

BOROUGH OF KEANSBURG
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY
August 22, 2012

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	✓	Excused	✓

Meeting Minutes:

Meeting Minutes July 25, 2012

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 #1527 Four Way Stop (Twilight & Crescent)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VII (TRAFFIC), SECTION 6 (THROUGH STREETS, STOP INTERSECTIONS AND YIELD INTERSECTIONS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

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Section 1:

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg that Schedule VII (Through Streets) and Schedule VIII (Stop Intersections) of Chapter VII (Traffic), Section 6 (Through Streets, Stop Intersections and Yield Intersections) and be amended and supplemented as follows:

SCHEDULE VII (Through Streets)

REMOVE:

Crescent Street: Between Atlantic Avenue and Forest Avenue

ADD:

Crescent Street Between Atlantic Avenue and Twilight Avenue

SCHEDULE VIII (Stop Intersections)

REMOVE:

Twilight Avenue and Lawrence Avenue

STOP sign to be installed on Lawrence Avenue

ADD:

Twilight Avenue and Lawrence Avenue

STOP sign to be installed on Lawrence Avenue and Twilight Avenue

Twilight Avenue and Crescent Street

STOP sign to be installed on Crescent Street and Twilight Avenue

Section 2: 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.

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 All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.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

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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 #1527:

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 #1527:

Roll Call

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

Mr. Cusick asked for a roll call vote to adopt Ordinance #1527:

Roll Call

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

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Councilman DePompa arrived at this time

Roberta Sheridan Of Jersey Central Power & Light, announced to Council that she will retire after 35 years with the company and wished to introduce her replacement Pete Jonner to the community. The Borough Council congratulated and thanked Roberta for her service to our community.

ORDINANCE #1520 Refunding Bond Ordinance

REFUNDING BOND ORDINANCE OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE REFUNDING OF ALL OR A PORTION OF THE BOROUGH'S GENERAL OBLIGATION BONDS, SERIES 2002A, DATED SEPTEMBER 1, 2002, AND GENERAL IMPROVEMENT BONDS, SERIES 2003, DATED OCTOBER 15, 2003, APPROPRIATING AN AMOUNT NOT EXCEEDING \$8,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$8,500,000 GENERAL OBLIGATION REFUNDING BONDS OF THE BOROUGH OF KEANSBURG FOR FINANCING THE COST THEREOF

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The Borough of Keansburg, in the County of Monmouth, New Jersey (the "Borough") is hereby authorized to (i) refund all or part of the remaining outstanding amount of the Borough's General Obligation Bonds, Series 2002A, dated September 1, 2013, and General Improvement Bonds, Series 2003, dated October 15, 2003, maturing on and after December 1, 2013 and July 15, 2014, respectively, and issued to finance general improvements of the Borough; and (ii) provide for the payment of the costs of issuance.

Section 2. In order to finance the cost of the purpose described in Section 1 hereof, negotiable general obligation refunding bonds (the "Refunding Bonds") are hereby authorized to be issued in the principal amount not to exceed \$8,500,000 pursuant to the Local Bond Law.

Section 3. An aggregate amount not exceeding \$150,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-51(b) has been included in the aggregate principal amount of refunding bonds authorized herein.

Section 4. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this refunding bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 5. A certified copy of this refunding bond ordinance as adopted on first reading shall file with the Director of the Division of Local Government Services in the Department of

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Community Affairs of the State of New Jersey prior to final adoption, together with a complete statement in the form prescribed by the Director and signed by the chief financial officer of the Borough as to the indebtedness to be financed by the issuance of the refunding bonds authorized herein.

Section 6. This refunding bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this ordinance as finally adopted.

Mr. Cusick asked for a roll call vote to open the meeting to the public for Ordinance #1520:

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 #1520:

Roll Call

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

Mr. Cusick asked for a roll call vote to adopt Ordinance #1520:

Roll Call

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

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ORDINANCE #1525 Bond Ordinance / Collins Field Tennis Courts

BOND ORDINANCE PROVIDING FOR PARK IMPROVEMENTS, INCLUDING THE CONSTRUCTION OF TENNIS COURTS AT COLLINS FIELD, AND APPROPRIATING \$200,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$200,000, said sum being inclusive of all appropriations heretofore made therefor and including \$80,000 grant funds expected to be received from the Monmouth County Park System Open Space Program. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$200,000, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of Park improvements, including the construction of tennis courts at Collins Field, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$200,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$200,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$200,000 over the estimated maximum amount of bonds or notes to be issued therefor being the down payment received for said purposes.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in

