



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

**DATE: MAY 19, 2020 – VIRTUAL MEETING  
REGULAR MEETING IMMEDIATELY FOLLOWING THE WORKSHOP**

**MEETING CALLED TO ORDER**

Mayor Higgins called the meeting to order at 7:45pm

**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. Notice of the virtual meeting was noticed to the papers on May 14th and a copy of the notice was posted on the door of Borough Hall and posted on the website. All meetings are open to the public.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

Councilwoman Scull made a motion to approve the minutes from the May 5, 2020 Regular Virtual Meeting, seconded by Councilwoman Kropac, all are in favor.

**COMMUNICATIONS**

None on the agenda

**REPORTS OF COMMITTEES**

- Councilman DeMauro reported that he received the preliminary draft proposal from the engineers for Behrman Park and it was a lot higher than what's available. Councilman DeMauro reported he will speak to the engineer before the next meeting and that he is still waiting on a response from the Board of Education for a reported from them. All other matters are in order.

- Councilman Gardner reported that the Environmental Commission Meeting for tomorrow night is canceled and the next meeting is scheduled for July 15 but they are hoping to be able to meet the 3<sup>rd</sup> Wednesday in June. All other matters are in order.
- Councilman D'Antuono reported that the summer traffic pattern and the no parking on 18<sup>th</sup> Avenue for the weekends is now in effect. Councilman D'Antuono reported that new residents have the opportunity to opt in to the energy coop that's available to Lake Como residents and as was previously reported, the rates have recently gone down. All other matters are in order.
- Councilwoman Scull reported that the Tourism photo contest ends this Friday so get your pictures in now. Prizes will be awarded. All other matters are in order.
- Councilwoman Kropac reported that we heard from John Meehan of JCP&L during the workshop and the decorative lights project should begin in the next few weeks. All other matters are in order.
- Councilman Witte reported that the Planning Board will be having a virtual meeting on Monday, June 8<sup>th</sup> at 7pm. All other matters are in order.
- Mayor Higgins is as follows:
  - o Lake Como remains at 16 positive cases and we have been at that number for some time.
  - o I have officially cancelled the Memorial Day Services for next Monday and will send a reverse 911 to all residents at the end of this week along with other weekend information.
  - o I know some are concerned about the upcoming weekend with the seasonal renters moving into the area. We have held the C.O.'s until this Friday at 9:00am. Homeowners will pick up the C.O.'s at Borough Hall along with other items, including a letter from me welcoming them to our community for the summer. In the letter, I have also informed the tenants that they are now residents of Lake Como and will be treated just like everyone else. That includes parking stickers, and restrictions on gatherings above Ten people. Stickers will be issued based upon the CO and no other stickers will be issued.
  - o With that being said we will be putting up more signs up this week.
 All other matters are in order.

## **UNFINISHED BUSINESS**

### **Parking Study**

- Mayor Higgins reported that he met with the engineer and they are working on getting updates to the Council on the Parking Study.

### **PUBLIC COMMENTS ON NEW BUSINESS**

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

No Public Comments

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

### **CONSENT AGENDA**

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

### **NEW BUSINESS**

Gun Violence Awareness Day Proclamation

Read by Mayor Higgins, Councilman Witte made a motion to approve the proclamation, seconded by Councilwoman Kropac, roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2020-88

Payment of Bills

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

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

No: None

Abstain: None

Absent: None

Resolution 2020-89

Executive Session

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

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

No: None

Abstain: None

Absent: None

Resolution 2020-90

Cops in Shops Grant

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

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

No: None

Abstain: None

Absent: None

Resolution 2020-91

Refund of Tax Overpayment

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

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

No: None

Abstain: None

Absent: None

Resolution 2020-92

Adding Meeting Date

Offered by Councilman DeMaruo, seconded by Councilman Gardner, roll call vote as follows:

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

No: None

Abstain: None

Absent: None

Resolution 2020-93

Monmouth County Reimbursement Agreement

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

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

No: None

Abstain: None

Absent: None

### **PUBLIC COMMENTS**

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

No Public Comments

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

At this point in the meeting the Mayor and Council went into executive session, returning at 8:35pm with nothing to report.

