

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Mr. Cusick read the following:

ADEQUATE NOTICE HAS BEEN GIVEN OF THIS MEETING BY NOTIFICATION TO THE ASBURY PARK PRESS  
AND PLACED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING OF THE BOROUGH OF KEANSBURG..

Mr. Cusick asked all to rise and recite:

**Salute to the Flag**

Mr. Cusick took:

**Roll Call**

Mr. Foley	Mr. DePompa	Mr. Boden	Mr. Cocuzza	Mr. Hoff
✓	Excused	✓	✓	✓

**Presentation:**



*Holmdel's Mayor Patrick Impreduto and Committeeman Thomas Critelli presented to the Keansburg Borough Council proceeds of the Holmdel Helps campaign. Freeholder John Curley was also present at this time.*

**Meeting Minutes:**

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

**Meeting Minutes February 27, 2013**

Mr. Cusick asked for a roll call vote to accept the minutes and place same on file:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley		✓	✓			
Mr. DePompa					✓	
Mr. Boden	✓		✓			
Mr. Cocuzza			✓			
Mr. Hoff			✓			

**Ordinances:**

**Second Reading:**

**ORDINANCE #1534 – Parking Violation Fees**

AN ORDINANCE REVISING CHAPTER VIII (PARKING METER ZONES AND PARKING LOTS), SECTION 2.9 (VIOLATION; PENALTIES) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG

SECTION 1.

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg that Chapter VIII (Parking Meter Zones and Parking Lots), Section 2.9 (violations; penalties) of the Revised General Ordinances be amended as follows:

- a. The following penalties are hereby established for these designated offenses:

Parking Meter Only: Not to exceed \$40.00

Overtime Meter Only: Not to exceed \$40.00

No Parking 3:00a.m. – 6:00a.m.: Not to exceed \$30.00

Violation of head-in parking only: Not to exceed \$40.00

No parking 1 ½ ton vehicle from 12:01a.m. to 5:00a.m.: Not to exceed \$40.00

SECTION 2. REPEALER.

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

**SECTION 3. INCONSISTENT ORDINANCES.**

All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

**SECTION 4. SEVERABILITY.**

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

**SECTION 5. EFFECTIVE DATE.**

This Ordinance shall take effect upon its passage and publication according to law.

Mr. Cusick asked for a roll call vote to open the meeting to the public for Ordinance #1534:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley		✓	✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza			✓			
Mr. Hoff	✓		✓			

**NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME**

Mr. Cusick asked for a roll call vote to close the meeting to the public for Ordinance #1534:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden	✓		✓			
Mr. Cocuzza			✓			
Mr. Hoff		✓	✓			

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

**First Reading:**

**ORDINANCE #1535 – Floodplain**

AN ORDINANCE AMENEDING AND REVISING CHAPTER XIV – FLOOD DAMAGE PREVENTION – OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG

CHAPTER XIV FLOOD DAMAGE PREVENTION

14-1 STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES.

14-1.1 Statutory Authorization.

SHALL READ:

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Borough Council of the Borough of Keansburg of County of Monmouth, State New Jersey does ordain as follows:

14-1.2 Findings of Fact.

NO CHANGE

14-1.3 Purpose.

NO CHANGE

14-1.4 Methods of Reducing Flood Losses.

NO CHANGE

14-2 DEFINITIONS.

ADD: (in alphabetic order)

Advisory Base Flood Elevation (ABFE) —The elevation shown on a community's Advisory Flood Hazard Map that indicates the advisory stillwater elevation plus wave effect (ABFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Advisory Flood Hazard Area (AFHA) —The land in the floodplain within a community subject to flooding from the 1% annual chance event depicted on the Advisory Flood Hazard Map.

Advisory Flood Hazard Map - The official map on which the Federal Emergency Management Administration has delineated the areas of advisory flood hazards applicable to the community.

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Modular buildings and modular homes are sectional prefabricated buildings, or houses, that consist of multiple sections called modules. The modules are six sided boxes constructed in a remote facility, then delivered to their intended site of use, provided appropriate anchoring of the building complies with Coastal building regulations.

Substantial Damage – means damage of any origin sustained by a structure whereby the cost of restoring the structure to it's before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damages sustained by a structure on two or more separate occasions during a 10 year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent (25%) of the market value of the structure before the damages occurred (accumulative losses).

