



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

**DATE: DECEMBER 1, 2020
7:30 PM WORKSHOP**

DISCUSSION ITEMS

1. Bamboo Ordinance

PUBLIC COMMENTS ON WORKSHOP ITEMS

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

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

SECTION I. PURPOSE AND INTENT.

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

SECTION II. DEFINITIONS.

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

SECTION III. NO PLANTING OF RUNNING BAMBOO.

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

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

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

SECTION V. REMOVAL OF RUNNING BAMBOO.

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

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

SECTION VI. INSPECTION.

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

SECTION VIII. SEVERABILITY CLAUSE.

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

SECTION IX. EFFECTIVE DATE.

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

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

**DATE: DECEMBER 1, 2020 – VIRTUAL MEETING
REGULAR MEETING**

MEETING CALLED TO ORDER

SALUTE TO FLAG AND MOMENT OF SILENT REFLECTION

SUNSHINE LAW

Introduction as required under the Sunshine Law: Adequate notice of this meeting has been provided by the adoption of a Resolution by the Mayor and Council on the seventh day of January 2020 in which Resolution the time and place of Agenda and Regular Meetings commencing with January 7, 2020 were set forth. Notice of same was delivered to the Asbury Park Press and the Coast Star and a copy of the notice was posted on the bulletin board in Borough Hall. Notice of the virtual meeting was noticed to the papers on November 27, 2020 and a copy of the notice was posted on the bulletin board in Borough Hall and posted on the website. All meetings are open to the public.

ROLL CALL

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

APPROVAL OF MINUTES

Minutes from the November 16, 2020 Regular Meetings

COMMUNICATIONS

Letter from Lake Como Tax Collector Toni Mullen regarding the Tax Sale

REPORTS OF COMMITTEES

UNFINISHED BUSINESS

PUBLIC COMMENTS ON NEW BUSINESS

CONSENT AGENDA

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

NEW BUSINESS

Resolution 2020-137
Amending Online Auction Service Company
Offered by Councilwoman Kropac

Resolution 2020-138
Payment of Bills
Offered by Councilwoman Scull

Resolution 2020-139
Payment of NJNG Bill
Offered by Councilman DeMauro

Ordinance 2020-952
Animal House Ordinance
First Reading and Introduction
Offered by Councilman Witte

Ordinance 2020-953
Bond Ordinance – 705 18th Avenue
First Reading and Introduction
Offered by Councilman D'Antuono

PUBLIC COMMENTS

NEXT MEETING

The next regular meeting of the Mayor and Council will be held on Tuesday, December 15, 2020, immediately following the 7:30pm Workshop meeting and the location is to be determined. All meetings are open to the public.

MOTION TO ADJOURN

MOTION: _____
SECOND: _____
ALL IN FAVOR: _____
OPPOSED: _____



Borough of Lake Como

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

Kevin G. Higgins
Mayor

Louise A. Mekosh
Borough Clerk/Administrator

Dear Administrator, Mayor and Council Members:

Our tax sale was held on November 19, 2020 as an online auction sale. A list of 18 properties was furnished to RealAuctions.com on October 19, 2020 to create the tax sale website. The tax sale website opened for bidding on October 20, 2020. An advertisement referencing the tax sale auction website was published in the Coast Star once a week in each of the four weeks prior to the sale, a link to the auction site was posted on the Borough's website and the property owners were mailed tax sale notices in two of the four weeks prior to the tax sale as mandated by the state tax sale statutes. On the day the tax sale auction closed, we had a total of 1 property that a lien was sold against. The lien sold was an outside lien. The total collected at the tax sale was \$5010.41 in delinquent charges and cost of sale and \$23,100.00 in premiums. The breakdown of charges are as follows:

1 tax property - \$3,943.74 principal & \$919.41 interest
Cost of sale - \$147.26
Premiums - \$23,100.00

****Please note that no liens were sold against water/sewer accounts per Executive Order 190. Any water/sewer accounts with 2019 balances were pulled from the tax sale list.****

Sincerely,
Toni Mullen, CTC
Tax Collector

RESOLUTION NO. 2020-137

**A RESOLUTION AMENDING RESOLUTION NUMBERS 2020-94 AND 2020-120
AMENDING THE ONLINE AUCTION SERVICE COMPANY**

WHEREAS, the Mayor and Council of the Borough of Lake Como authorized the Municipal Clerk to sell surplus property with the passage of Resolution Numbers 2020-94 and 2020-120; and

WHEREAS, the Resolutions listed US Gov Bid Government Surplus as the online auction service; and

WHEREAS, US Gov Bid Government Surplus has been unresponsive; and

WHEREAS, the Municipal Clerk recommends Municibid as the new online auction site. Municibid is an approved State Contract Vendor with State Contract Number 19-GNSV1-00696.

