

BOROUGH OF KEANSBURG
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY
May 26, 2010
Meeting Minutes

Mr. Cusick read the following:

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

CDBG Presentation:

Mr. Cusick gave a brief overview of the proposed 2010 CDBG program and the anticipated project that the Borough would like to pursue.

CDBG Public Hearing:

Mr. Cusick asked for a roll call vote to open the meeting to the public for questions and comments on the proposed CDBG project:

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

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 questions and comments on the proposed CDBG project:

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

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CDBG Resolution:

RESOLUTION #10 – 092 CDBG Resolution: Improvement to Roadways

Be it Resolved by the Mayor and Council of the Borough of Keansburg does hereby approve the submission of an application for the consideration for funding under the Monmouth County Community Development Block Program for Fiscal Year 2010 ; and

Be it Further Resolved that the Borough Council authorizes the Mayor, Borough Manager/ Clerk and Consulting Engineer to execute any and all documents related to the application.

Mr. Cusick asked for a roll call vote:

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

Joe May, Borough Engineer gave a report on current Engineering projects. Spoke about Main Street and Center Avenue projects. Mayor DePompa inquired about the street sweeper.

Municipal Election Results

Mr. Cusick announced the official results of the May 11, 2010 Municipal Election and are as follows:

<i>Arne Henn</i> 681	<i>Andrew Henn</i> 677	<i>James Cocuzza, St</i> 798	<i>Arthur Boden</i> 789
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Proclamation:

Mr. Cusick read the following Proclamation:

Click It or Ticket 2010 Campaign

Whereas, there were 586 motor vehicle fatalities in New Jersey in 2009; and

Whereas, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

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Whereas, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

Whereas, the National Highway Traffic Safety Administration estimates that 135,000 lives were saved by safety belt usage nationally between 1975-2000; and

Whereas, the State of New Jersey will participate in participate in the nationwide Click It or Ticket seat belt mobilization from May 24 – June 6, 2009 in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

Whereas, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the State from the current level of 92.67% to 100%; and

Whereas, a further increase in seat belt usage in New Jersey will save lives on our roadways.

Therefore Be It Resolved that the Borough of Keansburg declares it’s support for the Click It or Ticket seat belt mobilization both locally and nationally from May 24 – June , 2009 and pledges to increase awareness of the mobilization and the benefits of seat belt use.

Meeting Minutes:

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

Meeting Minutes for April 28, 2010
Meeting Minutes for May 12, 2010

Mr. Cusick asked for a roll call vote:

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

Ordinances:

First Reading:

ORDINANCE #1497

CY2010 Index Rate Ordinance (TO BE SUPPLIED)

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) - CALENDAR YEAR 2010

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CALENDAR YEAR 2010
MODEL ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Keansburg in the County of Monmouth finds it advisable and necessary to increase its CY 2010 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$427,732.00 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Keansburg shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$\$427,732.00, and that the CY 2010 municipal budget for the Borough of Keansburg be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Cusick asked for a roll call vote:

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

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Resolutions:

RESOLUTION #10 – 090 Payment of Bills (05.26.10)

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	\$1,874,591.53
Water & Sewer	102,084.77
Capital	307,615.33
Grant	5,334.70
Dog Trust	43.80
Trust	49,214.56
Total:	
	\$2,338,884.69

Mr. Cusick asked for a roll call vote:

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

RESOLUTION #10 – 091 Introduction of Municipal Budget

Mr. Cusick asked for a roll call vote:

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

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RESOLUTION #10 – 094 Appointment of Redeveloper (Block 184, Lots 1,2,3)

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 (1) finish the stalled develop project on the site and (2) develop and construct additional residential development on the remainder of Block 184 Lots 1-3, with the understanding that the development of Lot 3 would be conditioned on the modification and limitation of the Green Acres restrictions that presently impact the Lot;

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 a structured parking garage to developed in partnership with the Borough; 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.

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

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

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2. This designation is conditioned on the Borough and the Redeveloper successfully negotiating a redevelopment agreement within 90 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 restrictions on Lot 3.

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:

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

RESOLUTION #10 – 093 Appointment of Professional (Redevelopment)

RESOLUTION AUTHORIZING THE PROFESSIONAL SERVICES OF WILENTZ, GOLDMAN & SPITZER TO PERFORM PROFESSIONAL LEGAL SERVICES AND TO PROVIDE ASSISTANCE IN CONNECTION WITH THE BOROUGH’S REDEVELOPMENT ACTIVITIES.

