened to allow air flow between the hours of 12:00 noon and 6:00 p.m. provided there is no noise emanating from any source.
2. No bottles or garbage shall be dumped by the Licensee between 11:00 pm- 7:00 a.m.
3. The licensee shall keep an accurate count either by electronic or manual means of the number of persons entering and exiting the premises in order to have an accurate count of the occupancy of the licensed premises at all times.
4. All employees licensed to handle alcoholic beverages must undergo TAMS training within 30 days of being hired; records of this requirement are to be maintained by the licensee.
5. The Licensee shall provide a litter patrol, which shall remove litter and debris on the East side of Main Street, between 17th Avenue and Redmond Avenue by 10:00am each morning.
6. Shush patrol to be implemented at the discretion of the Chief of Police.

7. Unruly Patrons: All personnel responsible for the distribution of alcohol and providing security will be trained in the ServSafe program as well as have knowledge of the local ordinances. When a patron acts in a manner that is violent, abusive, indecent, profane, boisterous, or otherwise disorderly, they will be immediately asked to leave. If a patron refuses, management will notify the Borough of Belmar's Police Department.
8. Intoxicated Patrons: No personnel may sell, dispense, or give away alcohol to any person who is deemed intoxicated. When a customer has been "cut-off", the server will notify the other employees. Management will support the server's decision to terminate service to any customer. The customer will be asked to leave and management will secure a sober driver or provide a taxi service to take the patron home. If the customer refuses, management will notify the Borough of Belmar's Police Department with a description of the person and the license plate number of the vehicle, if possible.
9. False IDs: All identification cards used to prove age must be valid (i.e., may not be expired), and must be government issued. If the identification card is expired or appears at all questionable to the employee, the employee shall request a second form of identification. The employee shall make sure that the individual purchasing the liquor resembles the identification card. All employees are encouraged to ask purchasers questions relating to their identification in order to verify the information. If the employee checking an ID has a strong suspicion that an ID is false, altered, or belongs to someone other than the person presenting the ID, he/she shall confiscate the ID and turn it over to management, to be presented to the police.
10. Control/Supervision of Patron under 21 Licensee will request proof of age from any customer who appears to be 30 years of age or younger, and will refuse service to any customer who cannot produce adequate ID.
11. Circumstances under which the Police will be called: The police will be called, in a timely manner, any time management or staff has information to believe a crime has been or is about to be committed and/or whenever a threat of or act of violence occurs in the premises or off premises in areas that would be considered in view or earshot of the establishment.
12. Handling of Physical Disturbances, including Fights: Security or management will ask anyone who is fighting to leave. If necessary, security or management will call the local law enforcement agency for assistance. Licensee will permanently refuse admittance to any chronic problem customer.
13. The License shall reimburse the Borough of Lake Como for the cost of additional police patrol hours in the affected areas that are made necessary because of the operation of the Licensee. The determination of need for extra police patrol hours shall be in the sole discretion of the Police Chief and the cost shall be based on the hourly rate of the cost of the patrol.
14. Occupancy limits contained herein are superseded by any executive order currently in effect.

BE IT FURTHER RESOLVED that the Licensee provide a copy of the layout of the establishment to the Belmar Fire Company marking all exits, floor plan and fire panel.

Licensee shall send updated layouts any time a change is made.

BE IT FURTHER RESOLVED that the State of New Jersey Alcoholic Beverage Control Board be notified and License be issued to the above for the period of July 1, 2023 through June 30, 2024.

Dated: June 20, 2023

Kevin G. Higgins
Mayor

Douglas Witte
Council President

Certification

I hereby certify that the foregoing Resolution to be a true and exact copy of the Resolution adopted by the Lake Como Borough Council at its meeting held on June 20, 2023

Amy L. Boney
Acting Borough Clerk