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connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$200,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$40,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and

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capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Cusick asked for a roll call vote to open the meeting to the public for Ordinance #1525:

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 #1525:

Roll Call

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

Mr. Cusick asked for a roll call vote to adopt Ordinance #1525:

Roll Call

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

ORDINANCE #1526 Bond Ordinance / Bulkhead Repair

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF A BULKHEAD LOCATED ON CREEK ROAD AND LAUREL AVENUE AND APPROPRIATING \$690,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$655,500 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

BE IT ORDAINED by the BOROUGH COUNCIL OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$690,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of \$34,500 as the down payment for said purposes as required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in the Capital Improvement Fund of one or more previously adopted budgets. The Borough expects to receive grant funds in the amount of \$228,526.50 from FEMA in connection with this project.

Section 2. In order to finance the costs of said improvements or purposes not provided for by the application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount not to exceed \$655,500, pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized to be undertaken consist of the reconstruction of a bulkhead located on Creek Road and Laurel Avenue, with necessary curb, sidewalk, drainage and roadway repair in connection thereto, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with plans, specifications or requisitions therefor on file with or through the Borough Chief Financial Officer, as finally approved by the governing body of the Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$655,500, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$690,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$690,000 over the estimated maximum amount of bonds or notes to be issued therefor being the down payment received for said purposes.

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Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is fifteen (15) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Borough Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$655,500 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$150,000 for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the

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cost of the improvements within the appropriation herein authorized or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Cusick asked for a roll call vote to open the meeting to the public for Ordinance #1526:

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 #1526:

Roll Call

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

Mr. Cusick asked for a roll call vote to adopt Ordinance #1526:

Roll Call

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

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Resolutions:

Held from previous MEETING (June 13, 2012)

RESOLUTION #12 – 111

Authorization to Execute Bayshore Regional Sewerage Auth. Agreement 2012-2042

NO ACTION AT THIS TIME; CARRIED TO SEPTEMBER 26TH MEETING

There was a brief discussion to speak with the Bayshore Regional Sewerage Authority about a possible 10 year agreement

Held from previous MEETING (July 25, 2012)

RESOLUTION # 12-147 Appointments to the Recreation Comm. 2012-2013

BE IT FURTHER RESOLVED, by the
Mayor and Council
of the
Borough of Keansburg
that it does hereby reappoint,

Voting Members

Non Voting Alternates

Maureen O'Brien
Eileen Enright
Ginger Rogan
Dolores Bartram
George Burdick
Paul Mantello
Ellen Chamers
Tina Manoes
Alicia Malave-Diaz
Lisa Strydio

Charles Morro
Aimee Morro

As Members of the Keansburg Recreation Committee, for a term to run from August 1, 2012 to July 31, 2013.

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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 # 12-158 Payment of Bills (8.22.12)

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	\$129,035.39
Current	1,595,195.59
Dog Trust	15.60
Trust	12,852.17
Water & Sewer	98,440.79
Water & Sewer Capital	6,560.44
Total:	<u>\$1,842,099.98</u>

Mr. Cusick asked for a roll call vote:

Roll Call

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. Foley			✓			

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Mr. DePompa			✓			
Mr. Boden		✓	✓			
Mr. Cocuzza					✓	
Mr. Hoff	✓		✓			

RESOLUTION # 12-159 Appointment of Redeveloper (Arisa Harvestate)

**RESOLUTION OF THE MAYOR AND COUNCIL
BOROUGH OF KEANSBURG
MONMOUTH COUNTY, NJ
RESOLUTION CONDITIONALLY DESIGNATING**

**ARISA/HARVESTATE AT KEANSBURG, LLC AS THE
REDEVELOPER OF BLOCK 184 LOTS 1-3 PURSUANT
TO THE BEACHWAY AVENUE REDEVELOPMENT PLAN**

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-6.a, the Mayor and Borough Council of the Borough of Keansburg (“Governing Body”), upon the recommendation of the Planning Board, determined, by Resolution #171-A dated July 27, 2005 that the Borough of Keansburg be designated as an area in need of rehabilitation pursuant to N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, the Governing Body approved the Beachway Avenue Waterfront Redevelopment Plan for the Beachway Avenue Waterfront Redevelopment Area (including Lots 1-3 of Block 184) by Ordinance adopted February 22, 2006 (the “Redevelopment Plan”); and

