

**BOROUGH OF LAKEHURST  
REMINDER: REDEVELOPMENT MEETING BEGINNING  
AT 7:00 P.M.**

**REDEVELOPMENT AGENCY  
MARCH 5, 2020  
TENTATIVE AGENDA**

1. Cancelled due to no agenda

**WORK SESSION/REGULAR MEETING  
MARCH 5, 2020  
TENTATIVE AGENDA**

1. Presentation to Junior Girl Scout Troop 176
2. Approval of Minutes of February 20, 2020 Regular Meeting
3. Payment of Bills
4. Resolution appointing William Bowers as part-time police officer
5. Resolution approving Conflict of Interest policy
6. Resolution supporting the siting of the fourth army corps headquarters at the Joint Base McGuire-Dix-Lakehurst
7. Second reading and public hearing of Ordinance #2020-01 entitled: "AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY"
8. Request to serve alcohol at a private event at the community center.
9. Executive/Closed Session to discuss personnel matters/contract negotiations

Maryanne Capasso, RMC  
Municipal Clerk

*The Mayor and Council reserve the right to add or delete items from the agenda.*

*Borough of Lakehurst  
Office of the Mayor  
Proclamation*

**IN RECOGNITION OF JUNIOR GIRL SCOUT BRONZE AWARD RECIPIENTS FROM TROOP 176:**

**Molly Pease**, of Lakehurst, NJ, and a student at Lakehurst Elementary School  
**Isabel DiMeo**, of Lakehurst, NJ, and a student at Lakehurst Elementary School  
**Angelina Taylor**, of Whiting, NJ, and a student at Manchester Township Middle School  
**Mia Caruso**, of Whiting, NJ, and a student at Manchester Township Middle School  
**Kendra Wickham**, of Whiting, NJ, and a student at Manchester Township Middle School

*WHEREAS, the Girl Scouts of America, Junior Level, make a difference in their community, learn important leadership skills, and learn how small actions can make a big difference; and*

*WHEREAS, the Girls Scouts of America organization awards the prestigious "Bronze Award" to those Junior Girl Scout team members who complete a project to benefit the local community, and contribute a minimum of 20 hours to a "Take Action" project; and*

*WHEREAS, five Junior Girl Scouts from Troop 176, under the leadership of Troop Leader Debby Pease, have completed the requirements for a "Bronze Award" project; and*

*WHEREAS, the Troop's project to collect soda tabs to benefit Ronald McDonald House demonstrated how a small project could make a large impact. The Junior Girl Scouts collected 15 five-gallon water jugs filled with soda tabs. The tabs help families stay at the Ronald McDonald House for free while their children receive care at a hospital; and the Junior Girl Scouts of Troop 176 will continue to collect tabs to make a difference for those in need; and*

*WHEREAS, the Junior Girl Scouts have completed a number of other community projects including serving soup at a soup kitchen; and delivering girl scout cookies and smiles to a local Veterans Home to thank them for their service; as well as supporting local military families and local residents in need.*

**NOW, THEREFORE, BE IT RESOLVED** on this 5<sup>th</sup> day of March, 2020, that the Borough of Lakehurst Mayor and Council pay tribute to the Junior Girl Scout Bronze Award Recipients for their participation in community-based events to help their neighbors.

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*Harry Robbins  
Mayor, Borough of Lakehurst*

**RESOLUTION  
MARCH 5, 2020**

**WHEREAS**, the governing body of the Borough of Lakehurst, in the County of Ocean and State of New Jersey has carefully examined all vouchers presented to the Borough Clerk for payment of claims; finding all to be accurate and legitimate;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that the bills list as presented in the amount of \$24,919.27 is hereby approved.

**I, Maryann Capasso, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of March 5, 2020.**

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**Maryanne Capasso  
Municipal Clerk, RMC**