### **NEXT MEETING**

The next regular meeting of the Mayor and Council will be held on Tuesday, June 2, 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**

Councilwoman Scull made a motion to adjourn, seconded by Councilwoman Kropac, all are in favor.

Respectfully Submitted  
Amy L. Boney  
Deputy Borough Clerk

The minutes of this meeting are not verbatim. Please call Borough Hall at (732)681-3232 to schedule an appointment to hear the tape(s) of this meeting in its entirety. All tapes are subject to being destroyed 80 days after the approval of the Minutes.

# *Proclamation*

## *Declaring the first Friday in June to be National Gun Violence Awareness Day*

**This proclamation declares the first Friday in June to be National Gun Violence Awareness Day in the Borough of Lake Como and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence.**

**WHEREAS**, every day, 100 Americans are killed by gun violence and on average there are nearly 13,000 gun homicides every year; and

**WHEREAS**, Americans are 25 times more likely to be killed with guns than people in other high-income countries; and

**WHEREAS**, protecting public safety in the communities they serve is the mayors' highest responsibility; and

**WHEREAS**, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from dangerous people; and

**WHEREAS**, mayors and law enforcement officers know their communities best, are the most familiar with local criminal activity and how to address it and are best positioned to understand how to keep their citizens safe; and

**WHEREAS**, in January 2013, Hadiya Pendleton, a teenager who marched in President Obama's second inaugural parade and was tragically shot and killed just a week later, should now be celebrating her 23rd birthday; and

**WHEREAS**, to help honor Hadiya – and the 100 Americans whose lives are cut short and the countless survivors who are injured by shootings every day – a national coalition of organizations has designated June 5, 2020, the first Friday in June, as the 5th National Gun Violence Awareness Day; and

**WHEREAS**, the idea was inspired by a group of Hadiya's friends, who asked their classmates to commemorate her life by wearing orange; they chose this color because hunters wear orange to announce themselves to other hunters when out in the woods and orange is a color that symbolizes the value of human life; and

**WHEREAS**, anyone can join this campaign by pledging to Wear Orange on June 5th, the first Friday in June in 2020, to help raise awareness about gun violence; and

**WHEREAS**, by wearing orange on June 5, 2020, Americans will raise awareness about gun violence and honor the lives of gun violence victims and survivors; and

**WHEREAS**, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands and encourage responsible gun ownership to help keep our children safe.

**NOW, THEREFORE, BE IT PROCLAIMED**, that Mayor Kevin Higgins of the Borough of Lake Como declares June 5, 2020, the first Friday in June, to be National Gun Violence Awareness Day. I encourage all citizens to support their local communities' efforts to prevent the tragic effects of gun violence and to honor and value human lives.

Dated: May 19, 2020

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Kevin G. Higgins, Mayor

Resolution 2020-88

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 \$323,125.53

WATER/SEWER ACCOUNT:

Per Attached Bill List \$ 17,723.28

PAYROLL ACCOUNT:

4772	Employee Payroll Dated 5/13/2020	\$ 29,878.88
2309	Employee Payroll Dated 5/13/2020	5,420.50
1423	Employee Payroll Dated 5/13/2020	129.18
Wire	State of NJ PERS	<u>7,000.00</u>
		\$ 42,428.56

TOURISM ACCOUNT:

1423 Lake Como Payroll Account \$ 129.18

DOG LICENSE ACCOUNT:

NJ Dept. of Health \$ 1.20

Dated: May 19, 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 05/18/20  
 Open: N Rcvd/Prv/Held: Y Paid: N Void: N Deleted: N  
 Bid: Y State: Y Other: Y Exempt: Y As of Date: 05/18/20