SHALL READ: (in alphabetic order)

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

[1] Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or

[2] Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

14-3 GENERAL PROVISIONS.

14-3.1 Applicability.

SHALL READ:

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Keansburg, County of Monmouth, State of New Jersey.

14-3.2 Basis for Establishing the Areas of Special Flood Hazard.

SHALL READ:

The areas of special flood hazard for the Borough of Keansburg, Community No. (comm ID D&E), are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

- a) A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated December 12, 2012.
- b) Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panel(s) 34025 Keyport NE, Keyport SE and Sandy Hook West NW, whose effective date is December 12, 2012.
- c) Advisory Base Flood Elevations and Advisory Flood Hazard Maps dated (ABFE December 12, 2012). These documents shall take precedence over previous panels and FIS in construction and development regulations only. Where the Special Flood Hazard Area (SFHA) and the Advisory Flood Hazard Area (AFHA) maps conflict or overlap, whichever imposes the more stringent requirement shall prevail.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at Keansburg Borough Hall, George E. Kauffmann Municipal Building, 29 Church Street, Keansburg, NJ 07734

14-3.3 Penalties for Noncompliance.

SHALL READ

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor.

Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,250.00 (one thousand two hundred and fifty dollars) or imprisoned for not more than 10 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Borough of Keansburg from taking such other lawful action as is necessary to prevent or remedy any violation.

14-3.4 Abrogation and Greater Restrictions.

NO CHANGE

14-3.5 Interpretation.

NO CHANGE

14-3.6 Warning and Disclaimer of Liability.

NO CHANGE

14-4 ADMINISTRATION.

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

14-4.1 Establishment of Development Permit.

SHALL READ

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in SECTION 3.2. Application for a Development Permit shall be made on forms furnished by the Construction Official/Floodplain Manager and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- [1] Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- [2] Elevation in relation to mean sea level to which any structure has been floodproofed.
- [3] Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in SECTION 5.2-2; and,
- [4] Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

DELETE:

14-4.2 Designation of the Building Subcode Official.

ADD:

14-4.2 Designation of the Local Administrator.

SHALL READ:

The Construction Official/Floodplain Manager is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

DELETE:

14-4.3 Duties and Responsibilities of the Building Subcode Official.

ADD:

14-4.3 Duties and Responsibilities of the Local Administrator.

SHALL READ:

Duties of the Construction Official/Floodplain Manager shall include, but not be limited to:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

- [1] Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- [2] Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- [3] Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 [1] are met.
- [4] Review all development permits in the coastal high hazard area of the area of special flood hazard to determine if the proposed development alters sand dunes so as to increase potential flood damage.
- [5] Review plans for walls to be used to enclose space below the base flood level in accordance with SECTION 5.4-2 [4].
  - b. Use of Other Base Flood Data. When base flood elevation and floodway data have not been provided in accordance with subsection 14-3.2, the Construction Official/Floodplain Manager shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer subsections 14-6.2a and 14-6.2b.
  - c. Information To Be Obtained and Maintained.
    1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
    2. For all new substantially improved floodproofed structures:
      - (a) Verify and record the actual elevation (in relation to mean sea level).
      - (b) Maintain the floodproofing certifications required in subsection 14-4.1c.
    3. In coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the provisions of paragraphs b, 1 and b, 2 of subsection 14-6.3 are met.
    4. Maintain for public inspection all records pertaining to the provisions of this Chapter.
  - d. Alteration of Watercourses.
    1. Notify adjacent communities and the (State coordinating agency) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.



**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

2. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

e. Interpretation of Firm Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 14-5.

14-5 VARIANCE PROCEDURE.

SHALL READ:

14-5.1 Appeal Board.

[1] The Planning Board of Adjustment as established by Keansburg Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

[2] The Planning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Construction Official/Floodplain Manager in the enforcement or administration of this ordinance.

[3] Those aggrieved by the decision of the Planning Board of Adjustment or any taxpayer, may appeal such decision to the New Jersey Superior Court, as provided by State Statute.

[4] In passing upon such applications, the Planning Board of Adjustment, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

- (i) the danger that materials may be swept onto other lands to the injury of others;
- (ii) the danger to life and property due to flooding or erosion damage;
- (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (iv) the importance of the services provided by the proposed facility to the community;
- (v) the necessity to the facility of a waterfront location, where applicable;
- (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (vii) the compatibility of the proposed use with existing and anticipated development;
- (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

- (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
- (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

[5] Upon consideration of the factors of SECTION 4.4-1 [4] and the purposes of this ordinance, the Planning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

[6] The Construction Official/Floodplain Manager shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

14-5.2 Conditions for Variances.