WHEREAS, there exists a need for the Borough of Keansburg to retain the services of special counsel to provide assistance in connection proposed redevelopment activities in the Borough; and

WHEREAS, the services will include the providing of legal services with respect to redevelopment activities conducted within the Borough; and

WHEREAS, the services to be provided are considered to be “Professional Services” pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, 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 be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality; and

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WHEREAS, the Governing Body, having considered the same, now wishes to authorize Wilentz, Goldman & Spitzer to provide the aforesaid services with regard to the redevelopment activities conducted in the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Mayor and Council of the Borough of Keansburg as follows:

1. That the Mayor, or his designee, is authorized to execute and the Borough Clerk to attest to an agreement in a form acceptable to the Borough Attorney between the Borough of Keansburg and Wilentz, Goldman & Spitzer, with regard to the aforesaid services, as per the proposal attached hereto.
2. That, in accordance with said agreement, Wilentz Goldman & Spitzer is hereby authorized to provide the aforesaid services with regard to the evaluation and assessment of the proposed redevelopment of properties within the Borough of Keansburg.
3. That the total fee for the services, including expenses, shall be in an amount not to exceed \$25,000.00. Further authorization from the Mayor and Council shall be required for any expenditure beyond said amount.
4. That this contract is awarded without competitive bidding as a “Professional Service”, in accordance with N.J.S.A. 40A:11-5, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
5. That the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.
6. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.
7. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Wilentz, Goldman & Spitzer (Attn: Anne S. Babineau)
 - b. Borough Business Administrator
 - c. Borough Chief Financial Officer
 - e. Borough Attorney

Mr. Cusick asked for a roll call vote:

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

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Mrs. Strydio		✓	✓			
Mr. DePompa			✓			

Mr. Correlli, on behalf of Arisa/Harvestale introduced himself to the Borough Council and thanked them for their actions this evening. Very much looking forward to working in our town.

RESOLUTION #10 – 095 Authorization of Sale (Used Vehicles)

Whereas the Mayor and Council of the Borough of Keansburg has been advised that certain vehicles have reached the end of their useful life; and,

Whereas the Mayor and Council has determined that it is appropriate to attempt to sell these vehicles; and,

Whereas a resolution authorizing the sale of such personal property is required pursuant to N.J.S.A. 40A:12-13.1; and,

Whereas, the Mayor and Council has determined not to fix minimum prices for such vehicles nor has the Borough reserved onto itself the right to reject all bids where the highest bidder is not accepted; and

Whereas, such vehicles no longer bear any municipal markings (i.e. Police and/or DPW); and,

Whereas, all other Borough property and emergency equipment have been removed from such vehicles; and,

Whereas, the registration plates for such vehicles have been removed; and

Whereas, the vehicles have been delivered to Red Bank Recycling which vehicles were the subjects of public auction by the Borough of Keansburg.

Year	Make/Model	VIN#	Mileage
1997	Ford Crown Victoria	#2FALP71WXVX213699	120,655
1997	Ford Crown Victoria	#2FALP71W3VX193053	134,994
1997	Ford Crown Victoria	#2FALP71W5VX193054	135,660
1997	Ford Crown Victoria	#2FALP71W7VX214177	124,382
1997	Ford Crown Victoria	#2FALP71W7VX214180	122,975
1999	Ford Crown Victoria	#2FAFP71WXXX200256	120,668

Mr. Cusick asked for a roll call vote:

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

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Mrs. Strydio		✓	✓			
Mr. DePompa			✓			

RESOLUTION #10 – 096A Beaconlight Stormwater Change Order #1

Be It Resolved by the Mayor and Council of the Borough of Keansburg that it does hereby approve Change Order #1 for the Beaconlight Stormwater Pump Station in the net amount of a \$1,000.00 increase; and,

Be It Further Resolved that a certified copy of this resolution be forwarded to the Project Engineer and Chief Financial Officers.

Mr. Cusick asked for a roll call vote:

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

RESOLUTION #10 – 096B Raritan Avenue Change Order #1

Be It Resolved by the Mayor and Council of the Borough of Keansburg that it does hereby approve change order #1 for the Raritan Avenue Stormwater Pump Station in the net amount of a \$13,000.00 increase; and,

Be It Further Resolved that a certified copy of this resolution be forwarded to the Project Engineer and Chief Financial Officers.

Mr. Cusick asked for a roll call vote:

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

Council Discussion:

- Recreation Committee vacancies**
- Fees for Use of Municipal Fields**

The Borough Council has recommended that Recreation Committee items carried to the July meeting

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Communications:

**Keansburg Fire Department
New Members**

Robert Lawrence Keansburg Fire Co #1
Carlos Pernet New Point Comfort

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

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

Francis Mullan, Borough Engineer updated Council on this status of the FEMA and COPS grant. He is monitoring the announcement of D.O.T. Local Aid application. Mr. Mullan will be contacting Birdsall on the status of the discharge permit relative to the desalination project.

James Falco, Recycling Coordinator reported that prisoners from the Monmouth County Correctional Institution recently cleaned our beaches. The Borough now has a dumpster available for computers and related equipment.

Councilman Hoff inquired into flex schedules for the DPW.

There was a brief discussion on permit fees for municipal fields. Ordinances from other towns will be reviewed prior to Council action.

Councilman Hoff thanked all for their assistance in making the Memorial Day Parade a success.

He also thanked our Police Department for their work on recent home burglaries. Thanks to all Engineers for their work for the Borough.

Councilman Boden announced a Latin based church rock band will have a free concert at Forest Park on June 27. Council is looking forward to the event and pledged support.

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. Boden			✓			

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Mr. Cocuzza		✓	✓			
Mr. Hoff			✓			
Mrs. Strydio	✓		✓			
Mr. DePompa			✓			

Eleanor Eickle

Thanks for pedestrian crossing at McGrath Towers.

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

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

Adjournment

Mr. Cusick asked for a roll call vote:

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