P.O. Type: All  
Range: First to Last  
Format: Detail without Line Item Notes

Open: N Paid: N Void: N  
Rcvd: Y Held: Y Aprv: N  
Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
19-00818	10/22/19	U0015 US WATER SERVICES									
		1 GASKETS	60.00	9-09-00-101-244	B EQUIPMENT - MAINTENANCE/REPAIR		R	10/22/19	03/03/20		INV480740
		2 FREIGHT	19.51	9-09-00-101-244	B EQUIPMENT - MAINTENANCE/REPAIR		R	12/31/19	03/03/20		
			79.51								
19-00877	11/12/19	T0972 TONY'S GENERAL MERCHANDISE									
		1 PW WORK BOOTS 9 EMPLOYEES	1,056.01	9-09-00-101-271	B UNIFORMS		R	11/12/19	03/03/20		
19-00951	12/09/19	E0011 ERS FLEET REPAIR									
		1 6201 MAINTENANCE & REPAIR	308.51	9-01-26-292-299	B Vehicle Maintenance - Fire Department		R	12/09/19	03/03/20		
		2 6201 MAINTENANCE & REPAIR	2,322.94	9-01-25-265-252	B MOTOR VEHICLE - MAINT/REPAIR		R	12/09/19	03/03/20		
			2,631.45								
19-00954	12/10/19	M0031 R. R. DONNELLY									
		1 CERTIFIED COPY OF VITAL RECORD	147.00	9-01-20-120-216	B Clerk - Printing		R	12/10/19	03/03/20		344040621
20-00007	01/09/20	T0969 THIS & THAT UNIFORMS, LLC									
		1 SCHROECK UNIFORM ALLOWANCE	742.95	9-01-25-240-279	B UNIFORM ALLOWANCE - SCHROECK		R	01/09/20	03/03/20		2370
20-00073	01/28/20	P0257 PUBLIC WORKS ASSOC. OF NJ									
		1 2020 MEMBERSHIP DUES	75.00	0-09-00-101-281	B PROFESSIONAL MEMBERSHIP & DUES		R	01/28/20	03/03/20		
		2 2020 MEMBERSHIP DUES	15.00	0-09-00-101-281	B PROFESSIONAL MEMBERSHIP & DUES		R	01/28/20	03/03/20		
			90.00								
20-00115	02/06/20	H0196 HALL'S SERVICE, INC.									
		1 1912-4536: PD 1305 PLUG	19.49	0-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/06/20	03/03/20		1912-4536
		2 1912-4573: PW FORD F250 PLUG	19.49	0-01-26-291-256	B PUBLIC WKS VEHICLE MAINT/REP		R	02/06/20	03/03/20		1912-4573
		3 1912-4572: PW TIRE	205.00	0-01-26-291-256	B PUBLIC WKS VEHICLE MAINT/REP		R	02/06/20	03/03/20		1912-4572
		4 1912-4673: PD 1307 TIRE LEAK	15.00	0-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/06/20	03/03/20		1912-4673
		5 1912-4676: PD 1303 OIL CHANGE	70.94	0-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/06/20	03/03/20		1912-4676
		6 1912-4778: PD 1307 LIGHT BULB	11.95	0-01-26-291-252	B POLICE VEHICLE MAINT/REPAIR		R	02/06/20	03/03/20		1912-4778
			341.87								
20-00136	02/18/20	R0158 REMINGTON & VERNICK ENGINEERS									
		1 VERIZON ESCROW BILL 1514P082-7	385.00	T-03-00-400-004	B Verizon Generator B.72 L.3,5(INSPECTION)		R	02/18/20	03/03/20		1514P082-7

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
20-00143	02/19/20	C0097 CENTRAL JERSEY HOT MIX									
		1 TON TOP ASPHALT	121.18	0-01-26-290-299	B MISCELLANEOUS		R	02/19/20	03/03/20		8409
20-00144	02/19/20	L0100 LAKEHURST ELEMENTARY PTA									
		1 FULL PAGE YEARBOOK AD	100.00	0-01-20-120-299	B MISCELLANEOUS		R	02/19/20	03/03/20		
20-00150	02/25/20	S0896 SHORE BUSINESS SOLUTIONS									
		1 PD COPIER INV.# AR27321	32.89	0-01-25-240-299	B Police - Miscellaneous		R	02/25/20	03/03/20		AR27321
		2 PD COPIER INV.# AR28570	36.11	0-01-25-240-299	B Police - Miscellaneous		R	02/25/20	03/03/20		AR28570
		3 PD COPIER INV.# AR28975	21.92	0-01-25-240-299	B Police - Miscellaneous		R	02/25/20	03/03/20		AR28975
		4 PW COPIER INV.# AR26673	196.16	0-01-26-305-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR26673
		5 PW COPIER INV.# AR27782	16.35	0-01-26-305-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR27782
		6 CLERK COPIER INV.# AR26759	4.95	0-01-20-120-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR26759
		7 CLERK COPIER INV.# AR26760	5.64	0-01-20-120-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR26760
		8 CLERK COPIER INV.# AR27783	30.06	0-01-20-120-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR27783
		9 CLERK COPIER INV.# AR27781	18.30	0-01-20-120-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR27781
		10 CLERK COPIER INV.# AR29034	13.88	0-01-20-120-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR29034
		11 CLERK COPIER INV.# AR29035	17.86	0-01-20-120-299	B MISCELLANEOUS		R	02/25/20	03/03/20		AR29035
			394.12								
20-00151	02/26/20	T0969 THIS & THAT UNIFORMS, LLC									
		1 BLAUER POLY SUPER SHIRT LONG S	140.00	0-01-25-240-278	B UNIFORM ALLOWANCE - HESTER		R	02/26/20	03/03/20		2579
20-00155	03/02/20	R0046 RUMPF LAW									
		1 PUBLIC DEFENDER	375.00	T-03-00-100-005	B Public Defender		R	03/02/20	03/03/20		
20-00160	03/02/20	U0071 U.S. POSTAL SERVICE									
		1 POSTAGE FOR MAILING MACHINE	2,000.00	0-01-20-121-218	B Central Postage - Postage		R	03/02/20	03/03/20		
20-00161	03/02/20	W0030 WEX BANK									
		1 WAWA GAS CHARGES FEB 2020	1,745.13	0-01-31-447-265	B GASOLINE		R	03/02/20	03/03/20		64165788
20-00162	03/02/20	N0029 TWIN ROCKS WATER									
		1 WATER COOLER CHARGES 2/20	60.00	0-01-20-120-299	B MISCELLANEOUS		R	03/02/20	03/03/20		5650640
20-00164	03/02/20	M0261 MACLEAN, NORBERT B, JR.									
		1 MEDICARE REIMBURS. 12/19	202.00	9-01-23-220-228	B Insurance - Medicare Reimbursement		R	03/02/20	03/03/20		

