

**BOROUGH OF KEANSBURG**  
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY  
July 1, 2014

**Meeting Minutes**

Mr. Cusick read the following:

The 21<sup>st</sup> Reorganization Meeting of the Mayor and Council is held this 1st day of July, 2014 at Noon, at the Municipal Building, 29 Church Street, Keansburg, NJ in accordance with R.S. of the State of New Jersey and the provisions of Council-Manager Plan B 40:69A-99 of the New Jersey Statutes.

Mr. Cusick continued and 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**

<b>Mr. Boden</b> ✓	<b>Mr. Cocuzza</b> ✓	<b>Mr. DePompa</b> Absent	<b>Mr. Foley</b> ✓	<b>Mr. Hoff</b> Excused
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Mr. Cusick reported the following:

**Election Results:**

*The official results of the May 13, 2014 Municipal Election is as follows:*

<i>Diane Nelson</i> <b>198</b>	<i>Arthur Boden</i> <b>447</b>	<i>James Cocuzza</i> <b>429</b>
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**Oath of Office**

Oath of Office was administered to the newly elected Officials

The Honorable Arthur Boden's Oath of Office was administered by Monmouth County Clerk Ms. M. Claire French.

I, **Arthur V. Boden**, do solemnly swear that I will faithfully, impartially and justly perform all the duties of the office of **Councilman** according to the best of my ability. So help me God.

The Honorable James Cocuzza's Oath of Office was administered by New Jersey State Assemblywoman Dr. Amy Handlin

I, **James Cocuzza, Sr.**, do solemnly swear that I will faithfully, impartially and justly perform all the duties of the office of **Councilman** according to the best of my ability. So help me God.

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**Selection of Temporary Chairman**

Mr. Cusick asked the Members of the Borough Council to select a Temporary Chairman

A motion was made by Mr. Foley and seconded by Mr. Cocuzza to nominate Mr. Boden as the Temporary Chairman

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Mr. Cusick took a roll call vote

**Roll Call**

<b>Mr. Boden</b>	<b>Mr. Cocuzza</b>	<b>Mr. DePompa</b>	<b>Mr. Foley</b>	<b>Mr. Hoff</b>
<b>Aye</b>	<b>Aye</b>	<b>Absent</b>	<b>Aye</b>	<b>Excused</b>

**Motion carried**

Mr. Boden asked for nominations for Mayor.

**Nomination and Election of Mayor**

A motion was made by Mr. Cocuzza and seconded by Mr. Boden to nominate Mr. Foley as the Mayor.

Mr. Cusick took a roll call vote

**Roll Call**

<b>Mr. Boden</b>	<b>Mr. Cocuzza</b>	<b>Mr. DePompa</b>	<b>Mr. Foley</b>	<b>Mr. Hoff</b>
<b>Aye</b>	<b>Aye</b>	<b>Absent</b>	<b>Aye</b>	<b>Excused</b>

**Motion carried**

**Oath of Office of Mayor**

The Honorable Thomas Foley's Oath of Office was administered by New Jersey State Senator Joseph Kyrillos

I, **Thomas Foley** do solemnly swear that I will faithfully, impartially and justly perform all the duties of the office of **Mayor** according to the best of my ability. So help me God.

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Mr. Foley asked for nominations for Acting Mayor.

**Nomination and Election of Acting (Deputy) Mayor**

A motion was made by Mr. Cocuzza and seconded by Mr. Boden to nominate Mr. Hoff as the Acting Mayor.

**Roll Call**

Mr. Boden	Mr. Cocuzza	Mr. DePompa	Mr. Foley	Mr. Hoff
Aye	Aye	Absent	Aye	Excused

**Motion carried**

**Oath of Office of Acting (Deputy) Mayor**

The Honorable George Hoff's Oath of Office will be administered by the Borough Clerk at a later date.

**Resolutions:**

**Appointments by the Borough Council**

RESOLUTION # 14-098      Appointment of Depositories

**BE IT RESOLVED** by the Mayor and council of the Borough of Keansburg, County of Monmouth, State of New Jersey:

**Amboy Bank**  
**Bank of New York/National Community Division**  
**TD Bank**  
**New Jersey Cash Management Fund**  
**Oppenheimer**  
**US Bank**  
**Two River Community Bank**  
**Valley National Bank**  
**Wells Fargo**

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be designated as the depositories for public money and other funds for the Borough of Keansburg.

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

RESOLUTION # 14-099      Appointment of Newspapers

**BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg, County of Monmouth, State of New Jersey that:

**The Asbury Park Press, or  
The Star Ledger, or  
The Two River Times**

be and is hereby designated as the Official Newspapers for legals, ordinances, resolutions, audit reports and notices of any kind for the Borough of Keansburg, Monmouth County, New Jersey pursuant to R.S. 35:23-1.