WHEREAS, since the time of adoption of the Redevelopment Plan, work was commenced on the construction of a residential project, pursuant to site plan approvals granted by the Planning Board of Adjustment on November 18, 2002, and without a redevelopment agreement having been executed with the Borough, however, that Project has been abandoned;

WHEREAS, Arisa/Harvestate at Keansburg, LLC (the "Redeveloper") has submitted a proposal to enter into a redevelopment agreement with the Borough to construct residential development on Block 184 Lots 1-3, with the understanding that the development of Lot 3 would be conditioned on the modification and limitations of

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the Green Acres and Tidelands restrictions that presently impact the Lot, and the developer obtaining an interest in Lot 1; and

WHEREAS, the Redeveloper, a single purpose entity focused on the proposed project on Block 184, Lots 1-3, is to be owned by Arisa Realty, Harvestate, LLC and Danitom Development Inc., each of whom has considerable development expertise, as well as financial capability to undertake the proposed project, as evidenced in the submission provided to the Borough; and

WHEREAS, the Redeveloper's proposal contemplates primarily residential development on the project site, along with replacement of public parking in the form of surface parking in an alternative location on Lot 3 and therefore the proposal contemplates amendment of the Redevelopment Plan to eliminate commercial development from the project, but it is generally consistent with the objectives and requirements set forth in the Redevelopment Plan.

WHEREAS, the Redeveloper was conditionally designated for six (6) months by Resolution dated February 22, 2012; and

WHEREAS, that Resolution designating the Redeveloper also provided for extension of this designation upon satisfactory demonstration to the Borough that substantive progress has occurred in the negotiation of a redevelopment agreement; and

WHEREAS, the Mayor and Council, upon consideration, are satisfied that meaningful progress has been made with regard to negotiating the redevelopment agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that:

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1. The Redeveloper is conditionally re-designated as the redeveloper of Block 184, Lots 1-3, as that area is defined in the Beachway Avenue Waterfront Redevelopment Plan.

2. This designation is conditioned on the Borough and the Redeveloper successfully negotiating a redevelopment agreement within 180 days of conditional designation and upon the above-referenced minor modification of the Redevelopment Plan, and the Borough obtaining modification and limitation of the Green Acres and Tidelands restrictions on Lot 3, and the Redeveloper obtaining an interest in Lot 1.

3. This designation may be extended upon satisfactory demonstration to the Borough that substantive progress has occurred in the negotiation of a redevelopment agreement. Such extension shall require the approval of the Borough Council. Otherwise, the conditional designation shall terminate.

4. The Redeveloper shall be required to pay all applicable Borough fees and costs associated with the preparation of the Redevelopment Agreement, in accordance with the Redevelopment Plan. Any such payments required to be paid to the Borough shall be specified in an interim cost sharing agreement effective during the period prior to the Redevelopment Agreement, and in the Redevelopment Agreement.

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 # 12-160 Raffle License (NPC-January 1, 2013)

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

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New Point Comfort Fire Company
192 Carr Avenue
PO Box 352
Keansburg, New Jersey 07734
233-9-4905

That in accordance with their application for a raffle to be held on January 1, 2013 at 4 pm

BE IT FURTHER RESOLVED that the Borough Clerk be and 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 # 12-161 Resolution Accepting Annual Audit CY2011

**GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
FORM OF RESOLUTION**

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year **CY2011** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled “Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled “Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

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WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

NOW, THEREFORE BE IT RESOLVED, That the Borough Council of the Borough of Keansburg, County of Monmouth, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

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 # 12-162 CY2011 Corrective Action Plan

Whereas, the Audit for the year ending December 31, 2011 has been previously received and reviewed by the Members of the Borough Council; and,

Whereas, the Recommendation of the Audit requires that a corrective action plan be undertaken.

Now, Therefore Be It Resolved that the Mayor and Members of the Borough Council hereby adopt the Corrective Action Plan, as submitted, by the Borough Manager as attached to this Resolution.