PO #	PO Date	Vendor	Amount	Charge Account	Contract PO Type Acct Type Description	Stat/Chk	First Rcvd Enc Date Date	Chk/Void Date Invoice
20-00164	03/02/20	M0261 MACLEAN, NORBERT B, JR.		Continued				
		2 MEDICARE REIMBURS. 1/20-2/20	641.40	0-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
			843.40					
20-00165	03/02/20	A0100 AARON J SNYDER						
		1 MEDICARE REIMBURS. 12/19	134.00	9-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
		2 MEDICARE REIMBURS. 1/20-2/20	289.20	0-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
			423.20					
20-00166	03/02/20	J0012 JOE STEUBER						
		1 MEDICARE REIMBURS. 12/19	134.00	0-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
		2 MEDICARE REIMBURS. 1/20-2/20	289.20	0-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
			423.20					
20-00167	03/02/20	M0113 MANCHESTER TOWNSHIP						
		1 IT SHARED SERVS 1ST QTR. 2020	3,375.00	0-01-42-150-202	B Manchester Township - IT Services	R	03/02/20 03/03/20	
20-00168	03/02/20	A0062 ALFRED SLOAN						
		1 MEDICARE REIMBURS. 12/19	270.00	0-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
		3 MEDICARE REIMBURS. 1/20-2/20	576.00	0-01-23-220-228	B Insurance - Medicare Reimbursement	R	03/02/20 03/03/20	
			846.00					
20-00169	03/03/20	NJ101 NJ DEPT OF HEALTH						
		1 DOG LIC REPORT FEBRUARY 2020	25.80	0-15-00-900-003	B Due to State - License Fees	R	03/03/20 03/03/20	
20-00170	03/03/20	C0060 COMCAST CABLE						
		1 ESC CABLE MODEM	120.35	0-01-31-440-275	B TELEPHONE	R	03/03/20 03/03/20	
		2 PW CABLE MODEM	110.84	0-01-31-440-275	B TELEPHONE	R	03/03/20 03/03/20	
		3 BORO HALL CABLE MODEM	134.57	0-01-31-440-275	B TELEPHONE	R	03/03/20 03/03/20	
		4 PD CABLE MODEM	105.84	0-01-31-440-275	B TELEPHONE	R	03/03/20 03/03/20	
			471.60					
20-00171	03/03/20	V0855 VERIZON						
		1 PHONE BILL	343.23	0-01-31-440-275	B TELEPHONE	R	03/03/20 03/03/20	
		2 PHONE BILL	86.98	0-01-31-440-275	B TELEPHONE	R	03/03/20 03/03/20	
			430.21					
20-00172	03/03/20	P0022 SUN LIFE FINANCIAL						
		1 LIFE INS BILL TO 3/20	138.51	0-01-23-220-227	B Insurance - Life Insurance	R	03/03/20 03/03/20	

March 3, 2020  
03:53 PM

Borough of Lakehurst  
Bill List By P.O. Number

Page No: 4

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct	PO Type Description	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
20-00173	03/03/20	S0046									
		SECURALL MONITORING CORP									
1		ESC ALARM MONITORING	98.85	0-01-26-310-299	B	MISCELLANEOUS	R	03/03/20	03/03/20		
20-00174	03/03/20	A0506									
		AT&T									
1		AT&T TELEPHONE CHARGES	3,871.52	0-01-31-440-275	B	TELEPHONE	R	03/03/20	03/03/20		
20-00175	03/03/20	J0900									
		JCP&L									
1		ELECTRIC BILL STREET LIGHTING	1,463.15	0-01-31-436-276	B	STREET LIGHTING	R	03/03/20	03/03/20		
Total Purchase Orders:		28	Total P.O. Line Items:	54	Total List Amount:	22,819.66	Total Void Amount:	0.00			