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

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RESOLUTION # 14-100                      Establish Council Meeting Calendar for July 2014 to June 2016

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that pursuant to the Open Public Meetings Act (NJ.S.A. 10:18) that the Meetings of the Borough Council shall be established as follows:

July 23, 2014	Regular Meeting
August 20, 2014	Regular Meeting
September 24, 2014	Regular Meeting
October 22, 2014	Regular Meeting
November 12, 2014	Regular Meeting
December 17, 2014	Regular Meeting
January 7, 2015	Conference Meeting
January 28, 2015	Regular Meeting
February 25, 2015	Regular Meeting
March 25, 2015	Regular Meeting
April 22, 2015	Regular Meeting
May 27, 2015	Regular Meeting
June 24, 2015	Regular Meeting
July 22, 2015	Regular Meeting
August 26, 2015	Regular Meeting
September 23, 2015	Regular Meeting
October 28, 2015	Regular Meeting
November 12, 2015 (Thursday)	Regular Meeting
December 16, 2015	Regular Meeting
January 6, 2016	Conference Meeting
January 27, 2016	Regular Meeting
February 24, 2016	Regular Meeting
March 23, 2016	Regular Meeting
April 27, 2016	Regular Meeting
May 25, 2016	Regular Meeting
June 22, 2016	Regular Meeting

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BE IT FURTHER RESOLVED that formal action may be taken at any Conference or Regular Meeting of the Borough Council at 7:00 p.m.; and

BE IT FURTHER RESOLVED that all Meetings shall take place in the Council Chambers of Keansburg Borough Hall, 29 Church Street, Keansburg, New Jersey; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall post throughout the year a list of these meetings stating the time, date and place of each meeting, shall cause a notice of these meetings to be published in an Official Newspaper of the Borough and shall otherwise provide notice in accordance with the Open Public Meetings Act.

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

**RESOLUTION # 14-101      Appointment of Professionals**

**BE IT RESOLVED**, by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth, New Jersey that it does hereby appoint:

<b>John O. Bennett</b> <i>Dilworth Paxson LLC</i>	<b>Borough Attorney</b>
<b>John O. Bennett</b> <i>Dilworth Paxson LLC</i>	<b>Bond Counsel</b>
<b>Robert Allison</b> <i>Hutchins, Farrell, Meyer &amp; Allison</i>	<b>Borough Auditor</b>
<b>Francis Mullan</b> <i>T &amp; M Associates</i>	<b>Borough Engineer</b>
<b>Gerald Massell, Esq.</b>	<b>Prosecutor</b>
<b>Raymond Raya Esq.</b>	<b>Public Defender</b>

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for the Borough of Keansburg for one year term commencing July 1, 2014 and expiring on June 30, 2015.

BE IT FURTHER RESOLVED that the Borough Manager and the Municipal Clerk are hereby directed to execute Professional Contracts with the above named professionals.

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

*Mr. DePompa arrived at this time*

RESOLUTION # 14-102      Appointment of Members to the Planning Board of Adjustment  
BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that

for the term of

<b>Thomas Foley</b>	Be a Class I Member	July 1, 2014 through June 30, <b>2015</b>
<b>Virginia Rogan</b>	Be a Class II Member	July 1, 2014 through June 30, <b>2015</b>
<b>James Cocuzza</b>	Be a Class III Member	July 1, 2014 through June 30, <b>2015</b>
<b>Owen McKenna</b>	Be a Class IV Member	July 1, 2014 through June 30, <b>2018</b>
<b>Martin Flynn</b>	Be a Class IV Member	July 1, 2014 through June 30, <b>2018</b>
<b>Raymond Preston</b>	Be a Class IV Member	July 1, 2014 through June 30, <b>2018</b>
<b>Mary Foley</b>	Be an Alternate Member	July 1, 2014 through June 30, <b>2016</b>
<b>Dominick Grasso</b>	Be an Alternate Member	July 1, 2014 through June 30, <b>2016</b>

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**Be and are hereby appointed to the Keansburg Planning Board of Adjustment Be and are hereby appointed to the Keansburg Planning Board of Adjustment**

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

RESOLUTION # 14-103      Authorize Notice to Bidders

**RESOLUTION AUTHORIZING ADVERTISEMENT FOR RECEIPT OF BIDS FOR THE LEASE OF CERTAIN BOROUGH-OWNED REAL PROPERTY (BLOCK 163, LOT 15 & 16.01) FOR THE USE OF CELLULAR COMMUNICATION SYSTEMS AND EQUIPMENT**

**WHEREAS**, N.J.S.A. 40A:12-14 and N.J.S.A. 40A:12-24 require public bidding when a municipality has determined to lease any real property or personal property not needed for public use; and

**WHEREAS**, the Borough of Keansburg is the owner of certain real property designated as Block 163, Lot 15 & 16.01 on the Keansburg Borough Tax Map; and

**WHEREAS**, the Borough is aware that one or more wireless communications companies have expressed an interest in leasing a portion of said property in order to occupy an existing tower and to install antennae and related equipment thereon; and

**WHEREAS**, the Borough Council has found and determined that the portion of said property is not otherwise needed for public use; and