NO CHANGE

14-6 PROVISIONS FOR FLOOD HAZARD REDUCTION.

14-6.1 General Standards.

SHALL READ:

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

SECTION A -- ANCHORING

NO CHANGE

SECTION B – CONSTRUCTION MATERIALS AND METHODS

NO CHANGE

SECTION C – UTILITIES

NO CHANGE

SECTION D – SUBDIVISION PROPOSALS

SHALL READ:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

[1] All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

[2] All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

[3] All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

[4] Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

**SECTION E – ENCLOSURE OPENINGS**

NO CHANGE

14-6.2 Specific Standards.

SHALL READ:

In all areas of special flood hazards where base flood elevation data have been provided as set forth in SECTION 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in SECTION 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

**[A] RESIDENTIAL CONSTRUCTION**

[1] New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot.

[2] Require within any AO zone on the municipality's FIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

**[B] NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

either

[1] Elevated to or above the base flood elevation or advisory base flood elevation whichever is more restrictive, plus one foot; and

[2] Require within any AO zone on the municipality's DFIRM that all new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated above the highest adjacent grade one foot above the depth number specified in feet (at least three feet if no depth number is specified) or at or above the advisory base flood elevation plus one foot, whichever is more restrictive. And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

[3] Be floodproofed so that below the base flood level plus one foot, or advisory base flood elevation plus one foot, (whichever is more restrictive) the structure is watertight with walls substantially impermeable to the passage of water;

[4] Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,

[5] Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 [2] [ii].

[C] MANUFACTURED HOMES

[1] Manufactured homes shall be anchored in accordance with SECTION 5.1-1

[2] All manufactured homes to be placed or substantially improved within an area of special flood hazard shall be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation or advisory base flood elevation, plus one foot (whichever is more restrictive).

ADD:

[D] FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

[1] Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

[2] If section 5.3[1] is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.

[3] In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

14-6.3 Coastal High Hazard Area.

SHALL READ:

Coastal high hazard areas (V or VE Zones) are located within the areas of special flood hazard established in subsection 14-3.2. These areas have special flood hazards associated with high velocity waters from tidal surges and hurricane wave wash; therefore, the following provisions shall apply:

REMAINDER OF SECTION INTACT UNTIL

DELETE:

(d) Prior to construction, plans for any breakaway wall must be submitted to the local administrator for approval.

ADD:

(d) Prior to construction, plans for any breakaway wall must be submitted to the Building Sub-Code Official for approval.

14-7 FLOOD PLAIN LETTER.

14-7.1 Reserved.\*

NO CHANGE

DELETE:

14-7.2 Municipal Clerk to Furnish.

The Municipal Clerk shall be the agency to furnish the letter.

ADD:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

14-7.2 Construction Official/Floodplain Manager to Furnish.

The Construction Official/Floodplain Manager shall be the agency to furnish the letter.

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

REPEALER.

The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

INCONSISTENT ORDINANCES.

All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SEVERABILITY.

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

EFFECTIVE DATE.

This ordinance shall take effect upon its passage and publication according to law.

Mr. Cusick asked for a roll call vote and set down for a Public Hearing Ordinances #1535 on April 24, 2013 at 7pm.:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley	✓		✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza			✓			
Mr. Hoff		✓	✓			

**Resolutions:**

**RESOLUTION # 13-026**      Payment of Bills (3.27.13)

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and

**BE IT FURTHER RESOLVED** that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law:

Capital	\$15,792.50
Current	3,240,623.16
Dog Trust	90.00
Grant	149.46
Trust	9,254.24
Water & Sewer	225,129.65
	_____
<b>Total:</b>	<b><u>\$3,491,039.01</u></b>

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-027**      2013 Amusement Gaming Lic. (Bev & Wally's)

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth, New Jersey that a 2013 Amusement Game License be granted to:

**RRB INC**

**Bev & Wally's 13-027**

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Pursuant to P.L. of 1959; Chap.108 and 109 of the "Amusement Game Licensing Law", and in accordance with their application for such operation; and

**BE IT FURTHER RESOLVED** that the Borough Clerk be and he is hereby authorized and directed to issue and execute the said license.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-028**      2013 Amusement Gaming Lic. (The Game Room)

