



APRIL 19, 2017 MEETING MINUTES

Mr. Cusick read the following:

ADEQUATE NOTICE HAS BEEN GIVEN OF THIS MEETING BY NOTIFICATION TO THE ASBURY PARK PRESS AND POSTED ON THE BULLETIN BOARD AND THE OFFICIAL WEBSITE OF THE BOROUGH OF KEANSBURG.

Mr. Cusick asked all to rise and recite:

Salute to the Flag

Mr. Cusick took:

Roll Call

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

Meeting Minutes:

Meeting Minutes March 15, 2017

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

Roll Call

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

PUBLIC HEARING: CY2017 Municipal Budget

PUBLIC HEARING
CY 2017 Borough of Keansburg Municipal Budget

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

Roll Call

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



APRIL 19, 2017 MEETING MINUTES

Mr. Foley					✓	
Mr. Hoff			✓			

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

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

Roll Call

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

Resolutions:

RESOLUTION # 17-049

Adoption of CY2017 Municipal Budget

ON FILE IN THE CLERK'S OFFICE

Mr. Cusick asked for a roll call vote:

Roll Call

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

NOTE: ✓* - Councilman Boden abstained as to L.O.S.A.P. appropriation

Executive Session:

Anticipated/Pending Litigation:

M&K Grocery vs. Borough

Jersey Shore Beach & Boardwalk (Go-Kart property)

Mr. Cusick asked for a roll call vote to enter into EXECUTIVE SESSION:

Roll Call



APRIL 19, 2017 MEETING MINUTES

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

EXECUTIVE SESSION CONVENED

Mr. Cusick asked for a roll call vote to RETURN from EXECUTIVE SESSION:

Roll Call

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

Ordinances:

Second Reading

ORDINANCE #1592 Parking: Buses

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER VIII (PARKING METER ZONES AND PARKING LOTS) of the REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg that Chapter VIII entitled "Parking Meter Zones and Parking Lots" is hereby amended and supplemented as follows:

Section 1: 8-2.6 Meter Fees.

ADD:

The parking fee for any buses (any motor vehicle designed for more than twenty passengers) shall be fifty (\$ 50.00) dollars. The manner of payment of said fee shall be prescribed by directive of the Borough Manager or his designee.



APRIL 19, 2017 MEETING MINUTES

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, 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:

Roll Call

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

William Gelhaus
Co-owner – Keansburg Amusement Park
Thanked the Mayor and Council for allowing the parking of charter buses at the municipal lot without charge. Concerned with the language in the proposed ordinance as obtaining a permit in advance may be a problem. Amount of buses are determined by size of group traveling that day.

Mr. O’Hare,
Borough Manager
Stated that possibly a trust fund could be established to accommodate the permit fees.

Henry Gelhaus
Co-owner – Keansburg Amusement Park
Stated that approximately 75% of all contracts for 2017 have already been approved. Wording in ordinance seems vague and is concerned if it affects all parking lots



APRIL 19, 2017 MEETING MINUTES

The intent of the ordinance is for municipal lots only. There is also a concern regarding hours allowed under the permit.

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

Roll Call

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

Mr. Cusick asked for a roll call vote to CARRY Ordinance #1592:

Roll Call

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

ORDINANCE #1593

CY 2017 Rate Index Ordinance

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14) - CALENDAR YEAR 2016 CALENDAR YEAR 2016 MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

CALENDAR YEAR 2017

**MODEL ORDINANCE TO EXCEED THE
MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK**



APRIL 19, 2017 MEETING MINUTES

(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 **1.5%** 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 2015 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 **2.0%** increase in the budget for said year, amounting to **\$265,763.30** 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 2015 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 **\$465,085.77**, and that the CY 2015 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.



APRIL 19, 2017 MEETING MINUTES

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

Roll Call

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

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

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

Roll Call

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

Mr. Cusick asked for a roll call vote to adopt Ordinance #1593:

Roll Call

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

First Reading

ORDINANCE #1594 Reconstruction: Leola Avenue and Highland Blvd.

BOND ORDINANCE PROVIDING FOR VARIOUS ROADWAY AND DRAINAGE IMPROVEMENTS TO LEOLA AVENUE AND HIGHLAND BOULEVARD, AND APPROPRIATING \$628,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$140,000 BONDS AND NOTES TO FINANCE A PORTION OF THE



APRIL 19, 2017 MEETING MINUTES

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 \$628,000, said sum being inclusive of all appropriations heretofore made therefor, including grant funds expected to be received from the New Jersey Department of Transportation (NJDOT) in the amount of \$422,000, and the sum of \$66,000 as 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.