PO #	PO Date	Vendor	Description	R/A/H	Amount
20-00211	04/01/20	TAYLOR HARDWARE	April Purchases		56.97
20-00216	01/27/20	ENVIRONMENTAL AIR SYSTEM	Repair Heat Unit main office		672.28
20-00236	04/13/20	MONMOUTH COUNTY SPCA	Animal Control Service March		200.00
20-00243	04/13/20	ATLANTIC SECURITY & FIRE	Monitor/Connect May-July		809.40
20-00252	04/08/20	EDWARD TIRE COMPANY, INC.	Repair Flat Tire		24.95
20-00253	03/25/20	HI-WAY OIL SERVICE, INC.	Diesel Ex Fluid		11.50
20-00254	04/07/20	WATCHUNG SPRING WATER CO INC	Clean coolers/water/Rental		222.51
20-00255	04/21/20	RIO SYSTEMS AND SERVICES	Neptune software Support		2,550.00
20-00256	04/15/20	JAEGGER LUMBER	ST-51 Tape		29.34
20-00260	04/21/20	SHAIN SCHAFFER PC	Borough Attorney April		1,887.50
20-00283	04/30/20	SHAIN SCHAFFER PC	Local Aid Infrastructure/Aid		765.00
20-00291	04/30/20	RUTGERS-STATE UNIVERSITY	Webinar Recycle Coordinator		25.00
20-00294	04/30/20	DELISA WASTE SERVICES	Tipping Fees April 16-30		2,565.00
20-00295	05/01/20	JAEGGER LUMBER	ST-51 Tape		26.40
20-00296	05/04/20	SHAIN SCHAFFER PC	Borough Attorney May		1,887.50
20-00297	05/04/20	LAKE COMO BOARD OF EDUCATION	School Tax May		257,471.00
20-00298	05/04/20	NJ Department of Health	Dog License April 2020		1.20
20-00299	05/04/20	NJ LEAGUE OF MUNICIPALITIES	2020 online Mini Conference		115.00
20-00302	05/06/20	Quit11 LLC	Supplies		218.96
20-00305	04/29/20	CME ASSOCIATES	Area in need of Redev Study		2,070.25
20-00306	04/29/20	CME ASSOCIATES	Behrman Park Field Improvement		294.00
20-00307	04/29/20	CME ASSOCIATES	Impts to Main St/North Blvd		379.50
20-00308	04/29/20	CME ASSOCIATES	Improvements to 17th Ave		505.50
20-00309	05/11/20	LAKE COMO PAYROLL ACCOUNT	Employee Payroll 5/13/2020		35,428.56
20-00310	05/11/20	TREASURER, STATE OF NJ	Marriage/Civil Union 1st qtr		25.00
20-00316	05/11/20	NEW JERSEY AMERICAN WATER CO.	Purchase water April		9,752.78
20-00318	05/12/20	NJ LEAGUE OF MUNICIPALITIES	Online Mini Conference		115.00
20-00319	05/13/20	VERIZON	Dispatch telephone		75.14
20-00324	05/14/20	MONMOUTH CTY PUBLIC WORKS&ENG	Repairs to GMC w4500		559.30
20-00325	05/14/20	DELTA DENTAL OF NEW JERSEY	Dental June		1,012.12
20-00326	05/15/20	VERIZON WIRELESS	Building Dept Cell Phone		42.13
20-00327	05/12/20	STATE OF NJ PENSIONS&BENEFITS	Employee Group Ins May		17,474.90
20-00328	05/15/20	CME ASSOCIATES	Improvements to 17th Ave		870.00
20-00329	05/15/20	CME ASSOCIATES	Impts to Main St/North Blvd		1,458.00



May 18, 2020  
10:20 AM

Borough of Lake Como  
Purchase Order Status Report by P.O. Number

PO #	PO Date	Vendor	Description	R/A/H Amount
20-00330	05/18/20	CME ASSOCIATES	Area in Need of Redev Study	84.50
20-00331	05/18/20	CME ASSOCIATES	IMPTS to Main St/North Blvd	646.50
20-00332	05/18/20	CME ASSOCIATES	IMPTS to 17th Avenue	646.50
Total Purchase Orders:		37	Total P.O. Line Items:	83
Total R/A/H Amount:				340,979.19

Totals by Year-Fund					
Fund Description	Fund	Budget Total	Revenue Total	G/L Total	Total
	0-10	323,125.53	0.00	0.00	323,125.53
	0-20	17,723.28	0.00	0.00	17,723.28
	0-60	1.20	0.00	0.00	1.20
	0-74	129.18	0.00	0.00	129.18
Total of All Funds:		<u>340,979.19</u>	<u>0.00</u>	<u>0.00</u>	<u>340,979.19</u>

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

**RESOLUTION NO. 2020-89**

**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 May 19, 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: May 19, 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 May 19, 2020.