Totals by Year-Fund							
Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	0-01	16,950.94	0.00	16,950.94	0.00	0.00	16,950.94
WATER & SEWER OPERATING	0-09	90.00	0.00	90.00	0.00	0.00	90.00
ANIMAL CONTROL FUND	0-15	25.80	0.00	25.80	0.00	0.00	25.80
Year Total:		17,066.74	0.00	17,066.74	0.00	0.00	17,066.74
CURRENT FUND APPROPRIATIONS	9-01	3,857.40	0.00	3,857.40	0.00	0.00	3,857.40
WATER & SEWER OPERATING	9-09	1,135.52	0.00	1,135.52	0.00	0.00	1,135.52
Year Total:		4,992.92	0.00	4,992.92	0.00	0.00	4,992.92
	T-03	760.00	0.00	760.00	0.00	0.00	760.00
Total of All Funds:		22,819.66	0.00	22,819.66	0.00	0.00	22,819.66



P.O. Type: All  
Range: First to Last  
Format: Detail without Line Item Notes

Open: N Paid: N Void: N  
Rcvd: Y Held: Y Aprv: N  
Bid: Y State: Y Other: Y Exempt: Y

PO #	PO Date	Vendor	Amount	Charge Account	Contract Acct Type Description	PO Type	Stat/Chk	First Enc Date	Rcvd Date	Chk/Void Date	Invoice
20-00145	02/24/20	C0061 CHRISTOPHER COVERT									
		1 DISABLED VET TAX REFUND	2,099.61	0-01-55-900-003	B Tax Overpayments Refunded		R	02/24/20	02/24/20		

Total Purchase Orders: 1 Total P.O. Line Items: 1 Total List Amount: 2,099.61 Total Void Amount: 0.00

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Totals by Year-Fund Fund Description	Fund	Budget Rcvd	Budget Held	Budget Total	Revenue Total	G/L Total	Total
CURRENT FUND APPROPRIATIONS	0-01	2,099.61	0.00	2,099.61	0.00	0.00	2,099.61
Total of All Funds:		<u>2,099.61</u>	<u>0.00</u>	<u>2,099.61</u>	<u>0.00</u>	<u>0.00</u>	<u>2,099.61</u>

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**RESOLUTION  
MARCH 5, 2020**

**WHEREAS**, the Borough of Lakehurst needs to replace the compliment of part-time police officers, **and**

**WHEREAS**, William Bowers has applied for the vacant position and had previously served the Borough as temporary police officer, **and**

**WHEREAS**, William Bowers is a graduate of the Ocean County Police Academy, **and**

**WHEREAS**, Chief Kline has recommended the appointment of William Bowers to the Lakehurst Police Department,

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey that William Bowers be appointed as a part-time police officer with the Lakehurst Police Department effective March 5, 2020.

**I, Maryanne Capasso, Municipal Clerk, of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the above resolution was approved by the Mayor and Council at the meeting of March 5, 2020.**

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**Maryanne Capasso, RMC  
Municipal Clerk**

**RESOLUTION**  
**CONFLICT OF INTEREST POLICY**  
**MARCH 5, 2020**

**PURPOSE**

The purpose of this conflict of interest policy is to present a framework for addressing conflict of interest issues arising with respect to the Borough of Lakehurst involving an elected official of the Borough of Lakehurst (an "Elected Official") or an employee of the Borough of Lakehurst (an "Employee").

As in any municipal government, conflicts of interest may arise from time to time for Elected Officials and Employees of the Borough. This policy establishes a process for identifying, disclosing and addressing such conflicts so that, if a conflict of interest exists, decision-making can be performed by disinterested individuals.

This policy is intended to be complementary to the New Jersey Local Government Ethics Law, set forth at N.J.S.A. 40A:9-22.1 et seq. It focuses on the actions of Elected Officials and Employees regarding potential decisions, agreements or relationships involving third parties and does not address other ethical issues that may overlap with conflict of interest issues, such as issues relating to the hiring or management of relatives, undertaking non-conflicted employment outside of the government, or the receipt of gifts, all of which are addressed in the Local Government Ethics Law. In the event of a conflict between this policy and the Local Government Ethics Law or any other relevant law ("Applicable Law"), the provisions of Applicable Law shall prevail.

**GENERAL POLICY**

Elected Officials and Employees are expected to make or participate in decisions and take actions in the course of their service or employment with the Borough based on the best interests of The Borough, and not based on financial or other personal gain unrelated to the best interests of The Borough. The procedure for dealing with conflicts of interest among such individuals is comprised of three steps:

1. Identification - identify conflicts of interest.
2. Disclosure - where a situation gives rise to a conflict of interest, disclose such conflict as described below.
3. Decision-making - once a conflict of interest has been identified and disclosed, apply procedures to provide for non-conflicted decision-making.

**STEP ONE: IDENTIFICATION**

The New Jersey Local Government Ethics Law, NJSA 40A:9-22.5(d), provides that:

No local government officer or employee shall act in his official capacity in any matter where he, a member of his immediate family, or a business organization in which he has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his objectivity or independence of judgment.