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 \$140,000, 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 and the purposes for which the obligations are to be issued consist of:

- i) Various improvements to Leola Avenue including, but not limited to, the installation of drainage pipes and catch basins; replacement of curbs and sidewalks; roadway reconstruction; and removal of existing drainage pipes/catch basins, with a total appropriation and estimated cost of \$237,000 including NJDOT grant funds expected to be received in the amount of \$172,000, an estimated maximum amount of bonds or notes therefor of \$65,000, and an average period of usefulness of twenty (20) years; and
- ii) Various improvements to Highland Boulevard including, but not limited to, the replacement/reconstruction of curbs, sidewalks and roadway; and drainage improvements as necessary, with a total appropriation and estimated cost of \$391,000 including NJDOT grant funds expected to be received in the amount of \$250,000, an estimated maximum amount of bonds or notes therefor of \$75,000, and an average period of usefulness of twenty (20) years,



APRIL 19, 2017 MEETING MINUTES

together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Township Clerk, as finally approved by the governing body of the Township

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$140,000, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$628,000, which is equal to the amount of the appropriation herein made therefor. The excess of the appropriation of \$628,000 over the estimated maximum amount of bonds or notes to be issued therefor being the grant funds in the amount of \$422,000 expected to be received from the NJDOT and the sum of \$66,000 as down payment 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 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 general improvements, 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 twenty (20) 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



APRIL 19, 2017 MEETING MINUTES

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 \$140,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$89,975 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.

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 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.



APRIL 19, 2017 MEETING MINUTES

ORDINANCE #1595

Sale of Undersized Property

ORDINANCE AUTHORIZING THE SALE OF CONTIGUOUS PROPERTY OWNERS OF CERTAIN UNDERSIZED PROPERTIES OWNED BY THE BOROUGH IN ACCORDANCE WITH N.J.S.A. 40A:12-13

WHEREAS, the Local Lands and Buildings Law, *N.J.S.A. 40A:12-13* authorizes the Borough to sell municipally owned real property at a private sale to owner of real property contiguous thereto where the Borough owned property is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon; and

WHEREAS, the Mayor and Council of the Borough of Keansburg have determined that Block 17, Lot 24, Block 39, Lot 10 and Block 167, Lot 14 (the "Properties") on the Tax Map of the Borough of Keansburg, County of Monmouth, State of New Jersey is not needed for public use; and

WHEREAS, the subject properties are without capital improvements thereon and are less than the minimum size required for development in those zones; and

WHEREAS, *N.J.S.A. 40A:12-13* further provides that where there is more than one (1) owner of real property contiguous thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners thereto, the municipal property shall be sold to the highest bidder from among all such contiguous owners and that the sale shall be for not less than the fair market value of said real property.

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

1. Block 17, Lot 24, Block 39, Lot 10 and Block 167, Lot 14 as delineated on the Tax Map of the Borough of Keansburg, County of Monmouth, State of New Jersey, shall be offered for sale at a private sale to the highest bidder of the contiguous property owners pursuant to *N.J.S.A. 40A:12-13*.
2. The minimum price for bidding on Block 17, Lot 24 shall be \$6,000.00. Pursuant to the Borough Tax Assessor, this price is considered to be fair market value of the property.
3. The minimum price for bidding on Block 39, Lot 10 shall be \$ 1,000.00. Pursuant to the Borough Tax Assessor, this price is considered to be fair market value of the property.
4. The minimum price for bidding on 167, Lot 14 shall be \$2,500.00. Pursuant to the Borough Tax Assessor, this price is considered to be fair market value of the property.
5. Notice of the Borough's intention to sell the property shall be advertised in a publication circulating in the municipality within (5) days following the enactment of this Ordinance. Said Notice shall additionally be posted on the Borough of Keansburg website.