Be It Further Resolved that a certified copy of this Resolution and the attached plan be forwarded to the State of New Jersey

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CY 2011 CORRECTIVE ACTION PLAN

	<u>Recommendation</u>	<u>Explanation and Corrective Action</u>	<u>Implementation</u>
#1	That the prior-year audit report synopsis was not published as required by Statute and several deposits were not deposited within 48 hours as required by Statute.	The Borough has published the prior year synopsis as of this date and will ensure that the CY 2011 synopsis will be printed within the time required per Statute. All departments have been advised of the 48 hour deposit requirement and the funds are now turned over to the finance department. The Borough Manager sent a memo out immediately to all departments.	August 22, 2012
#2	That the Borough's Trust Fund has several dedicated trust reserves with no approval.	Explanation and Corrective Action: The CFO will obtain proper approval from the State of New Jersey for dedicated trusts.	August 22, 2012
#3	That the Borough's tax Department support for all outside liens was not available.	The Borough has reviewed the problem with the Tax Collector and all outside liens have all supporting documentation on file for review.	August 22, 2012
#4	That the Borough's Finance Office had Interfund balances existing at year-end.	The Borough will eliminate when possible all inter-fund balances by transferring funds by years' end.	August 22, 2012

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 # 12-163

Resolution Opposing New York City Commuter Tax

**RESOLUTION OPPOSING THE PROPOSED "COMMUTER TAX" ON
NEW JERSEY RESIDENTS WHO WORK IN NEW YORK CITY**

WHEREAS, the governing body of the Borough of Keansburg, County of Monmouth is in receipt of information regarding a proposed Commuter Tax on anyone who works in New York City, but does not reside in New York City; and

WHEREAS, the governing body of the Borough of Keansburg understands that many residents of the Borough of Keansburg and of the County of Monmouth are commuters who travel to New York

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City for work every day and that they would be adversely affected financially by this proposed Commuter Tax; and

WHEREAS, the 301,702 residents of the State of New Jersey who commute daily to New York City for employment would be forced to endure yet another tax during these difficult economic times.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keansburg, County of Monmouth strongly opposes the proposed “Commuter Tax” which would be imposed on anyone who works in New York City, but resides elsewhere.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Keansburg, County of Monmouth, feels that the proposed “Commuter Tax” would pose an unfair financial burden on the residents of Monmouth County and other Counties throughout the State of New Jersey and surround tri-state area who travel to New York City every day for employment.

BE IT FURTHER RESOLVED, that the Mayor and Council of the Borough of Keansburg urges Manhattan Borough President, Scott Stringer, and New York City Mayor Mike Bloomberg, to reconsider the imposition of this unfair tax.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to Manhattan Borough President, Scott Stringer, New York City Mayor Mike Bloomberg, Governor Chris Christie of the State of New Jersey, the Lieutenant Governor of the State of New Jersey, all State and Congressional Legislators representing the County of Monmouth as well as local governing bodies for all the impacted municipalities in the County of Monmouth, all other County Boards of Chosen Freeholders and that they be asked to join in opposition to the proposed “Commuter Tax”.

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 # 12-164 Appointment of Special Counsel (K. Kennedy)

RESOLUTION APPOINTING KEVIN E. KENNEDY, ESQ.

TO SERVE AS SPECIAL COUNSEL TO THE BOROUGH OF KEANSBURG

(2012)

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WHEREAS, the Borough of Keansburg is a duly organized Municipal Corporation (hereinafter referred to as "Borough") having a principal place of business located at 29 Church Street, Keansburg, NJ; and

WHEREAS, when conflicts or potential conflicts arise, there is a need for the Borough to retain the services of a Special Counsel in order to represent its legal interests in connection with specifically designated matters; and

WHEREAS, Kevin E. Kennedy, Esq., (hereinafter referred to as "Attorney") has expressed an interest in representing the Borough in the said regard; and

WHEREAS, the legal services to be provided are deemed to be "professional services" pursuant to the Local Public Contracts Law (N.J.S.A. 40:A11-1, et seq.); and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a Contract for "professional services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the Contract and the Contract itself are available for public inspection in the Office of the Borough, and that notice of the awarding of the Contract is published in a newspaper of general circulation in the Municipality; and

WHEREAS, the Borough having considered the matter, now wishes to authorize the awarding of a professional service contract to Kevin E. Kennedy, Esq., for the purpose of rendering necessary legal advice, as aforesaid.