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth, New Jersey that a 2013 Amusement Game License be granted to:

**RRB INC**

**The Game Room 13-028**

**And**

Pursuant to P.L. of 1959; Chap.108 and 109 of the "Amusement Game Licensing Law", and in accordance with their application for such operation; and

**BE IT FURTHER RESOLVED** that the Borough Clerk be and he is hereby authorized and directed to issue and execute the said license.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			



**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-029**      2013 Amusement Gaming Lic. (Shot the Star)

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth, New Jersey that a 2013 Amusement Game License be granted to:

**RRB INC**

**Shoot the Star 13-029**

Pursuant to P.L. of 1959; Chap.108 and 109 of the “Amusement Game Licensing Law”, and in accordance with their application for such operation; and

**BE IT FURTHER RESOLVED** that the Borough Clerk be and he is hereby authorized and directed to issue and execute the said license.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-030**      Tonnage Grant

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L., c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection and Energy is promulgating recycling regulations to implement the mandatory Source Separation and Recycling Act; and

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

WHEREAS, the recycling regulation impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a Resolution authorizing the Borough of Keansburg to apply for such tonnage grants will memorialize the commitment of the Borough to recycling and indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and Recycling regulations; and

WHEREAS, such a Resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the Borough hereby endorses the submission of a Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and Energy and designates

James Falco,  
Recycling Coordinator,

29 Church Street, Keansburg, NJ 07734, to ensure that the said application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a recycling trust fund to be used solely for the purposes of recycling.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-031**      Distribution of Personal Property (Estate of Ruth Walsh)

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that the following payment be made to

**Amount:**      \$5,484.57

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013  
**Meeting Minutes**

**Reason:** Distribution of Personal Property:

Monies recovered from home the of late Ruth Walsh

**Payable to:** The Estate of Ruth Walsh  
c/o  
Estate Executrix  
Carol Hanson  
591 NW Lambrusco Drive  
Port St. Lucie, FL 34986

**NOTE:**  
Distribution  
subject to **FINAL**  
Attorney Review of  
Documentation

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is hereby directed to issue payment as stated above:

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-032** Award of Bid (2012 Capital Improvement)

**WHEREAS**, the Borough of Keansburg advertised and received bids for 2012 Capital Improvements on Wednesday, March 20, 2013; and

**WHEREAS**, eight (8) bids was received and opened in public by the Borough Clerk; and

**WHEREAS**, the following bids were received:

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

<u>Bidder</u>	<u>Base Bid</u>
S. Brothers, Inc.	\$1,498,472.60
Lucas Construction Group	\$1,668,840.65
P&A Construction, Inc.	\$1,721,886.75
Fiore Paving Co., Inc.	\$1,873,960.62
Black Rock Enterprises, Inc.	\$1,880,548.75
Meco, Inc.	\$1,880,548.75
L&L Paving Company	\$2,091,258.00
James R. Ientile, Inc.	\$2,142,421.00
Engineer's Estimate	\$1,703,779.50

**WHEREAS**, the Borough Attorney has reviewed the bids and has determined that S Brothers of Manalapan, New Jersey is the lowest and responsible bidder for this Project.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that based upon the recommendation of the Borough Attorney that it does hereby award the bid for the 2012 Capital Improvements ) to: S Brothers of Manalapan, New Jersey

in the total amount of \$ 1,498,472.60; and

**BE IT FURTHER RESOLVED** that the award is subject to:

1. Certification of the availability of funds by the Borough Chief Financial Officer

*Patrick DeBlasio*

---

Patrick DeBlasio, Chief Financial Officer

**BE IT FURTHER RESOLVED** that the Mayor and Municipal Clerk are authorized to execute the contract with S Brothers of Manalapan, New Jersey after the review by the Borough Attorney and Chief Financial Officer's certification.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-033** Authorize State Vendor List

**WHEREAS**, the Borough of Keansburg purchased item from authorized vendors under the State of New Jersey Cooperative Purchasing Program 1-NJCP; and,

**WHEREAS**, the purchase of goods and services by a local contracting unit is authorized by the Local Public Contracts Law, NJS 40A:11-12; and,

**WHEREAS**, the below list of vendors have been awarded a New Jersey State Contractor Number; and,

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

WHEREAS, upon adoption, this resolution and vendor list will replace and supersede all previous lists.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keansburg that the below listed vendors have been approved for the purchase of goods and services:

VENDOR	T-Number	Contract Number	VENDOR	T-Number	Contract Number
Pitney Bowes	T-0200	75237	Seely/Modern	T-2187	76906
Absolute Fire	T-0106	74018	Troil Enterprises	T-0963	66921
Autozone		71188	AR Communications	T-0109	53764
Dell/software	M-0003	77003	Chas S Winner Ford	T-2754	78843
Dell/Hardware	M-0483	70254	Chas S Winner Ford	T-2776	79009
Staples/office supplies	M-0052	77249	Campbell Foundry Co	T-0148	71626
Staples/Janitorial	T-2513	78735	Tanner North Jersey	T-0408	69948
Edwards tires-Bridgestone	T-0123	71687	PMC Management	T-2482	70092
Edwards tires-Goodyear	T-0123	71688	Computer Systems/Methods	M-0483	74851
Craft Oil Corporation	T-0097	70844	IBM Corporation	M-0483	70265
Hewlett Packard Co	M-0483	70262	Lenovo United States	M-0483	70263
			Lowes Home Improvement		
Mid Atlantic Truck	T-2085	73939	XerosCorp	M-0483	74851
Mid Atlantic Truck	T-2541	70792	Keyport Army Navy	T-0046	78920
Seely/Modern	T-2188	69713	Keyport Army Navy	T-106a	75942
Seely/Modern	T-2189	74174	Lanigan Associates	T-0106	73993

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-034**      Authorize Execution of Community Disaster Loan  
DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
LOCAL GOVERNMENT RESOLUTION - COLLATERAL SECURITY  
RESOLUTION

BE IT RESOLVED BY BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

THAT we pledge the following listed collateral security to the Federal Emergency Management Agency (FEMA) on the Promissory Note for a Community Disaster Loan for \$3,954,766, executed on March 27, 2013 pursuant to Section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, and FEMA Regulation, 44 CFR 206, Subpart K.

We further understand that failure to repay any outstanding principal and related interest on those portions of the loan which do not qualify for loan cancellation as determined by FEMA or any successor agency will result in forfeiture of as much as the listed collateral security as is necessary to collect such outstanding principal and interest.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-035**      Deputize for Wedding (Boden) [to be supplied]

WHEREAS, Mayor George Hoff has requested Councilman Arthur Boden be deputized for the purpose of conducting wedding vows on April 21, 2013.

NOW THEREFORE BE IT RESOLVED that the governing body does hereby memorialize the actions of Mayor George Hoff.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Councilman Arthur Boden

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden						✓
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-036**      Payment of Bills #2

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and

**BE IT FURTHER RESOLVED** that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law:

Capital	\$85,934.48
Current	33,937.07
Dog Trust	0.00
Grant	0.00
Trust	0.00
Water & Sewer	1,556.23
	_____
<b>Total:</b>	<b>\$121,427.78</b>
	_____

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**RESOLUTION # 13-037**      Authorize Settlement Agreement (Davis)

Whereas, the Borough of Keansburg ( the "Borough") and its employees have been named in the lawsuit entitled "Davis vs. the Borough of Keansburg, et. A, United States District Court for the District of New Jersey, Trenton Vicinage, Civil Action No. 3:09-cv-06277-MLC-LHGI; and

WHEREAS, after deliberation between legal counsel and the Borough's insurance carrier it has been recommended by the insurance carrier and defense counsel, to offer \$60,000.00 to settle this litigation.

WHEREAS, payment associated with this settlement is conditioned on the release of named Defendants by Plaintiff; and

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

WHEREAS, the negotiated settlement agreement and releases are hereby determined by the Mayor and Council to be in the best interests of the Borough; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the governing body does hereby authorize the settlement of this matter for the amount of \$ 60,000.00, in accordance with the settlement agreement and release, in order to settle this litigation.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**Council Discussion:**

Councilman Boden announced both the next Clean Ocean Action Beach Clean Up and the fundraiser concert by Larry Chance & the Earls at New Point Comfort Fire Company.

Mayor Hoffthanked all Borough Departments and Volunteers for their assistance with the St. Patrick’s Day Parade. Thanked the Holmdel Helps Committee. Wished a Happy and Safe Easter and Passover to all.