APRIL 19, 2017 MEETING MINUTES

6. Any offer for Block 17, Lot 24, Block 39, Lot 10 or Block 167, Lot 14 may be thereafter made to the Borough Clerk for a period of twenty (20) days following the above newspaper advertisement, for not less than the minimum price provided herein.
7. The sale of the Properties shall be made to the highest bidder, after the legal advertisement of this Ordinance and notification to contiguous property owners.
8. The Borough does not warrant or certify title to any of the properties and in not event shall the Borough be liable for any damages to the successful bidder if title is found to be unmarketable for any reason. The successful bidder therefore waives and all rights in damages or by way of liens against the Borough of Keansburg.
9. If any of the properties are non-conforming, the successful bidder therefore will be required to merge the lot with the bidder's existing contiguous lot by Deed at the time of closing with the Borough.
10. The Borough Council reserves the right to reconsider its decision to sell the properties within thirty (30) days after the enactment of this Ordinance and either offer the property for sale at a public sale pursuant to *N.J.S.A. 40A:12-13(a)* or reject all bids and retain the property for Borough use.
11. If the properties are awarded, full payment for the property shall be made by certified check or bank check within thirty (30) days after the award of the bid, which shall be done by further action of the Borough Council.
12. The Borough offers no warranty as to any environmental conditions which may exist on any said properties. All real property may be subject to the provisions of ISRA (Industrial Site Recovery Act), CERCLA (Comprehensive Environmental Response Compensation and Liability Act, commonly known as Superfund) or other environmental laws or regulations. The Borough makes no representations as to the development potential or physical condition of the property.
13. The successful bidder(s) for the properties shall pay to the Borough the cost for the preparation of the Deed of Conveyance, for review by the Borough Attorney and signature of the Borough Manager. This deed shall also contain a current metes and bounds description of the property.
14. All other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.
15. This Ordinance shall take effect upon final passage and publication in accordance with the law.



APRIL 19, 2017 MEETING MINUTES

ORDINANCE #1596

Precious Metals and Second Hand Goods

ORDINANCE SUPPLEMENTING CHAPTER IV of the REVISED GENERAL ORDINANCES OF THE BOROUGH CODE OF THE BOROUGH OF KEANSBURG ENTITLED "PRECIOUS METALS AND GEMS"

WHEREAS, theft of property negatively affects the residents of Keansburg and the surrounding area, and has a negative financial impact on citizens; and

WHEREAS, the Borough Council believes that a thorough investigation, identification, maintenance of records, and licensing of secondhand dealers in the Borough of Keansburg is required, and would be in the interest of the public safety and general welfare consistent and in accordance with *N.J.S.A. 51:5-1 et seq.* and *N.J.S.A. 51:6-1 et seq.*; and

WHEREAS, pursuant to this Chapter, secondhand dealers of goods within the Borough of Keansburg are hereby required to submit transaction data in an electronic format to assist law enforcement's ability to efficiently collect transaction data, and to identify trends in selling or pawning of stolen property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keansburg, County of Monmouth, in the State of New Jersey that this Ordinance entitled "Dealers of Precious Metals, Gems and Secondhand Goods, Licensing and Regulation" be added to the Borough Code which shall read in its entirety as follows:

DEALERS IN PRECIOUS METALS, GEMS AND SECONHAND GOODS

Chapter 28-1 Purpose and Intent

The purpose and intent of this Chapter is to assist law enforcement officials and victims of crime in recovering stolen precious metals and other secondhand goods by requiring minimum identification, reporting, maintenance and distribution criteria for licensed dealers in these goods.

No person shall use, exercise, or carry on the business, trade, or occupation of the buying, selling, or pawning of precious metals or other secondhand goods without complying with the requirements of this Chapter in the exact manner described herein.

Chapter 28-2 Definitions

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application. For purpose of this Chapter, the following terms shall have the following meanings indicated:



APRIL 19, 2017 MEETING MINUTES

- A. *Acceptable Identification* shall mean a current valid New Jersey driver's license or identification card, a current valid photo driver's license issued by another U.S. state, a valid United States passport, or other verifiable U.S. government issued identification, which will be recorded on the receipt by the dealer and subsequently forwarded to the local police department or request.
- B. *Dealer* shall mean any person, partnership, limited-liability company, corporation, or other entity who, either wholly or in part, engages in or operates any of the following trades or businesses: the buying for purposes of resale of precious metals, jewelry, or other secondhand goods as defined herein; pawnbrokers as defined herein; itinerant businesses as defined herein. For the purposes of this Chapter, transient buyers, as defined herein, are subject to the same licensing and reporting requirements as any other dealers.
- C. *Itinerant Business* shall mean a dealer who conducts business intermittently within the municipality or at varying locations.
- D. *Municipal Clerk or* shall mean the statutory officer whose duties are defined in *N.J.S.A. 40A:9-133* and refers to the Borough Clerk of Keansburg.
- E. *Pawnbroker* shall mean any person, partnership, association or corporation lending money on deposit or pledge of personal property, other than choses in action, securities or printed evidences of indebtedness; purchasing personal property on condition of selling it back at a stipulated price; or doing business as furniture storage warehousemen and lending money on goods, wares or merchandise pledged or deposited as collateral security.
- F. *Precious Metals* shall mean gold, silver, platinum, palladium, and their alloys as defined in *N.J.S.A. 51:5-1 et seq.* and *N.J.S.A. 51:6-1 et seq.*
- G. *Public* shall mean individuals and retail sellers, not to include wholesale transactions or transactions between other merchants.
- H. *Reportable Transaction* shall mean every transaction conducted between a dealer and a member of the public in which precious metals, jewelry, or any other secondhand goods as defined herein are purchased or pawned.
- I. *Secondhand Goods* shall mean used goods, including, but not limited to, antiques, gold, silver, platinum or other precious metals, jewelry, coins, gemstones, gift cards, any tools, telephones, typewriters, word processors, GPS devices, computers, computer hardware and software, television sets, radios, record or stereo sets, electronic devices, musical instruments, sporting goods, automotive equipment, collectibles, DVDs, CDs, and other electronically recorded material, firearms, cameras and camera equipment, video equipment, furniture, clothing, and other valuable articles. For the purposes of this Chapter, secondhand goods shall not include goods transacted in the following manner:



APRIL 19, 2017 MEETING MINUTES

- a. Judicial sales or sales by executors or administrators;
 - b. Occasional or auction sales of household goods sold from private homes
 - c. Auctions of real estate
 - d. The occasional sale, purchase, or exchange of coins or stamps by a person at his or her permanent residence who is engaged in the hobby of collecting coins or stamps and who does not solicit the sale, purchase, or exchange of such coins or stamps to or from the general public by billboard, sign, handbill, newspaper, magazine, radio, television, or other form of printed or electronic advertising.
- J. *Seller* shall mean a member of the public who sells or pawns used goods such as precious metal, jewelry, or other secondhand goods to a dealer.
- K. *Transient Buyer* shall mean a dealer, as defined herein, who has not been in a registered retail business continuously for at least six (6) months at any address in the municipality where the dealer is required to register or who intends to close out or discontinue all retail business within six (6) months.

Chapter 28-3 License Requirement for Dealers

- A. No person, partnership, limited-liability company, corporation, or other entity shall engage in the business of buying, selling, or pawning of precious metals or other secondhand goods, as defined above, within the jurisdiction of the municipality, without having first obtained a license therefore from the Municipal Clerk, which license shall bear a number issued by the Municipal Clerk.
- B. The application for a license shall set forth the name, date of birth, and address of the dealer, whether or not he or she is a citizen of the United States, and whether or not he or she has ever been convicted of any crime(s), disorderly persons offense(s), or municipal ordinance violation(s), and the date(s) thereof.
- C. Advertising in any print or electronic media or by sign that any of those articles or secondhand goods referred to in Chapter 28-2 above are being bought in any location within the municipality shall constitute engaging in business as a dealer of secondhand goods for purposes of this Chapter. No person, partnership, limited-liability company, corporation or other entity shall place or cause to be placed any advertisement for purchase of such articles or goods without stating in the advertising the license number issued to a person or entity by the municipality. In any advertisement in electronic media, the license number shall be visually and/or audibly stated. Failure to state or indicate the license number shall be a violation of the Chapter and shall be subject to the penalties established in Chapter 28-9.



APRIL 19, 2017 MEETING MINUTES

- D. Licenses may not operate at any location other than site specified in the license and shall not be transferred. Licensees operating at multiple locations must have each location separately licensed. Itinerant businesses and transient buyers, as defined in Chapter 28-2 above, are not eligible for licensure.

