

BOROUGH OF KEANSBURG
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY
January 7, 2009
MEETING MINUTES

Mr. Cusick read the following:

ADEQUATE NOTICE HAS BEEN GIVEN OF THIS MEETING BY NOTIFICATION TO THE ASBURY PARK PRESS AND THE COURIER 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. DePompa	Mr. Hoff	Mrs. Strydio	Mr. Cocuzza	Mr. Boden
√	√	√	√	√

Resolutions:

RESOLUTION #09-001 Payment of Bills (1.07.09)

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:

Current	\$978,495.54
Water & Sewer	98,043.32
Capital	18,730.42
Trust	1,328.25
Grant	1,377.26
Total:	\$1,097,974.79

Mr. Cusick asked for a roll call vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff		√	√			
Mrs. Strydio	√		√			

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Mr. Cocuzza			√			
Mr. Boden			√			

RESOLUTION #09-002 Authorize Execution of Prof Services (Hatch Mott McDonald)

BE IT RESOLVED that the Mayor and Council of the Borough of Keansburg do hereby authorize the Mayor and the Acting Borough Manager to execute a Professional Services Agreement with Hatch Mott MacDonald for the period of July 1, 2008 to June 30, 2009.

Mr. Cusick asked for a roll call vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff		√	√			
Mrs. Strydio	√		√			
Mr. Cocuzza			√			
Mr. Boden			√			

RESOLUTION #09-003 Authorize Temporary Budget v5

AUTHORIZING AMENDMENT TO THE SFY 2009

TEMPORARY BUDGET

WHEREAS, The Revised Statutes of New Jersey 40A:4-20 provides for the adoption of emergency temporary appropriations in addition to temporary appropriations necessary for the period between the beginning of the current fiscal year and the date of the adoption of the Local Budget for the State Fiscal Year 2009.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Keansburg, that the following amendments to the temporary appropriations be made in the amounts and for the purposes herein set forth for the period between July 1st, 2008 and the adoption of the Local Budget for the Borough of Keansburg, County of Monmouth and State of New Jersey for the State Fiscal Year 2009:

Resolution 09-003
Borough of Keansburg
General Appropriations

General Government	SFY 2009
Board of Health Salary	

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27	330	Salaries and Wages	\$25,000
		Garage O & E	
26	293	Other Expenses	\$5,000

Mr. Cusick asked for a roll call vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff		√	√			
Mrs. Strydio	√		√			
Mr. Cocuzza			√			
Mr. Boden			√			

Communications:

Mr. Cusick read the following communications

Keansburg Fire Department

- New Members:

Debranne Durr	EMS
Gregory Brogan	Keansburg Fire Co

Mr. Cusick asked for a roll call vote:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff	√		√			
Mrs. Strydio		√	√			
Mr. Cocuzza			√			
Mr. Boden			√			

Council Discussion:

Vacancy on the Planning Board – Class II Member (Municipal Employee or Official)

Mr. Cusick stated that a letter of interest for the appointment was submitted by Captain Michael Pigott from the Keansburg Police Department. Captain Pigott does meet the requirements of appointment to this position.

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Resolutions:

RESOLUTION #09-004 Appointment to the Planning Board of Adjustment

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that

Michael Pigott

Be and is hereby appointed to the Keansburg Planning Board of Adjustment as a

Class II Member

For the unexpired term which expires on June 30, 2009.

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

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff			√			
Mrs. Strydio		√	√			
Mr. Cocuzza			√			
Mr. Boden	√		√			

Ordinances:

ORDINANCE 1476 Tow Truck Ordinance

AN ORDINANCE AMENDING BOROUGH OF KEANSBURG ORDINANCE SECTION 4-14 TOW TRUCK OPERATORS

WHEREAS, pursuant to *N.J.S.A. 40:48-1* The Power to Adopt Public Ordinances for Public Health, Safety and Welfare of the Municipality as residence is coterminous with the power of the legislature, and

WHEREAS, the Mayor and Borough Council wish to amend Ordinance 4-14 to modify fees and practices.