Chief James Pigott announced that the Borough received \$31,000 in forfeiture funds related to a major drug bust.

Mr. Falco announced that Leaf & Branch pick up will commence on April 15th.

The Mayor and Borough Manager will discuss and determine if there will be an extension of the debris clean-up from Hurricane Sandy.

New Jersey Natural Gas Co. is doing major repairs throughout the Borough.

Fran Mullan Borough Engineer, reported that work will begin on Terrence Place in the next two weeks. Permits are being obtained on the Creek Road bulkhead with construction to begin in late summer. Currently working with FEMA on berm replenishment and Police Department renovations.

**RESOLUTION # 13-038** Authorize Staging Areas for Construction (temporary)



**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Be It Resolved by the Mayor and Council of the Borough of Keansburg that the governing body do hereby authorize the Borough Manager and Municipal Clerk to execute temporary construction easements on Block 184, Lots 3 and 5 (borough-owned property) in regard to the Army Corp of Engineers Berm Replenishment Project; and,

Be It Resolved that this resolution be forwarded to the Borough Engineer.

Mr. Cusick asked for a roll call vote:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff		✓	✓			

**Communications:**

Planning Board Vacancy (Alternate #2 Position)

**Keansburg Fire Department  
New Members**

- Robert Snyder            New Point Comfort Fire Company #1
- Dave Simmers            Keansburg Fire Company #1
- Nicole Rogan            Keansburg EMS

Mr. Cusick asked for a roll call vote to place this communication on file:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden		✓	✓			
Mr. Cocuzza			✓			
Mr. Hoff	✓		✓			

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013  
**Meeting Minutes**

**Open to the Public:**

Mr. Cusick asked for a roll call vote to open the meeting to the public:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden		✓	✓			
Mr. Cocuzza			✓			
Mr. Hoff	✓		✓			

- |   |   |
|---|---|
| Cassie Huber<br>98 Beachway<br>Unit #18 | Stated she is not in her unit but other units are being actively rented.<br><br>Informed that this information would be forwarded to Code Enforcement   |
| Dawn Bennett<br>98 Beachway<br>Unit #16 | Stated it is an unsafe, unhealthy environment   |
| Lawrence Sherwood<br>82 Oakwood Place   | Inquired into the status of the bulkhead and if there would be criteria for the house-raising grants.   |
| Mr. Mullan                              | Reiterated the bulkhead repair timetable.   |
| Mayor Hoff                              | Stated criteria would be out next month. The Borough will push back on the proposed ABF elevations.   |
| Rick Crossnohere<br>100 Shore Blvd.     | Complained of auto sales signs being placed on utility poles<br><br>Chief O’Hare stated it violated State Statute. Chief Pigott will advise patrols.<br><br>Mr. Crossnohere would like to see damaged structures at beachfront demolished.<br><br>Mayor stated the Borough is working with the banks and insurance companies to effectuate that goal. |

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Chris Hoff 26 Harding Ave	Complimented the Fire Dept and EMS volunteers for their assistance at a recent Borough distribution event.
Linda Bell 59 Morningside Ave	Concerned of possibility of raising home.  Chief O'Hare advised her to apply for a SBA loan.
Cassie Huber 98 Beachway Unit #18	Asked if she could apply on behalf of the condo association.  Not known by Borough Officials.
Maureen Shannon 31 Pineview Ave	Concerned if she accepts SBA loan will preclude her from grant eligibility.
Lawrence Sherwood 82 Oakwood Place	Stated he was advised the SBA loan would not impact grant eligibility.

Mr. Cusick asked for a roll call vote to close the meeting to the public:

**Roll Call**


	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden		✓	✓			
Mr. Cocuzza			✓			
Mr. Hoff	✓		✓			

**Adjournment**

Mr. Cusick asked for a roll call vote to adjourn the meeting:

**Roll Call**

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			
Mr. DePompa					✓	
Mr. Boden		✓	✓			
Mr. Cocuzza	✓		✓			
Mr. Hoff			✓			



I, THOMAS P. CUSICK, Clerk of the

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
March 27, 2013

**Meeting Minutes**

Borough of Keansburg, in the County of Monmouth, New Jersey, do hereby certify that the foregoing is a true copy of meeting minutes of a regularly scheduled public meeting held on

**March 27, 2013**

***Attest:***

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**Thomas P. Cusick**

*Municipal Clerk*  
*Borough of Keansburg*