**WHEREAS**, the Borough Council has determined that it is in the Borough's interest to grant a nonexclusive lease on the portion of said property to one or more wireless communications companies, depending upon compatibility with the Borough's needs and with the technical requirements of the tenants; and

**WHEREAS**, the use of the portion of said property by one or more tenants will not be detrimental to the portions of the public property which will continue to be used for public purposes; and

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**WHEREAS**, N.J.S.A. 40A:12-14 requires advertisement and receipt of bids at public auction or by way of sealed bids; and

**WHEREAS**, the aforesaid statute allows the governing body to fix a minimum rental with the reservation of the right to reject all bids where the highest bid is not accepted.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Keansburg as follows:

1. In accordance with N.J.S.A. 40A:12-14, the Borough Clerk is hereby directed to publish an advertisement for the receipt of sealed bids for the lease of a portion of Borough-owned property designated as Block 163, Lot 15 and 16.01 on the Keansburg Borough Tax Map for the installation of antennae and related equipment onto the existing tower, subject to the terms and conditions set forth in this resolution. The advertisement shall be published once a week during two consecutive weeks prior to the date of receipt of bids, the last publication to be not earlier than seven (7) days prior to that date.

2. The minimum annual rental for each lease of space for an antenna(s) and associated equipment as specified in this resolution will be Twenty Thousand Dollars (\$20,000) per year for an initial lease term of ten (10) years with the option of renewals for two (2) successive periods of five (5) years each upon the same terms and conditions which were in effect before the end of the initial term, except as to the initial rate, which shall increase at the rate of three percent (3%) per year after the initial term. The Lessee shall enter into a co-location agreement with Crown Castle, or the successors of Crown Castle, for the right to occupy their tower.

Lessor shall be responsible for all permits and approvals, including any site plan approval as may be required for the construction and operation of the subject facilities.

3. The Borough reserves the right to reject all bids where the highest bid is not accepted and further reserves the right to award more than one lease, depending upon the needs of the Borough and the technical requirements of the high bidder or bidders.

4. Upon or before the date of the determination of the high bidder, the Borough Attorney shall prepare a detailed lease agreement which shall include all of the terms and conditions set forth in this resolution, as well as any other provisions deemed necessary by the Borough Attorney in order to protect the interests of the Borough, including but not limited to typical lease agreement provisions dealing with such subjects as use of and damage to the property, insurance coverage in favor of the Borough, access to the leased premises, standard representations of the Borough and the lessee, maintenance and repair, default and right to cure, assignment and sublease, notices, applicability of Federal and State laws and regulations, determinations and responsibilities with respect to interference, and payment of utility costs.

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5. All bidders submitting bids pursuant to the advertisement shall do so with full knowledge of the requirement of a fully-negotiated lease with respect to the provisions listed in paragraph 4 above.

6. Insurance shall be provided with a minimum of a combined single limit of \$2,000,000.00 for bodily injury and/or property damage per occurrence. Coverage shall include: Commercial General Liability, Auto Liability, Property Damage and Workers' Compensation. The Borough shall be named as an additional insured on all policies.

7. All bidders shall be required to submit with each bid a certified check, cashier's check or bid bond in the amount of ten percent (10%) of the annual rental bid amount, not to exceed \$20,000 made payable to the Borough of Keansburg to serve as bid security. The bid security of all unsuccessful bidders shall be returned immediately after the adoption of a resolution granting the lease(s).

8. Acceptance or rejection of bids shall be made by the Borough Council not later than its second regular meeting following the receipt of bids. If no action is taken by the Borough Council, all bids shall be deemed to have been rejected.

9. The Borough Clerk/Administrator is hereby directed to consult with the Borough Attorney to determine and establish the most expedient schedule for advertisement and receipt of bids.

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

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RESOLUTION # 14-104      Tax Reimbursement Certification (Recycling)

**Resolution Tax Reimbursement Certification**

**WHEREAS**, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation programs; and

**WHEREAS**, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

**WHEREAS**, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

**NOW THEREFORE BE IT RESOLVED** by the Borough of Keansburg that Borough of Keansburg hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in 2012 in the amount of \$29,214.24 and in 2013 in the amount of \$ 16,254.22. Documentation supporting this submission is available at 29 Church Street Keansburg, New Jersey 07734 and shall be maintained for no less than five from this date.

Mr. Cusick asked for a roll call vote:

**Roll Call**

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

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**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. Boden		✓	✓			
Mr. Cocuzza	✓		✓			
Mr. DePompa			✓			
Mr. Foley			✓			
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:

**Roll Call**

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

Mayor Foley thanked all in attendance at the meeting today. Looking forward to a productive year for our Borough.

**Adjournment**

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

**Roll Call**

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

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I, THOMAS P. CUSICK, Clerk of the  
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  
**July 1, 2014**

***Attest:***

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**Thomas P. Cusick**  
*Municipal Clerk*  
*Borough of Keansburg*