NOW THEREFORE BE IT ORDAINED by the Mayor and Borough Council of the Borough of Keansburg that the Code of the Borough of Keansburg, Ordinance 4-14 entitled **Tow Truck Operators** is hereby amended as follows:

4-14 TOW TRUCK OPERATORS

4-14.1 **Purpose.** The purpose of this section is to fix and establish licensing requirements, towing procedures and regulations for the use of tow truck operators in the Borough of Keansburg.

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- 4-14.2 **Compliance with State Statutes.** This section complies with N.J.S.A. 40:48-2.49 creating nondiscriminatory and non-exclusionary regulations governing towing and storage services.
- 4-14.3 **List of Contractors.** An annual list of towing contractors is to be selected by the Borough Council upon written recommendation of the Chief of Police. Each towing contractor on said list shall be called on a rotating basis. Said list shall be maintained by the Police Department and updated on an annual basis by the Borough Clerk.
- 4-14.4 **License, Application, Investigation, Fees.** A tow truck operator's license is required for any person, partnership, corporation or other entity to be placed on the tow truck rotating call list. An application for license pursuant to this section shall be made in a form prepared by the Police Department of the Borough of Keansburg, and a complete application shall be filed with both the Police Department and the Borough Clerk's Office. The application must state the following:
- a. Location, description, availability, number of tow trucks operating, each vehicle description, including year, make, model, type and serial number.
 - b. Rates charged for towing and for storage, which rates must be available for public inspection and shall not be in excess of the maximum rates established by this ordinance or by State Law.
 - c. A thorough diagram and complete description of the area the applicant intends to utilize for accommodating towed vehicles indicating all security measures (such as fencing, gates, locks, alarms, etc.) in place for the protection of stored vehicles.
 - d. A statement that applicant has sufficient personnel to comply with the provisions of this ordinance relating to response time, and applicable State Law N.J.S.A. 40:48-2.49, with proof of ownership or lease of storage area.
 - e. Name, address, and policy number of applicant's insurance company.
 - f. A signed statement by applicant of nondiscriminatory and non-exclusionary employment practices.

The chief of Police shall conduct an investigation to be made of the applicant and the applicant's business operation and facility within ten (10) days of the filing of an application.

Within the aforesaid ten (10) days, the Chief of Police shall make his recommendation to the Mayor and Borough Council in writing to grant or deny the tow truck operation license to the applicant. If denied, detailed reasons must be set forth in said license; the operator must provide the Borough Clerk and the Mayor with true copies of all necessary insurance policies and proof of payment, or certificates of insurance.

A non-refundable annual application fee of three hundred fifty (\$350.00) dollars is to be paid each year at the time of the application.

A towing fleet license fee of \$150.00 dollars shall be paid by the applicant to the Borough Clerk with a single roster of vehicles which will be used in the towing operation within five (5) business days of written notification to the applicant of the applicant's approval. Upon full payment to the Borough Clerk, the Borough Clerk may place the applicant's name on the tow list. All licenses issued under this section shall expire on December 31 following the date of issuance, without regards to the time of the year issued, and the fee application and license fees as herein fixed shall not be pro-rated and shall be the fee payable regardless of the time the application is made or approval is given, for such license year. Renewal of the license shall require the same information and filing as the original application, using the same form and fees.

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The Borough Council shall terminate any license issued pursuant to this section if determined that the applicant has provided fraudulent or inaccurate information or the application, is in violation of any municipal, County or State ordinance, law or regulation, is providing unsatisfactory service, is in violation of New Jersey Department of Insurance rules and regulations, or equipment is inadequate. Proceedings for suspension or revocation of the license shall be service of five (5) day notice of charges preferred against the licensee, and a reasonable opportunity for a hearing shall be afforded. A hearing shall be held by the Mayor or the Chief of Police. A recommendation for the appropriate action shall be submitted in writing by the hearing officer to the Borough Council with five (5) days after conclusion of said hearing.