Chapter 28-4 Application Process for Dealers; Approval or Denial

- A. Upon receipt of an application completed pursuant to this Chapter, the Municipal Clerk shall refer such application to the Chief of Police, or the Chief of Police's designee, who shall make an investigation of the prospective licensee, pursuant to this Chapter for the purpose of determining the suitability of the applicant for licensing. The investigation shall include, but shall not be limited to, the following:
- a. The experience of the applicant in the business of purchase and sale of those articles or goods referred to in Chapter 28-2 above, although nothing in this section shall be constituted to warrant denial of a license solely on the basis of lack of experience.
 - b. Any criminal record of the applicant including any past convictions for any crime(s), disorderly persons offense(s), or municipal ordinance violation(s) within this or any other jurisdiction. The Chief of Police or his designee shall, as part of the initial application process and annual renewals, require fingerprint criminal background checks through the Federal Bureau of Investigation, Criminal Justice Information Services Division, for the applicant and all owners and employees, which may require payment of additional fees by the applicant.
 - c. The type of operation contemplated to be conducted by the applicant, particularly whether the business is to be operated from a fixed location, whether it is to be conducted from a location primarily devoted to the purchase and sale of precious metal or other secondhand goods, and other factors bearing on whether the licensed business will be of a fixed and permanent nature.
- B. The Chief of Police shall complete any investigation pursuant to this Chapter within 45 days of the submission of the application to the Municipal Clerk, fully completed by the applicant. If a criminal record check has been requested within the forty-five day period and has not been received by the Chief of Police within that period, the Chief of Police may, if all other factors are satisfactory, recommend a conditional issuance of the license subject to the finding regarding criminal record.
- C. The Chief of Police shall, upon completion of the investigation, recommend granting or denying of the license to the Municipal Clerk, who shall grant or deny the license. Any recommendation of the Chief of Police shall be in writing, and, in the case of a recommendation of denial, shall state fully and specifically the reasons for said recommendation. If the Municipal Clerk accepts the recommendation of the Chief of Police to



APRIL 19, 2017 MEETING MINUTES

deny any license, the applicant shall be notified in writing within ten (10) days of such denial and the Clerk shall forward to the applicant a statement of the reason or reasons for such denial.

- D. Grounds for recommending denial of license may include reliable information indicating that the applicant has in the past engaged in fraudulent or deceptive business practices in a business identical to or similar to a dealer in secondhand goods. A license may be denied if the investigation reveals a conviction of the applicant or any of its principal officers or employees of any crime(s), disorderly person offense(s) in which deceit or misrepresentation is an element or any conviction of any crime(s), disorderly persons offense(s) involving theft or the receiving of stolen goods, regardless of whether the applicant was a principal, accessory before the fact, accessory after the fact, or a co-conspirator, or any prior municipal ordinance violation(s) by the applicant or any of its principal officers or employees in this or any other jurisdiction. A license may be denied if the applicant fails to demonstrate an ability to satisfactorily comply with the electronic reporting requirements specified in Chapter 28-5, the retention and inspection requirements of Chapter 28-6, or any other portion of this Chapter. Upon receipt of the recommendation of the Chief of Police, the Municipal Clerk shall issue or deny the license accordingly, contingent upon the receipt of a bond as required by Chapter 28-7 of this Chapter.
- E. Whenever any application for a permit is denied, the applicant shall be entitled to a hearing before the Borough Attorney at which time the applicant shall be permitted to introduce such evidence as may be deemed relevant to such denial. Any applicant exercising the right to appeal must file a written notice of appeal with the Municipal Clerk within ten (10) days of receiving written notice of denial of a license to act as a dealer of secondhand goods.
- F. No license shall be assignable by the dealer.

Chapter 28-5 Identification of Seller; Recordkeeping Requirements for Dealers

For every reportable transaction between a dealer and the public, the dealer shall be required to do as follows:

- A. Require of each person selling or pawning precious metals or other secondhand goods acceptable identification as defined above in Chapter 28-2;
- B. Require each seller to execute a "Declaration of Ownership," which shall contain the following certification:

"My signature confirms that I am the legal owner of and am legally authorized to the sell the goods being sold. By signing below, I certify that I did not obtain and do not possess the identified goods through unlawful means. I am of the full age of eighteen years or older, and the identification presented is valid and correct."