NOW, THEREFORE, BE IT RESOLVED that the Municipal Clerk is hereby authorized to sell surplus property utilizing the online auction services of Municibid.

Dated: 12/01/20

Kevin Higgins, Mayor

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

Resolution 2020 – 138

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		\$364,551.49
4846	Lake Como Water Sewer Acct	Eng. OE	<u>100.00</u>
			\$364,651.49

WATER/SEWER ACCOUNT:

	Per Attached Bill List	\$ 15,202.63
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PAYROLL ACCOUNT:

4848	Employee Payroll Dated 11/25/20	\$ 43,937.90
2332	Employee Payroll Dated 11/25/20	12,560.21
2364	Lake Como Current Account	10,127.76
2365	Lake Como Water Sewer Account	<u>305.32</u>
		\$ 66,931.19

Dated: December 1, 2020

Kevin G. Higgins, Mayor

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

Resolution 2020 – 139

Be it resolved by the Mayor and Council of the Borough of Lake Como that the proper officers be directed and authorized to make payment from the following account:

CURRENT ACCOUNT:

4847	NJ Natural Gas Co.	PB&G OE	\$282.63
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Dated: December 1, 2020

Kevin G. Higgins, Mayor

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

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

ORDINANCE NO. 2020-952

**ORDINANCE OF THE BOROUGH OF LAKE COMO
AMENDING CHAPTER § 11 “RENTAL HOUSING”
OF THE BOROUGH CODE**

BE IT ORDAINED by the Borough Council of the Borough of Lake Como, in the County of Monmouth and State of New Jersey that certain sections of § 11 of the Code of the Borough of Lake Como be and is hereby amended to read as follows:

SECTION I. § 11-1.2, § 11-1.3 and § 11-3.8 shall be amended as follows:

§ 11-1.2 Definitions

As used in this section:

SUBSTANTIATED COMPLAINT

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

§ 11-1.3 Hearing, Penalty

a. If, in any 24 month period, two substantiated complaints, as defined in subsection § 11-1.2 hereof, on separate occasions, of disorderly, indecent, tumultuous or riotous conduct, including by way of example, but not limited to, simple assault, assault, terroristic threats, harassment, lewdness, urinating in public, criminal mischief, excessive noise, a petty disorderly offense, or as a violation of any provision of Title 2C of the New Jersey Statutes or any other municipal ordinance governing disorderly conduct upon or in proximity to any seasonal rental premises, and attributable to the acts or incitements of any of the tenants of those premises, have been substantiated by prosecution and conviction in any court of competent jurisdiction, the Borough Council or any officer or employee of the Borough so designated by the Borough Council for this purpose, may institute proceedings to require the landlord of the seasonal rental premises to post a bond against the consequences of future incidents of the same character, or of a character actionable under this ordinance. For purposes of this definition, the phrase "upon or in proximity to" shall mean anywhere on the property or upon or within the adjacent right-of-way, adjoining roadways or adjoining properties.

§ 11-3.8 Revocation of licenses (underlined language added)

a.

A licensing authority may revoke or refuse to renew a license granted under this act for any of the following reasons:

1.

A finding that there was any misstatement of material fact in the application upon which the license was issued.

2.

The occurrence of any fact which, had it occurred and been known to the licensing authority before issuance of the license, would have resulted in the denial of the application.

3.

Repeated violations, or prolonged failure to correct any violation, of any applicable building, housing, health or safety code regulations.

4.

Refusal to allow access to any portion of the licensed premises at all reasonable times, with or without advance notice, in order that officers or agents of the licensing authority, or any official charged with enforcement within the Borough of Lake Como of any building, housing, health or safety code or regulations applicable to the premises may determine compliance with such codes, regulations, or ordinances.

5. In the event any tenant or occupant of any individual living unit upon the licensed premises is charged with a violation of a Borough ordinance that would constitute a substantiated complaint if a conviction or guilty plea was entered, notice of the pending charge will be given by mail to the licensee and the person designated to receive notices on the behalf of the licensee's behalf. In the event two (2) such complaints are issued during one (1) licensing year and result in convictions and/or guilty pleas in Municipal Court, then such convictions and /or guilty pleas may be grounds for suspension or revocation of the license. In the event the owner of the licensed premises is the complaining party and said complaint results in a conviction in municipal court, such conviction shall not be counted as a complaint for purposes of license suspension or revocation.

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

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

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

SO ORDAINED as aforesaid.

KEVIN G. HIGGINS, Mayor

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Lake Como Borough Council held on _____. Said Ordinance will again be read and considered for final passage at a meeting of the Lake Como Borough Council to be held at 7:00 p.m. on _____ at 1740 Main Street, Lake Como, New Jersey 07719. At said time and place, all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

LOUISE A. MEKOSH, Borough Clerk

MAYORAL APPROVAL

APPROVAL BY THE MAYOR ON THIS ____
DAY OF _____, 2020

Kevin Higgins, Mayor