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

**RESOLUTION NO. 2020-90**

**A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE COPS IN SHOPS  
SUMMER SHORE INITIATIVE 2020 GRANT #AL-20-45-05-03 AWARD**

**WHEREAS**, the State of New Jersey Department of Law and Public Safety, Division of Alcoholic Beverage Control has received grant funds from the Federal Fiscal Year 2020 National Priority Safety programs which is funded by the Department of Transportation, National Highway Traffic Safety Administration; and

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

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

**WHEREAS**, it is the recommendation of the Lake Como Borough Administrator and the Belmar Police Department to accept this grant award in the amount of \$7920.00; and

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

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

1. The Borough of Lake Como hereby accepts the grant award as set forth in the Cops in Shops Summer Shore Initiative 2020 Grant program in the amount of \$7,920.00.
2. Upon the adoption of this resolution, the Borough Clerk is authorized to forward a certified copy to the Chief of Police.

Dated: 05/19/2020

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Kevin G. Higgins  
Mayor

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

**RESOLUTION 2020-91**  
**RESOLUTION AUTHORIZING THE REFUND OF OVERPAYMENT OF TAXES ON**  
**1700 MAIN STREET UNIT 204 (BLOCK 11 LOT 4.0204)**

WHEREAS, a tax overpayment in the amount of \$1,231.06, has resulted from a duplicate payment made by the mortgage company being applied to property located at 1700 Main Street Unit 204 (Block 11, Lot 4.0204); and

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

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Lake Como that a refund of the overpayment of taxes, in the amount of \$1,231.06, be made payable to Nationstar/Mr. Cooper c/o Lereta, LLC and mailed to Nationstar/Mr. Cooper c/o Lereta, LLC, 901 Corporate Center Dr., Pomona, CA 91768; and

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

Dated: 05/19/2020

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

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

**RESOLUTION 2020-92**

**RESOLUTION APPROVING A SPECIAL MEETING OF  
THE MAYOR AND COUNCIL TO BE HELD ON  
FRIDAY, JUNE 5, 2020 AT 7:00 PM**

**WHEREAS**, the Mayor and Council of the Borough of Lake Como hereby approve a Special Meeting of the Mayor and Council for the purpose of a special presentation to the Mayor and Council by the students of Williamsburg High School for Architecture and Design. The special meeting shall be held on Friday, June 5, 2020, at 7:00 PM via phone and/or video virtual meeting. To join the virtual meeting, follow this link: <https://meet.google.com/ykk-mvhr-xno> Otherwise, to join by phone, dial +1 567-218-3623 and enter this PIN: 891 633 788#.

A copy of this notice shall be advertised in the legal section of the Coast Star and posted on the bulletin board in Borough Hall as required by law. All meetings are open to the public.

Dated: 05/19/2020

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Kevin G. Higgins  
Mayor

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

**RESOLUTION NO. 2020-93**  
**RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK**  
**TO EXECUTE THE MONMOUTH COUNTY MUNICIPAL CORONAVIRUS RELIEF**  
**FUND PROGRAM REIMBURSEMENT AGREEMENT**

**WHEREAS**, the United States of America, the State of New Jersey, Monmouth County and the Borough of Lake Como have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

**WHEREAS**, the Coronavirus has caused economic damage and hardships to states, counties, and municipalities throughout the United States of America; and

**WHEREAS**, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

**WHEREAS**, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

**WHEREAS**, Monmouth County received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

**WHEREAS**, as the recipient of the "Stimulus Funds" it will be the responsibility of Monmouth County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

**WHEREAS**, the Freeholders have determined that it is in the best interest of the citizens of Monmouth County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Municipal Coronavirus Relief Fund Program.