APRIL 19, 2017 MEETING MINUTES

- C. Record and issue to each person selling or pawning such goods on a sequentially numbered receipt:
- The name, address, and telephone number of the purchaser, including the clerk or employee of the licensee making the purchase;
 - The name, address, date of birth, and telephone number of the seller or sellers;
 - A photographed recording of the seller's acceptable identification, as set forth in Chapter 28-2, in a format acceptable to the Chief of Police, along with a physical description of the seller;
 - A photographed recording of all items sold in a format acceptable by the Chief of Police. When photographing, all items must be positioned in a manner that makes them readily and easily identifiable. Items should not be grouped together when photographing or imaging. Each item shall have its own photograph;
 - The receipt number;
 - A detailed, legible description of the item(s) and the manufacturer and model of the item(s) if known; in the case of jewelry, the descriptions must include style, length, color, design, and stones, if any; any identifying marks, including numbers, dates, sizes, shapes, initials, names, monograms, social security numbers, or any other information, which sets apart the particular object from others of like kind;
 - The price paid for the purchase or pawn of the item(s);
 - If precious metals, the net weight in terms of pounds Troy, pennyweight (Troy) or kilogram/grams; fineness in terms of karats for gold, and sterling or coin for silver, in accordance with *N.J.S.A. 51:5-1 et seq.* and *N.J.S.A. 51:6-1 et seq.*; and
 - The time and date of the transaction
- D. The information outlined in Subsection C above must additionally be electronically documented through the use of an electronic database system authorized by the Chief of Police. Installation and training in this software will be made mandatory as of the effective date of this Chapter and licensing will be conditional upon compliant with proper use of the system as described herein. These records shall be subject to the inspection of any authorized police officer or any sworn law enforcement officer acting in the performance of his or her duty as set forth in Subsection F below. Through the use of applicably required computer equipment, and using the electronic format approved by the Chief of police, each dealer shall enter all reportable transactions into the electronic database by the end of the close of business on the same date as the purchase or receipt of property for pawn or consignment.



APRIL 19, 2017 MEETING MINUTES

The information entered must contain all pertinent information as outlined in Subsection C above.

- E. In the event of a database failure, or a dealer's computer equipment malfunction, all transaction information is required to be submitted on paper forms approved by the Chief of Police within 24 hours from the date of purchase. In the event that paper forms are used, the dealer is responsible to enter all transaction information set forth in Subsection C above into the database as soon as possible upon the dealer's equipment being repaired or replaced, or the database coming back into service. Failure by the dealer to properly maintain computer equipment in a reasonable fashion, or failure by the dealer to replace faulty computer equipment, may result in the dealer being cited for a violation of this Chapter and subsequently being subject to the penalties for doing so, including revocation of the dealer's license as described in Chapter 28-6.
- F. It shall be the requisite duty of every dealer, and of every person in the dealer's employ, to admit to the premises during business hours any member of the Keansburg Police Department to examine any database, book, ledger, or any other record on the premises relating to the reportable transactions of precious metals or other secondhand goods, as well as the articles purchased or received and, where necessary, relinquish custody of those articles as provided in Chapter 28-6.

Chapter 28-6 Retention; Revocation; Other Restrictions

- A. The precious metals are to be made available for inspection by the Chief of Police of the Borough of Keansburg and to any other Federal, State, County or other law enforcement entity for a period of ten (10) days from the date the information required above is received by the Chief of Police on the approved form. The precious metals shall remain in the same condition as when purchased and shall not be changed, modified, melted or disposed of by the purchaser until the ten-day period has expired. During this ten day period, the precious metals shall be placed in public view at the purchaser's place of business. If the property is such that it would create a hardship on the dealer by holding the precious metals for such period, the Dealer may present the property to the Chief of Police in order that it may be photographed and, if deemed necessary by the Chief of Police, an investigation be implemented.
- B. In addition to all other reporting requirements, every dealer shall maintain, for at least five (5) years, a paper record of all purchases of precious metals and other secondhand goods in the form prescribed in Chapter 28-5C.
- C. No dealer shall purchase any item covered by this Chapter from any person under the age of 18 or in the absence of providing prior notification of such purchase to the Chief of Police or



APRIL 19, 2017 MEETING MINUTES

business designee identifying the individual from whom such purchase is to be made and the item to be purchased.