For purposes of this policy, "immediate family" members include: An Elected Official's or an Employee's spouse, children, stepchildren and any other person sharing the same household with such Elected Official or Employee (other than a tenant or employee of such Elected Official or Employee).

As per the New Jersey Local Government Ethics Law, interests that could create a conflict of interest include not only financial interests. For example, if an individual has a direct affiliation with a not-for-profit organization or local citizens' group, such affiliation could also create a conflict of interest.

New Jersey courts have indicated that the determination as to whether a conflict of interest exists is highly fact-specific and dependent on the circumstances. Furthermore, a conflicting interest does not require that the interest might actually influence the action of the individual, but only that the interest creates a potential for conflict. *Meyer v. MW Red Bank LLC*, 401 N.J. Super. 482 (App. Div. 2008).

However, not all interests create a conflict of interest. The Supreme Court of New Jersey has noted,

Local governments would be seriously handicapped if every possible interest, no matter how remote and speculative, would serve as a disqualification of an official. If this were so, it would discourage capable men and women from holding public office. Of course, courts should scrutinize the circumstances with great care and should condemn anything which indicates the likelihood of corruption or favoritism. But in doing so they must also be mindful that to abrogate a municipal action at the suggestion that some remote and nebulous interest is present, would be to unjustifiably deprive a municipality in many important instances of the services of its duly elected or appointed officials. The determinations of municipal officials should not be approached with a general feeling of suspicion, for, as Justice Holmes has said, "Universal distrust creates universal incompetence." *Wyzykowski v. Rizas and Planning Board of the Township of Neptune*, 132 N.J. 509 (1990).

Thus, when considering whether a conflict of interest exists, one commentator has noted, "An official may have an interest in the subject matter and still vote on the issue if that interest is not sufficient to exert undue influence on his or her decision". See "Conflicts of Interest for Municipal Officials in New Jersey." by Deborah M. Kole, Staff Attorney, New Jersey State

League of Municipalities at [www.njslom.org/magart\\_1207\\_pg18.html](http://www.njslom.org/magart_1207_pg18.html) (hereinafter "Kole Article"), citing *Hughes v. Monmouth University*, Docket No. A-2227-06T2 (App. Div. 2007).

In one recent case, a court opined that the standard to be applied when determining whether there is a conflict of interest for an elected official is whether a situation would lead a reasonably informed citizen to "expect that [the elected official's] objectivity or independence of judgment" with respect to the decision before the governing body "would be impaired." See *Mountain Hill LLC v. The Township Committee of the Township of Middletown*, 403 NJ. Super. 146 (App. Div. 2008).

A broad definition of "conflict of interest" is set forth above. It is not possible to list all types of conflict of interest. Ultimately, it is the responsibility of each Elected Official and Employee to identify any situation of which he or she is aware that might be considered a conflict of interest, either with respect to (i) such Elected Official or Employee or (ii) any other Elected Official or Employee.

In the event an Elected Official or Employee is not sure if an actual or potential situation presents a conflict of interest, he or she should seek guidance from either (i) the Borough COI Attorney or (ii) the New Jersey Local Finance Board in the Division of Local Government Services in the Department of Community Affairs (the "Local Finance Board"). "The Borough COI Attorney" shall be an individual selected by the Borough Council, and may be either the Borough municipal attorney or another attorney. In selecting the Borough COI Attorney, the Borough Council shall choose an individual with sufficient independence, judgment and experience so as to be able to provide objective, unbiased, well-reasoned opinions consistent with this policy. In the event the Elected Official or Employee seeks guidance from the Borough COI Attorney, the Borough COI Attorney will provide such guidance consistent with Applicable Law and this policy, including the process set forth below under "Seeking Advice of Counsel or the Local Finance Board". In the event the Elected Official or Employee seeks guidance from the Local Finance Board, the Local Finance Board will follow its own policies and procedures. If an Employee is seeking guidance pursuant to this paragraph, he or she should do so through the Borough Administrator (the "Administrator"). When seeking guidance under this paragraph, the Elected Official or Employee shall describe, in writing, all of the relevant facts and circumstances concerning the actual or potential conflict of interest to the Borough COI Attorney or Local Finance Board, as applicable. Information provided pursuant to the preceding sentence shall be confidential.

## **STEP TWO: DISCLOSURE**

Elected Officials. When an Elected Official identifies a conflict of interest pursuant to Step One above, he or she should promptly notify the Mayor, the Council President and the Borough COI Attorney of such conflict of interest. The Mayor will, in turn, promptly notify the Borough Council of such conflict of interest or, if the Elected Official with the conflict of interest is the Mayor, the Council President will promptly notify the Borough Council of such conflict of

interest. It is recognized that sometimes an Elected Official may not realize that she or he has a conflict of interest on a given matter until such matter is actually before the Borough Council. In all cases, an Elected Official shall provide notice of such conflict of interest as soon as she or he becomes aware of such conflict. Following disclosure of an Elected Official conflict of interest, decision-making will then occur as set forth below under "Step Three: Decision- Making".