**WHEREAS**, the Borough of Lake Como has COVID-19 related costs and expenditures that will be eligible for reimbursement under the Municipal Coronavirus Relief Fund Program; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Governing Body of the Borough of Lake Como, that the agreement entitled "MONMOUTH COUNTY MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM REIMBURSEMENT AGREEMENT", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk in accordance with the provisions of law; and

**BE IT FURTHER ORDAINED** that this resolution shall take effect immediately upon its enactment.

Dated: 5/19/2020

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

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

MONMOUTH COUNTY  
MUNICIPAL CORONAVIRUS RELIEF FUND PROGRAM  
REIMBURSEMENT AGREEMENT

This Municipal Coronavirus Relief Fund Program Reimbursement Agreement (the "Agreement"), dated this 19th day of May, 2020 between the County of Monmouth ("Monmouth County") located at One East Main Street, Hall of Records, Freehold, New Jersey 07728 and The Borough of Lake Como (the "Municipality") located at 1740 Main Street, Lake Como, New Jersey.

WHEREAS, the United States of America, the State of New Jersey, Monmouth County and the Municipality have become victims of the COVID-19 Virus and Pandemic (the "Coronavirus"); and

WHEREAS, the Coronavirus has caused economic damage and hardships to states, counties and municipalities throughout the United States of America; and

WHEREAS, on March 27, 2020 the Coronavirus Aid Relief and Economic Security Act (the "CARES Act") was signed by President Donald J. Trump; and

WHEREAS, the CARES Act was enacted, among other purposes, in order to combat the economic damage caused to states, counties and municipalities because of the Coronavirus; and

WHEREAS, Monmouth County has received CARES Act funds from the United States Treasury (the "Stimulus Funds") to be used to reimburse Monmouth County due to economic damage caused to them by the Coronavirus; and

WHEREAS, as the recipient of the "Stimulus Funds" it will be the responsibility of Monmouth County to disburse the Stimulus Funds to eligible recipients in accordance with the terms and provisions of the CARES Act and any guidelines or regulations issued by United States government or any of its agencies and/or departments; and

WHEREAS, the Freeholders have determined that it is in the best interest of the citizens of Monmouth County to dedicate a share of the funding to reimburse municipalities for COVID-19 related costs and expenses under the Municipal Coronavirus Relief Fund Program.



NOW, THEREFORE, it is stipulated and agreed as follows:

1. Purpose of Stimulus Funds. The Municipality understands and agrees that its eligibility for the receipt of any Stimulus Funds shall be determined by the terms of the "Coronavirus Relief Fund - Guidance for State, Territorial, Local and Tribal Governments - April 22, 2020" (the "Guidelines"), attached hereto as Schedule A, and any subsequent amendments and/or changes to the Guidelines. Currently excluded from the "Guidelines" as eligible reimbursements are the categories detailed in Schedule B.

2. Role of County. As the recipient of the Stimulus Funds, it shall be the responsibility of Monmouth County to act as an intermediary and establish a reasonable process for the Municipality to submit an eligible reimbursement from the Stimulus Funds. The Municipality agrees and understands that the decision as to the eligibility for reimbursement sought by the Municipality is within the sole discretion of Monmouth County.

3. Use of Stimulus Funds. The Municipality understands that the Stimulus Funds represent an amount of funds which Monmouth County has received from the Federal Government for COVID-19 related expenses. The Freeholders have determined that it is in the best interest of the citizens of Monmouth County that municipalities be permitted to request reimbursement which meets the eligibility requirements established by the CARES Act and the Federal Guidelines.

4. Processing of Claims. Monmouth County shall process and accept claims for reimbursement and shall pay eligible claims. All requests for expenditure reimbursement must be submitted to Monmouth County (using the forms and process prescribed by Monmouth County) on a cost reimbursement basis.

5. Non-Liability of Monmouth County. The Municipality understands that Monmouth County cannot guaranty that a claim for reimbursement is eligible for payment nor that any claims for reimbursements beyond the amount of the Stimulus Funds can be paid.

6. Indemnification by Municipality. The Municipality acknowledges that the role of Monmouth County as to the distribution of the Stimulus Funds shall be as an intermediary. Consequently, if, as the result of any audit performed by the United States Treasury or any other auditing agency, department or office of the United States Government, State of New Jersey, or County determines that any reimbursement made to the Municipality by Monmouth County from the Stimulus Funds was not eligible for reimbursement, then the Municipality shall

repay any ineligible reimbursement within the time mandated by the United States Treasury or the agency, department or office of the United States Government for the return of any Stimulus Funds. The Municipality shall indemnify and hold harmless Monmouth County from any claim made by the United States Treasury or any agency, department or office of the Government of the United States for the return of any payment received by the Municipality from the Stimulus Funds. Included in the claim for reimbursement shall be any legal fees, court costs or professional fees incurred by Monmouth County in defense of any claim made for return of any Stimulus Funds received by the Municipality.