- D. Suspension. The Chief of Police or a designee thereof is hereby empowered to temporarily suspend for cause any dealer's license and rights to operate thereunder. This penalty shall be in addition to any fines and penalties the dealer may incur pursuant to Chapter 28-9 of this Chapter.
- a. Grounds for Suspension. The following shall constitute grounds for suspension: violation of any provisions of this Chapter, including, but not limited to, failure to comply with any training or fees associated with the electronic database software system in use by the municipality; violation of any other statute, regulation, or local ordinance; or any other illegal, improper, or fraudulent activity.
 - b. Procedure for Suspension. Upon determination that appropriate grounds exist and that a suspension is warranted, the Chief of Police or a designee thereof shall issue a written notice of suspension of license to the offending dealer and to the Municipal Clerk, which shall set forth the grounds for the suspension and notify the dealer of his or her right to appeal pursuant to Subsection G. A temporary suspension shall issue immediately, pending the outcome of any appeal taken. Suspended dealers must immediately cease engaging in the business of purchasing for resale, receiving for pawn, and/or selling of precious metals and/or other secondhand goods in the municipality until reinstatement.
 - c. Reinstatement. Suspended dealers may be reinstated only when the grounds leading to the suspension have, in the determination of the Borough Attorney, been cured, corrected, or appropriately rectified.
- E. Revocation. A license issued under this Chapter may be revoked by the Municipal Clerk upon written recommendation from the Chief of Police or the Chief's designee that the dealer is no longer qualified, capable or competent to comply with the requirements of this Chapter. This penalty shall be in addition to any fines and penalties the dealer may incur under Chapter 28-9.
- a. Grounds for Revocation. The following shall constitute grounds for revocation: a third violation under this Chapter; a second violation under this chapter less than one (1) year after an earlier violation under this Chapter; conviction for a criminal offense within this or any jurisdiction; or multiple violations of any other regulations or local ordinances within this or any jurisdiction.
 - b. Procedure for Revocation. Upon a determination that appropriate grounds exist and that a revocation is warranted, the Chief of Police or the Chief's designee shall so report to the Municipal Clerk in writing. A temporary suspension will immediately and



APRIL 19, 2017 MEETING MINUTES

automatically issue, if one is not already in effect, pending the outcome of the charge. The Borough Attorney shall review the stated grounds for revocation and shall issue an appropriate disposition of either suspension, revocation, or reinstatement. If it is determined that revocation is the appropriate disposition, the grounds therefore shall be set forth in writing in the form of a notice of revocation, which shall be provided to the dealer. The notice shall advise the dealer of the right to appeal. If determined that suspension is the appropriate disposition, the dealer shall be so notified in writing and shall be advised of the right to appeal. Following revocation, the dealer must relinquish his or her license and must immediately and indefinitely cease operating as a dealer of precious metals or other secondhand goods within the municipality.

- F. Appeal. Any license holder wishing to appeal a suspension or revocation shall be entitled to a hearing as provided in Chapter 28-4(E). Any applicant exercising the right to appeal must file a written notice of appeal within ten (10) days of receiving written notice of revocation or suspension of license.
- G. A dealer shall have the right to change the location of the licensed business, provided that he or she notifies the Municipal Clerk, in writing, of the street address of said new location.

Chapter 28-7 Bond.

Each dealer covered under this Chapter shall deliver a bond to the Municipal Clerk executed by the applicant as principal and executed by a surety company authorized to do business under the laws of the State of New Jersey as surety. The bond shall be subject to review and approval by the Borough Attorney, as defined in *N.J.S.A. 40A:9-139*, and shall be in the penal sum of ten-thousand dollars (\$10,000.00), conditioned for the due and proper observance of and compliance with the provisions and requirements of all ordinances of the municipality in force or which may be adopted respecting the conduct of this business and conditioned also that the bond shall be and remain for the benefit of any person or persons who shall have received judgment against the dealer license under this Chapter, which damage shall be established by a judgment of a court of proper jurisdiction. Said bond shall contain the following language: "The obligation of this bond shall, in addition to the Borough of Keansburg, be and remain for the benefit of any person who shall obtain a judgment against obligor as a result of damage sustained in operation pursuant to any licensee granted under this Chapter." Said bond shall be kept for a minimum of one (1) year from the date of issuance of license and must be renewed annually along with the license.

Chapter 28-8 Fees; License Term.

- A. A nonrefundable fee for initial application and license for a pawnbroker or a dealer in precious metals or other secondhand goods, as covered under this Chapter, is two-hundred dollars (\$200.00). The annual renewal fee for a license is one-hundred dollars (\$100.00). These fees



APRIL 19, 2017 MEETING MINUTES

are separate from and in addition to any fees the dealer must pay in relation to the mandatory electronic database system designated by the Chief of Police, as provided by Chapter 28-5D. Payments are to be made in the manner directed by the Municipal Clerk.

- B. Licenses issued pursuant to this Chapter are valid for one year, from January 1 through December 31. Initial applications and applications for renewal must be submitted no later than October 1.