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

1. That the Borough is hereby authorized to award a Contract to Kevin E. Kennedy, Esq. so as to represent its interests, as Special Counsel, in connection with specifically designated matters.
2. That the compensation associated with the said representation shall be memorialized in a Contract for Legal Services, which is incorporated herein at length. (Compensation to be tendered at a rate of \$140.00 per hour.)
3. That the Borough Mayor, Administrator, Borough Clerk, and any other appropriate representatives, are hereby authorized to sign the said Professional Service Contract, which shall be approved as to form by the Borough Attorney.
4. That the subject Contract shall provide that the arrangement is an at-will arrangement, i.e. the Borough may terminate the Contract, with or without cause, upon thirty (30) days written notice.
5. That the within Contract is awarded without competitive bidding as a "professional service" in accordance with N.J.S.A. 40A:11-5, et seq. of the Local Public Contracts Law of New Jersey, because the services rendered will be performed by persons authorized by law to practice a recognized profession.

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6. That the Contract shall be contingent upon Kevin E. Kennedy, Esq. complying with all prevailing "Pay to Play" Regulations as may be dictated by the State of New Jersey and the Borough of Keansburg, including NJSA 19:44A-20.4 et seq.

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 # 12-165 Refund of Fees (Bellizzi Construction)

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

Amount: \$201.00

Reason: Refund of fee/Duplicate Fee

Payable to: Bellizzi Construction LLC
206 South Ave
Fanwood, NJ 07023
Attn: Permits

Ref:
Permit #20120181 /
Duplicate #20120152

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			✓			

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Mr. DePompa			✓			
Mr. Boden		✓	✓			
Mr. Cocuzza					✓	
Mr. Hoff	✓		✓			

RESOLUTION # 12-166 Cancellation of Bond Appropriation (Highland Blvd)

CANCEL GENERAL CAPITAL APPROPRIATION BALANCES

WHEREAS, the following General Capital budget appropriation balances remain unexpended:

Account#	Name	Amount
C-04-06-104-000	Improvements Highland Blvd Ord.#1432	\$25,000.00

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances in the amount of \$25,000 may be credited to Capital Improvement Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Borough of Keansburg, State of New Jersey, that the above listed unexpended balances of the General Capital Fund be cancelled accordingly.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the Chief Financial Officer.

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:

Mayor and Council received communications from the True Jesus Church of Elizabeth NJ regarding a Baptism to be held on Sunday, August 26th at the Keansburg beachfront.

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Council Discussion:

- James Falco Stated that the Recycling Program was doing well.
- Reported that a new concrete pad will be installed at the DPW yard with Recycling funds.
- Spoke about the Clean Communities Grant for the new trash cans.
- Councilman Boden Thanked DPW for their assistance during the Beach Cleanup
- Steve Ussmann Gave his monthly report. Stated that Keansburg is in compliance with arsenic sampling
- Announced the department will be flushing hydrants in September
- Raymond O’Hare Stated that the Borough is considering legal action against the vendor formerly supplying the lime which caused high arsenic readings.
- Fran Mullan Gave his monthly report. Gave an update on the Sinkhole and Outfall projects
- There was a brief discussion about road-opening moratoriums; Mr. Mullan stated that there were case-by-case determinations.
- Mr. Mullan reported that the Raritan Avenue Outfall was close to completion and that technically none of the Outfalls were complete at this time.
- There was a discussion about the sinkholes located at the intersections of Ramsey/Garfield and Kennedy/Waackaack and the work completed at those sites.

At this time the Keansburg Borough Council in its capacity as the Redevelopment Agency heard a presentation from INC RISI Management concerning their desire to move their Chinese Restaurant from their current location on Carr Avenue to 265 Main Street. Council did not make any recommendations or endorsements at this time.

- Councilman Boden Announced that New Point Comfort Firehouse will host a Comedy Show.
- Reminded everyone about the 100th Anniversary being celebrated by the Keansburg Fire Company #1 at Manning Place Firehouse on Sunday,

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August 26th.

Gave a report on the monthly beach cleanups

Councilman Foley

Asked for an update on the construction at the Caruso School.

School Board President Judy Ferrarro was in attendance and stated that emolition is expected to begin on September 1.

Mayor Hoff

Announced that there will be a Breast Cancer Awareness Fundraiser, Mary Sabik is chairing.

Hunger Action Month Food Bank at Neptune



Wear Orange Month – Fight against Hunger

Received a Thank You letter from Mayor Pat Menna of Red Bank thanking the Keansburg Police Department

There was a discussion about Municipal Road Improvement Project. It should have a significant impact on the community and many residents will be pleased.

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		✓	✓			

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

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

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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

	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, 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
August 22, 2012

Attest:

Thomas P. Cusick
Municipal Clerk
Borough of Keansburg