7. Documents Required and Preservation of Records. Any application for reimbursement must be sufficiently documented so that Monmouth County can determine the eligibility of the claim for reimbursement including a provision whereby the Municipality certifies that it has not applied to the State or Federal governments or any insurer for the reimbursement of the same claim submitted to Monmouth County. The Municipality agrees that it will not destroy or discard any documents or records maintained and/or relied upon by the Municipality until December 31, 2027. Monmouth County shall have the right to make copies of any documents or records pertinent to the claim for Stimulus Funds and the Municipality shall provide Monmouth County with reasonable access to the documents and records.

8. Funding Reimbursement and Schedule. As Monmouth County is obligated to expend funds on or before December 30, 2020, Monmouth County will provide reimbursement for eligible expenditures incurred by participating municipalities for the period that begins March 1, 2020 and ends on November 30, 2020 using the following schedule:

Participating municipalities shall submit requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than June 15, 2020 for the period of March 1, 2020 through June 14, 2020.

Participating municipalities shall forward requests for expenditure reimbursement for eligible expenditures to Monmouth County by no later than September 15, 2020 for the period of March 1, 2020 through August 31, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the prior reporting period not previously submitted.*

Participating municipalities shall forward requests for expenditure

reimbursement for eligible expenditures to Monmouth County by no later than December 15, 2020 for the period of March 1, 2020 through November 30, 2020. *Monmouth County will allow Municipality to submit expenses for monies expended during the two prior reporting periods not previously submitted.*

Participating municipalities shall ensure that all eligible expenditures are disbursed, in cash, by no later than December 15, 2020.

Monmouth County shall review the claims for reimbursement and may make adjustments to the reimbursement based upon a determination of eligible expenditures.

Municipality understands that availability of funds is contingent on appropriations made by funding sources external to Monmouth County, such as Federal funds, and appropriations by the Monmouth County Board of Chosen Freeholders. If, at any time, Monmouth County determines that federal, state or local funds are insufficient to sustain existing or anticipated spending levels, Monmouth County may reduce, suspend, or terminate any cash, reimbursements, other payments, or allocations of funds provided by Monmouth County to Municipality, or other form of financial assistance as Monmouth County determines appropriate. If funding sources external to Monmouth County, such as Federal funds, or the Monmouth County Board of Chosen Freeholders fails at any time to continue funding Monmouth County for the payments due under this Agreement, this Agreement will be terminated as of the date funding expires without further obligation of Monmouth County.

Because there is only a finite amount of Federal funding, a pro rata allocation may be required. Municipality understands that the availability of funds is based on the total Monmouth County-wide apportionment of funds resulting from cost based reimbursement claims reported by each municipality participating in this program as well as cost based reimbursement claims incurred by Monmouth County. Depending on the total amount of cost based reimbursement claims, Monmouth County may find it necessary to reapportion funds to each participating Municipality to ensure that the total cost based reimbursement does not exceed the total amount of funds available under this program.

9. **Subsequent Funds.** Should Monmouth County be in receipt of any additional funds provided by the United States Government and/or the State of New Jersey to combat the Coronavirus for which the Municipality may be eligible to receive payment, at the discretion of Monmouth County, the terms and

provisions of this Agreement shall apply to the disposition and processing of those claims.

10. Compliance with Federal Law and New Jersey Law. The Municipality acknowledges that the Stimulus Funds are subject to the oversight of the United States government and its agencies. Consequently, in incurring expenses for which reimbursements will be sought from the Stimulus Funds, the Municipality shall adhere to the procedures established by the Federal government. Additionally, the Municipality shall, when incurring any expenses for which reimbursement is sought, adhere to all New Jersey purchasing and procurement laws and regulations.