Employees. When an Employee identifies a conflict of interest, he or she should follow the procedure set forth below:

- If the Employee is an individual other than the Administrator, the Employee should promptly notify the Administrator in writing of such conflict of interest. The Administrator, in turn, will promptly notify the Borough Council Personnel Committee (the "Personnel Committee"), the Borough COI Attorney and, if applicable, the department head to whom such Employee ultimately reports, of such conflict of interest.
- If the Employee is the Administrator, he or she should promptly notify the Personnel Committee and the Borough COI Attorney of such conflict of interest.

Following disclosure of an Employee conflict of interest, decision-making will then occur as set forth below under "Step Three: Decision-Making".

General. In all cases, the disclosure provided by the relevant Elected Official or Employee as described in this Step Two should indicate that a conflict of interest exists and indicate the entity or entities with respect to which the conflict of interest exists. Furthermore, in situations where a conflict of interest exists with respect to a given entity, conflicted Elected Officials and Employees should not recommend or introduce such other entity to other Elected Officials or Employees within the Borough organization, or participate in discussions with other The Borough Elected Officials or Employees concerning such entity, without a clear disclosure to such other Elected Officials or Employees that a conflict of interest exists. In the event an Elected Official or Employee inadvertently fails to make a disclosure as required by this Step Two, but such Elected Official or Employee properly recuses herself or himself from all decision-making consistent with this policy and Applicable Law, such a technical violation of this Step Two shall not be deemed to be a general violation of this policy.

### **STEP THREE: DECISION-MAKING**

Following appropriate disclosure as described above, decision-making with respect to matters involving a conflict of interest shall be handled as set forth below.

#### Decisions Requiring Elected Official Action

- If the proposed decision is of a nature that, in the absence of a conflict of interest, would require action by the Borough Council, or one or more Elected Officials (including by a committee of Elected Officials, if applicable), the decision must be reviewed and approved by the Borough Council or the Elected Officials (or by the applicable committee of Elected Officials, if applicable), following full disclosure about the facts and circumstances of the conflict of interest.

In each of the foregoing situations, the following rules shall apply:

- Any Elected Official conflicted by the decision shall abstain from voting on the matter, shall leave the dais, and shall not participate in the discussion on such matter.
- Approval of the decision must be obtained from a majority of disinterested Elected Officials on the Borough Council or the applicable committee.
- The Mayor, the Council President or the chair of the committee, as appropriate, may require that all conflicted Elected Officials either (i) leave the room for that portion of the Borough Council meeting or committee meeting during which any discussion on the matter, as well as any vote on the matter, occurs. In the event the Mayor, the Council President or the chair of the committee is conflicted, any Elected Official present may require that the conflicted Elected Official leave the room for that portion of the Borough Council meeting or committee meeting during which any discussion on the matter, as well as any vote on the matter, occurs. However, if that portion of the meeting is open to the public, the conflicted Elected Official may sit with the members of the public and observe the discussion which occurs.

#### Decisions by Employees

- If the decision at issue is one to be made by an Employee (and not the Elected Officials) and the individual with the conflict of interest is the Administrator, then the final decision on such matter will be made by the Borough Council, or such committee as the Borough Council shall designate, following full disclosure to the Borough Council (or applicable committee) of the facts and circumstances of the conflict.
- If the decision at issue is one to be made by an Employee other than the Administrator (and not the Elected Officials), then the final decision will be made by the Administrator, following consultation with the Borough COI Attorney or the Local Finance Board.

#### Day-to-Day Interactions and Decision-Making in the Ordinary Course of Business



- Certain relationships that create a conflict of interest for a given Elected Official or Employee may involve day-to-day interactions and decision-making for Employees. If the day-to-day decision-making at issue is in the ordinary course of business, then such decision-making may be made by a non-conflicted Employee of The Borough, consistent with any decisions or actions that have been approved in accordance with this policy and consistent with standard decision-making procedures in the Borough. In the event such nonconflicted Employee needs guidance from a supervisor who is conflicted, the non-conflicted Employee should consult with the Borough COI Attorney to determine an appropriate avenue for obtaining nonconflicted guidance and decision-making.

### General

In all of the foregoing situations where a matter is brought to the Personnel Committee, if a member of the Personnel Committee is conflicted under this policy, and after disqualifying such member from participating in any action with respect to the conflicted transaction there are fewer than two disinterested members of the Personnel Committee, the Mayor shall either appoint an additional disinterested Elected Official to act in such conflicted member's place or shall refer the matter to the full The Borough Council for decision-making in accordance with this policy. In taking any action delegated to it pursuant to this policy, the Personnel Committee may seek the advice of other Elected Officials, Employees, The Borough Council committees or outside advisors, so long as the final act is taken by the members of the Personnel Committee.