4-14.5 Maximum Rates. The maximum rates that may be charged for the use of a tow truck and/or storage of a vehicle towed, whether licensed or unlicensed, are as follows:

- a. Towing services to a location outside the Borough of Keansburg or within the Borough of Keansburg or to a storage yard, which services shall consist of the removal and transportation of a vehicle from a highway, street or other public or private road, or a parking area, or from a storage facility:

Class I Vehicles (under 2 tons) One Hundred Dollars (\$100.00) dollars. Class II Vehicles (over 2 tons to 15,000 pounds) one hundred twenty five (\$125.00) dollars- Class III Vehicles over 15,000 pounds one hundred fifty (\$150.00) dollars.

- b. Storage: Storage fees shall be charged per calendar day or fraction thereof. An additional charge of twenty-five (\$25.00) dollars may be imposed if a request is made of the storage facility to release the vehicle in question after normal business hours, on a week-end, Saturday or Sunday, or on a holiday.

Class I Vehicles

Outside twenty five (\$25.00) dollars.

Inside thirty five (\$35.00) dollars, (at request by police or vehicle owner).

Class II Vehicles

Outside thirty five (\$35.00) dollars.

Inside forty five (\$45.00) dollars, (at request by police or vehicle owner).

Class III Vehicles

Under 30,000 pounds forty five (\$45.00) dollars.

Over 30,000 pounds Sixty five (\$65.00) dollars.

All fees to be paid to an operator by a municipality, or department thereof, for the storage of removed motor vehicles shall not exceed the amount set forth in *N.J.S.A. 40:48-2.50*.

- c. Other fees

Off road recovery or winching

Class I vehicles one hundred (\$100.00) dollars.

Class II vehicles one hundred twenty (\$120.00) dollars.

Towing to another location other than the tow company's yard

Rates to be determined by the towing company and the owner or operator of the vehicle to a maximum of \$0.60 per mile.

Additional man power Seventy five (\$75.00) dollars.

Dolly use

Twenty five (\$25.00) per axle-Administrative fee

(after 2 days) Twenty five (\$25.00).

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Clean up fee
Thirty (\$30.00) dollars in half hour increments.

Speedy dry
Ten (\$10.00) dollars per bag.

Waiting time
After one half (1/2) hour twenty five (\$25.00) per half hour.

Vehicle removal Fifty (\$50.00) dollars.

Service Calls
Forty (\$40.00) dollars plus cost of service (i.e., changing flat, supplying gasoline or other services at scene.

Other fee's not listed above may not be charged unless preauthorized by vehicle operator or owner.

d. Definitions.

As used in this section:

i. *Cruising* shall mean the driving of a wrecker along any Borough street for the purpose of soliciting business with the Borough.

ii. *Dolly wheels* shall mean wheel and axle substitute.

iii. *Winching* shall mean use of a cable and hook, crane operation, lifting dragging, uprighting a vehicle, etc.

iv. *Administrative fee* shall not be included in a standard tow. This fee is for post-accident service, to include insurance inspection, telephone calls or faxes, removal of personal items and additional paperwork. This shall be assessed only one time per vehicle.

v. *Authorized Storage Facility* shall be a licensed junkyard or auto body repair shop in the Borough of Keansburg or a service station or public garage in the Borough of Keansburg which has a temporary storage facility for disabled or abandoned vehicles.

vi. *Consent Tow* shall mean someone other than the Keansburg police Department requests a towing agency's service for the purpose of removing a vehicle. This could include, but is not limited to, the owner or operator of a vehicle or the owner or authorized agent of private property,

vii. *Non-Consent Tow* when the Keansburg Police Department contacts the towing agency to remove and/or impound a vehicle at the request of the Keansburg Police Department.

viii. *Response Time* shall mean the time from when the operator receives the telephone call from Keansburg Police Department until the time the operator arrives on scene.

ix. *Service call* shall mean a response to a motorist to provide aid for the changing of flat tires, providing fuel and/or other services rendered.

x. *Speedy Dry* application shall mean the disbursement of an agent used to absorb liquid spills from vehicles.