As a subrecipient of federal funds, Municipality hereby specifically acknowledges its obligations relative to the expenditure reimbursement provided under this Agreement and pursuant to Federal cost principles, 2 CFR Part 200, "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards", as applicable under other federal, state and local laws, including, but not limited to:

- a. Fiscal and account procedures;
- b. Accounting records;
- c. Internal control cover cash, real and personal property, and other assets;
- d. Budgetary control to compare actual expenditures or outlays to budgeted amounts;
- e. Source documentation; and
- f. Cash management.

11. Applicable Law and Attorney Fees. Any action for the enforcement of any term or provision of this Agreement shall be governed by the law of the State of New Jersey and shall be filed in the Superior Court of the State of New Jersey, Monmouth County.

12. Duration of Agreement. This Agreement shall begin on the date first written and shall continue until either party terminates it upon thirty (30) days written notice, the depletion of the Stimulus Funds, or the end of the program period, whichever event occurs sooner.

13. Approval. By signing below the individual signing this Agreement represents that this Agreement has been approved and ratified by the governing body of the party signing it.

14. Counterparts. This Agreement may be fully executed in any number of counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one agreement binding upon all parties, notwithstanding that all parties have not signed the same counterpart. Such executions may be transmitted to the parties electronically or by facsimile, and such electronic or facsimile execution shall have the same force and effect as an original signature.

15. Notices. Any notices that are provided pursuant to this Contract shall be in writing (including facsimile and electronic transmissions) and mailed or transmitted or delivered as follows:

County of Monmouth  
Hall of Records, Room 236  
1 East Main Street  
Freehold, NJ 07728

Borough of Lake Como  
1740 Main Street  
Lake Como, NJ 07719  
Attn: Louise A. Mekosh, Borough Clerk  
Email: [lmekosh@boro.lake-como.nj.us](mailto:lmekosh@boro.lake-como.nj.us)

16. Severability. If any part of this Agreement is declared unenforceable or invalid, the remainder of the Agreement will continue in full force and effect.

17. Force Majeure. No party shall be liable or responsible to the other party, nor be deemed to have defaulted under or breached the Agreement, for the delay in performance of this Agreement when and to the extent such failure or delay is caused by acts beyond the parties' control.

18. Amendment. This Agreement cannot be modified in any way except in writing signed by the parties to the Agreement.

19. Assignment. This agreement will not be assignable by "Municipality" in whole or in part without the prior written consent of the "County".

IN WITNESS WHEREOF, the parties have signed and sealed this Agreement on the date set forth above.

ATTEST:

COUNTY OF MONMOUTH

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ATTEST:

BOROUGH OF LAKE COMO

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SCHEDULE  
A

**Coronavirus Relief Fund**  
Guidance for State, Territorial, Local, and Tribal Governments  
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). The CARES Act established the Coronavirus Relief Fund (the "Fund") and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that-

- I. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.<sup>1</sup>

The guidance that follows sets forth the Department of the Treasury's interpretation of these limitations on the permissible use of Fund payments.

*Necessary expenditures incurred due to the public health emergency*

The requirement that expenditures be incurred "due to" the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be "necessary." The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

*Costs not accounted for in the budget most recently approved as of March 27, 2020*

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

<sup>1</sup> See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The "most recently approved" budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

***Costs incurred during the period that begins 011 March 1, 2020, and ends 011 December 30, 2020***

A cost is "incurred" when the responsible unit of government has expended funds to cover the cost.

***Nonexclusive examples of eligible expenditures***

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
  - Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
  - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
  - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
  - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
  - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
  - Expenses for public safety measures undertaken in response to COVID-19.
  - Expenses for quarantining individuals.
3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.



4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
  - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
  - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
  - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
  - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
  - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
  - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
  - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
  - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
  - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

***Nonexclusive examples of ineligible expenditures<sup>2</sup>***

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.<sup>3</sup>
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

<sup>2</sup> In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

<sup>3</sup> See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.

## SCHEDULE B

Currently excluded from the "Guidelines" as eligible reimbursements are the categories below:

COVID-19 related expenses of public hospitals, clinics, and similar facilities.

Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.

Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.

Expenditures related to the provisions of grants to small businesses to reimburse the costs of business interruption caused by required closures.

Expenditures related to a State, territorial, local, or Tribal government payroll support program.