In the event that the Borough Council, the Personnel Committee or, consistent with this policy, the non-conflicted decision-maker is made aware of a conflict of interest after a decision has been made by a conflicted decision-maker, the Borough Council, the Personnel Committee or the non-conflicted decision-maker, as applicable under this policy, will review the decision and, after consultation with the Borough COI Attorney or the Local Finance Board, determine the appropriate course of action.

### **SPECIAL SITUATIONS**

Set forth below is specific guidance for some potential areas of conflict of interest that require special attention.

#### Outside Employment, Business, Consulting, Advisory or Board Relationships

Elected Officials and Employees should inform the Personnel Committee about any employment, business, consulting, advisory or board (such as a board of directors) relationship that such Elected Official or Employee (or member of such Elected Official's or Employee's immediate family) has with an entity (including a not-for-profit entity or a citizens group) that presents a potential conflict of interest situation. In furtherance of this policy, The Borough will periodically, but no less frequently than once per year, conduct an inquiry of Elected Officials

and Employees to determine the status of their (and their immediate family members') employment, business, consulting, advisory or board relationships, It is understood that certain of the foregoing information may be reported by Elected Officials on their state financial disclosure statements; to the extent responsive to the foregoing requirement, and so as to minimize the reporting burden on Elected Officials, such individuals may cross-reference their state financial disclosure statements when providing the foregoing information.

#### Investments in Entities with whom The Borough Has a Business Arrangement

Elected Officials and Employees may occasionally find themselves in a position to invest in entities with whom The Borough has a business arrangement. Elected Officials and Employees presented with such opportunities should understand that a conflict of interest may occur in these circumstances. The following guidelines are intended to cover such circumstances:

- Disclosure. Elected Officials, Employees and their immediate families may not knowingly invest in entities with whom The Borough has a business arrangement without disclosure as set forth above under "Step Two: Disclosure". In a similar vein, if The Borough enters into a business arrangement with an entity and an Elected Official or Employee is aware that he or she has a pre-existing investment in such entity, the Elected Official or Employee should promptly make such disclosure as set forth above under "Step Two: Disclosure".
- Mutual Funds. Investments in diversified, publicly traded mutual funds are not subject to this conflict of interest policy.
- Public Companies. Investments representing not more than one percent (1%) of the total outstanding shares of a publicly held company are not subject to this conflict of interest policy.

#### Seeking Advice of Counsel or the Local Finance Board

Elected Officials and Employees should note that "if a municipal official seeks advice on a conflicts issue from the municipal attorney and certain conditions are met, such reliance can be a defense for the official against a claim of conflict." As per Kole Article, citing *In re Zisa*, 385 N.J. Super. 188 (App. Div. 2006). These conditions are:

- The advice must be received prior to an action being taken;
- The individual who offers the advice must possess authority or responsibility with regard to ethical issues;
- The individual seeking advice must make full disclosure of all pertinent facts and circumstances; and
- The individual must comply with the advice, including all the restrictions contained in it.

Accordingly, to the extent any Elected Official or Employee seeks advice from the Borough COI Attorney pursuant to this policy:

- The Borough COI Attorney shall issue a timely written opinion setting forth, at a minimum:
  - o the pertinent facts and circumstances, as the Borough COI Attorney understands them;
  - o The Borough COI Attorney's determination as to whether there is a conflict of interest for such Elected Official or Employee under this policy and Applicable Law and the rationale (including a recitation of relevant rules and facts) in support of such determination; and
  - o if a conflict of interest does exist, any restrictions on such Elected Official or Employee as a result of such conflict of interest.
  
- If the Borough COI Attorney determines that there is a conflict of interest, the Elected Official or Employee must comply with the foregoing restrictions.

To the extent any Elected Official or Employee seeks advice from the Local Finance Board pursuant to this policy, such Elected Official or Employee shall be bound by the determination of the Local Finance Board.

#### Presiding Over Proceedings

As one commentator has pointed out, "In one unreported Law Division case, the court held that the adoption of a zoning ordinance was invalid because the council president, who had a conflict, presided over the proceedings, even though he did not discuss or vote on the matter." As per Kole Article, citing *Beacon Hill Farm, LLC v. Marlboro*, unreported. WL1161361 (Law Div. 2006). Accordingly, no Elected Official or Employee shall preside over a meeting (including a committee meeting) when such Elected Official or Employee has a conflict of interest.

#### Doctrine of Necessity

New Jersey conflicts of interest case law has established a "doctrine of necessity" principle that will "be invoked in those circumstances in which there is a pressing public need for action (that is, the matter cannot be laid aside until another date), there is no alternative forum which can grant the same relief and the body is unable to act without the members in conflict taking part." *Allen v. Toms River Regional Board of Education*, 233 N.J. Super. 642 (Law Div. 1989). In the event the Borough COI Attorney or the Local Finance Board opines that the doctrine of necessity principle applies, then the Elected Officials may act, consistent with such doctrine.