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xi. *Tow list* is the list of approved tow truck operators authorized to operate in the Borough of Keansburg.

xii. *Waiting time* shall mean additional time a tow operator spends at the scene other than the time required for the actual tow and/or recovery.

xiii. *Impound* shall mean any vehicle authorized by law to be seized, towed and held in the custody of an approved impound storage yard as approved by the Keansburg Police Department.

xiv. *Wrecker* shall mean a vehicle driven by mechanical power and employed for the purpose of towing, transporting, conveying and removing vehicles which are unable to be operated under their own power.

e. Return/Release of impounded vehicles:

No motor vehicle which has been impounded pursuant to the laws of this State shall be released by the Borough unless proof of valid insurance and proof of ownership for that vehicle is presented to the Keansburg Police Department. This includes those individuals who plan to remove their vehicle with a wrecker. The recovery or salvage of the impounded motor vehicle by, or on behalf of, an insurer, financial institution or other lending entity, shall not require proof of valid motor vehicle insurance for that vehicle.

A twenty five (\$25.00) dollar administrative fee will be paid to the Borough of Keansburg for a release of any impounded vehicle.

Criminal Investigation means vehicle seized for criminal investigation purposes shall not be returned to the owner with authorization from Keansburg Police Department representative.

12 hour impoundment of a motor vehicle operated by a D.W.I. When a Law Enforcement Officer makes an arrest for D.W.I., the officer must impound the vehicle the person was operating and hold it for a minimum of 12 hours from the time of the arrest.

Release of vehicle before the 12 hour impoundment expires: The vehicle may be released prior to 12 hours of impoundment if the owner of the impounded vehicle was not the operator that was charged with D.W.I. In this circumstance, the vehicle may be released after the owner demonstrates proof of ownership, registration and automobile insurance coverage. The vehicle may only be released if no Title 39 violations exist.

4-14.6 Applicability of Maximum Rates. The maximum rates fixed in this section shall apply to the towing and storage of all passenger vehicles, except those exempt pursuant to *N.J.S.A. 17:33b-47* and *N.J.A.C.A. 1:3-38.1* et seq. as well as to all non passenger vehicles not exceeding two (2) tons in gross vehicle weight. In the case of services rendered to other types of vehicles, services of a nature beyond basic towing services or tows to locations outside of the Borough of Keansburg, or other than those covered by basic rates, or services rendered in extraordinary cases involving unusual conditions, the rate to be charged shall be fair and reasonable based on the locations, length of time, number of men and amount of machinery involved and the difficulty of the job.

4-14.7 Insurance Requirements. No licensed tow truck shall be utilized, approved or placed on the tow list unless and until all the vehicles to be used have been insured, and true copies of the liability insurance policies or certificates of insurance have been received by the Borough.

For the purpose of protecting the Borough of Keansburg, the following types and minimum policy limits are applicable and necessary for each applicant:

- a. Automobile Liability: one million (\$1,000,000.00) dollars combined, single limit.

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- b. Workers Compensation as required by State Statute.
- c. Garage Keepers' Liability: Sixty thousand (\$60,000.00) dollars per location.
- d. Theft, Fire and Explosion: twenty five thousand (\$25,000.00) dollars.

The applicable policies shall contain an endorsement to provide collision coverage for vehicles in tow and name the Borough of Keansburg as additional named insured.

Each policy required herein must contain an endorsement providing a ten (10) day written notice to the Borough of Keansburg in the event of a material change or cancellation of any policy for any cause or reason.

4-14.8 Equipment. Applicant/licensee is responsible for the inspection and operation of his equipment and is responsible for providing adequate equipment in compliance with the requirements of this section, New Jersey Statutes, Rules and Regulations of the NJ Department of Insurance, and the NJ Division of Motor Vehicles.

4-14.9 Response Time. Any license shall require and applicant to provide the maximum response call time of twenty (20) minutes from 7:00 a.m. to 6:00 p.m. and of thirty (30) minutes from 6:01 p.m. to 6:59 a.m. For the purpose of qualifying to meet response time requirements of this section, all applicants shall have towing vehicles and suitable storage facilities located within three (3) miles of the perimeter of the Borough of Keansburg.

4-14.10 Records. Each tow truck operator shall maintain for a period of thirty (30) months accurate records of all calls made, vehicles towed and tow fees. A written release shall be obtained from the owner of any vehicle before it is released. The Police Department shall keep current records of the names, addresses of all persons holding licenses, and the vehicle identification of each tow vehicle utilized.

4-14.11 Penalties. Any person, firm, entity or corporation found guilty in Municipal Court of the Borough of Keansburg of a violation of the terms of this section shall be subject to one or more of the following penalties, subject to the discretion of the Municipal Court Judge: Imprisonment in the County Jail or in any place provided by the municipality for the detention of prisoners for any term not to exceed sixty (60) days, or by a fine not to exceed one thousand (\$1,000.00) dollars, or by a period of community service not to exceed sixty (60) days.

Except as otherwise provided, each and every day in which a violation of any provision of this ordinance exists shall constitute a separate violation. In addition, each violation of this section shall be considered a separate offense upon each and every day a violation exists.

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Mr. Cusick asked for a roll call vote to introduce and set down for a public hearing on January 25, 2009 at 7:00pm:

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff	√		√			
Mrs. Strydio		√	√			
Mr. Cocuzza			√			
Mr. Boden			√			

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At this time Rick Brown, Borough Engineer, discussed the timeframe for the design of the Outfall Pipes and the installation of pump facilities at Beaconlight and Raritan Avenue.

Mr. DePompa is very unhappy with the pace of these projects and does not understand why these matters are taking so long to be started.

Mr. Brown stated that the design of the pumps have been substantially changed from a diesel power to an electrical submersible design.

There was a discussion on the availability of funds (presently \$1.8 million) from the Bureau of Coastal Engineering for the replacement of outfalls. At present there has been no deadline issued by the State.

Mr. Cusick stated that in the interest of the Borough the Council has tried to keep the stormwater pumps and outfalls as one project. This would allow for the least disruption due to construction and an overall reduction of costs. In reality it is three projects:

- A. Outfall pipe design to be submitted to the Bureau of Coastal Engineering
- B. Beaconlight Pump
- C. Raritan Avenue Pump

Additionally the lead line from Beachway to the valve chamber box at Raritan Avenue needs to be replaced. Mr. Bennett is working on obtaining the necessary easement.

Open to the Public:

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

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff	√		√			
Mrs. Strydio			√			
Mr. Cocuzza			√			
Mr. Boden		√	√			

Debra Stretton
25 Woodland Ave

Spoke of the condition of Twilight Ave
There was a discussion about the eCivis grant portal system
Asked about the town's Budget and State Aid figures
Mr. Cusick stated that there were no figures as yet.

Christopher Hoff
26 Harding Ave

Congratulations to Mayor Boden on becoming Fire Chief
Spoke of the exemplary job during the recent blackout by Emergency Services. (Mentioned near-accident by Fire Police Van)
Asked about the tax rate

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Mr. Cusick stated that at this time the rate is 17.2¢.

Spoke about the street lights that are out on Carr and Main Streets

Inquired about having Council Meetings on the internet. There is a camera in the Court Room presently

Chief O’Hare had stated that there is a related \$56 per session cost with using the video system in the Court Room

Asked about the portable pumping station at the Beachway Parking Lot area

Stated that there would be a St. Patrick’s Day Parade Committee meeting at 7pm on January 8th.

Asked if repairs to Lancaster and Harding Ave catch basins and street repairs to the same could be added to the 2010/2011 Municipal Budget

Councilman DePompa asked for a listing of the street repair needs of the Borough

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

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff			√			
Mrs. Strydio	√		√			
Mr. Cocuzza			√			
Mr. Boden		√	√			

Council had an open discussion with Alexander and Barbara Blake of Anceco Corp, Holmdel, NJ and in reference to the invention of a Potable Water Conversion System (Sanicore)

Mr. and Mrs. Blake thanked the Borough for the use of the facility at the Sewer pumping station. They will keep the Borough informed of their progress.

Councilman Cocuzza was excused from 8:35, returning to the session at 8:53pm

Adjournment

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

	Moved	Seconded	Ayes	Nays	Absent	Abstain
Mr. DePompa			√			
Mr. Hoff			√			
Mrs. Strydio	√		√			
Mr. Cocuzza			√			
Mr. Boden		√	√			