#### **CONSEQUENCES OF VIOLATION**

Violation of this policy by Elected Officials will be addressed consistent with Applicable Law. Violation of this policy by Employees can lead to disciplinary action, up to and including termination of employment.

## **REPORTS TO THE BOROUGH COUNCIL**

The Borough COI Attorney shall report to the Borough Council at periodically about any new conflicts of interest concerning any Elected Official, the Administrator or any department heads of The Borough that have arisen since the last report to the Borough Council and how such conflicts were addressed in light of this policy.

## **PERIODIC REVIEW OF POLICY**

From time-to-time, the Personnel Committee shall review this policy to ensure conformity with Applicable Law and to consider whether any changes should be made to this policy in the best interests of The Borough. Following such review, if the Personnel Committee believes that any changes are appropriate, the Personnel Committee shall report such suggested changes to the Borough Council.

## **CERTIFICATION**

**I, Maryanne Capasso, Municipal Clerk of the Borough of Lakehurst, County of Ocean, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Mayor and Council of the Borough of Lakehurst, at a meeting held this 5th day of March, 2020.**

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**Maryanne Capasso, RMC**  
**Municipal Clerk**

## RESOLUTION

### RESOLUTION OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY SUPPORTING THE SITING OF THE FOURTH ARMY CORPS HEADQUARTERS AT JOINT BASE MCGUIRE-DIX-LAKEHURST

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst is a 42,000-acre, tri-service military installation in Ocean and Burlington Counties; and

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst, a 65-square-mile active duty base in Ocean and Burlington Counties, is America's only tri-service military installation; and

**WHEREAS**, the Joint Base supports 80 mission partners and is a critical asset for the Air Force, Army, Navy, Marines, Coast Guard and NJ National Guard; and

**WHEREAS**, the creation of the Joint Base in 2010 has resulted in increased coordination and collaboration between the military services and achieved greater efficiencies; and

**WHEREAS**, as part of an Operational Command Post in Europe, the United States Army is considering the activation of a Fourth Army Corps Headquarters to be based in the continental United States; and

**WHEREAS**, Joint Base McGuire-Dix-Lakehurst is one of the thirty-one (31) installations being considered for housing the Fourth Army Corps Headquarters; and

**WHEREAS**, the Borough of Lakehurst has a long history of support for Joint Base McGuire-Dix-Lakehurst and supports the locating of the Fourth Army Corps Headquarters on the Joint Base; and

**WHEREAS**, the Borough of Lakehurst will continue to place its highest priority on facilitating community partnerships and supporting the vital missions that are critical to our national defense and our community welfare.

**NOW, THEREFORE, BE IT RESOLVED**, by the Borough of Lakehurst, in the County of Ocean, State of New Jersey that:

1. It fully supports the siting of the Fourth Army Corps Headquarters at Joint Base McGuire-Dix- Lakehurst.
2. Certified copies of this resolution shall be made available to Governor Phil Murphy; Congressional District Offices 2, 3, 4; Ocean County's Legislative District Offices 9, 10, 12, and 30; Burlington and Monmouth County Board of Chosen Freeholders; Ocean County Mayors; NJ Defense Enhancement Coalition.

## CERTIFICATION

I, Maryanne Capasso, Municipal Clerk of the Borough of Lakehurst, in the County of Ocean and State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Mayor and Council of the Borough of Lakehurst, at their regular schedule meeting held on the 5<sup>th</sup> day of March 2020.

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Maryanne Capasso, RMC  
Municipal Clerk

## ORDINANCE

### “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY”

2020-01

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, the following sections are amended:

#### CHAPTER 2: ADMINISTRATION

**Section 2-43.2 Charge for Returned Checks** is hereby amended as follows:

The Borough Council hereby imposes a service charge, pursuant to the authority granted in N.J.S.A. 40:5-18, in the amount of \$20 for each check, other written instrument or electronic transfer that is returned for insufficient funds. The Chief Financial Officer and Tax Collector are each authorized to require payment in cash or by certified or cashier's check when there have been at least two prior occasions in which monies have been returned for insufficient funds from the same individual.

#### **Effective date.**

This Ordinance shall take immediately upon final passage and publication as required by law.

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Hon. Harry Robbins  
Mayor

## NOTICE

**NOTICE IS HEREBY GIVEN** that an ordinance #2020-01 entitled “AN ORDINANCE OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF LAKEHURST, COUNTY OF OCEAN, STATE OF NEW JERSEY” " was finally adopted after a public hearing and Council approval at a meeting of the governing body held on the fifth day of March, 2020.

Maryanne Capasso, RMC  
Municipal Clerk