Chapter 28-9 Violations and Penalties

Violation of any provision of this Chapter by any dealer shall, upon conviction thereof, be punished by a fine not in excess of the limitations of *N.J.S.A. 40:49-5* or by a term of imprisonment or a period of community service not exceeding ninety (90) days in addition to a suspension or revocation of operating license as provided in Chapter 28-6D and E above. Each and every violation shall be considered a separate violation. Each violation shall result in an additional suspension period. Any person who is found guilty of violating the provisions of this Chapter within one (1) year of the date of a previous violation and who was fined for the previous violation may be sentenced by a court of appropriate jurisdiction to an additional fine as a repeat offender and, in addition, may be subject to revocation proceedings as provided by Chapter 28-6E. The additional fine imposed as a repeat offender shall not be less than the minimum or exceed the maximum fine provided herein, and same shall be calculated separately from the fine imposed for the violation of this Chapter.

Chapter 28-10 Implementation

Effective August 1, 2017, no existing licensee may continue to operate without having been licensed pursuant to this Chapter.

Nothing contained in this Chapter is intended to replace any preexisting statutory requirements governing pawnbrokers, as in *N.J.S.A. 45:22-1 et seq.*, the sale of precious metals as in *N.J.S.A. 51:6A-1 et seq.*, the sale of secondhand jewelry as in *N.J.S.A. 2C:21-36 et seq.*, or any other statutory provision regarding any subject matter discussed herein.



APRIL 19, 2017 MEETING MINUTES

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinances #1594, #1595 and #1596 and set for public hearing on May 17, 2017:

Roll Call

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

Resolutions:

RESOLUTION # 17-049 Adoption of CY2017 Municipal Budget

Voted on earlier in the meeting.

RESOLUTION # 17-050 Payment of Bills (03/15/17)

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	\$ 2,051,630.13
Dog Trust	3,166.40
Grant	6,033.33
General Capitol	12,332.38
SUI Trust	2,947.39
Trust	128,715.15
Water/Sewer	180,815.40
Water/Sewer Cap	12,312.24



APRIL 19, 2017 MEETING MINUTES

TOTAL: \$2,397,952.42

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-051

Adoption of Fair and Open 2017

RESOLUTION AUTHORIZING “FAIR AND OPEN PROCESS” UNDER N.J.S.A. 19:44A-20.1 ET. SEQ. AS THE METHOD THAT THE BOROUGH OF KEANSBURG WILL USE TO CONTRACT FOR ALL PROFESSIONAL SERVICES AND EXTRAORDINARY AND UNSPECIFIED SERVICES

WHEREAS, as of January 1, 2006, N.J.S.A. 19:44A-20.1 et seq., commonly known as the “State Pay to Play” law, enacted by the New Jersey State Legislature shall become effective; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.1 et seq., a public entity may not award contracts with a value in excess of \$17,500.00 to a business entity which has made reportable contributions in excess of \$300.00, in the aggregate, to the said public entity’s political parties or to any candidate’s committee of any person serving in an elective public office of said public entity when such contract was awarded, unless said business entity is awarded a contract under a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 19:44A-20.7 “fair and open process” is defined to mean, at a minimum, that a contract be publicly advertised in newspapers or on the internet website maintained by a public entity in sufficient time to give notice in advance of the contract; be awarded under a process that provides for public solicitation of proposals or qualifications; be awarded and disclosed under criteria established in writing by the public entity prior to the solicitation of proposals or qualifications; and be publicly opened and announced when awarded. The decision of a public entity as to what constitutes a fair and open process shall be final; and

WHEREAS, in accordance with N.J.S.A. 19:44A-20.1 et seq. the Borough of Keansburg hereby adopts criteria establishing a “fair and open process” as set forth in Exhibit A attached hereto; and

WHEREAS, it is necessary for the Borough of Keansburg to engage the services for various legal, engineering and consulting professional services; and



APRIL 19, 2017 MEETING MINUTES

WHEREAS, the Borough of Keansburg desires to contract for such professionals and services by a “fair and open process” pursuant to N.J.S.A. 19:44A-20.1 et seq.; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keansburg, County of Monmouth and State of New Jersey that it hereby adopts the “fair and open process” set forth in Exhibit A attached hereto as the method that the Borough of Keansburg will use to contract for all professional services and extraordinary and unspecified services (“EUS”) in excess of \$17,500.00 per year, including but not limited to the following services:

1. Borough Attorney - Non-Retainer Hourly Work	6. Public Defender
2. Borough Engineer	7. Municipal Prosecutors - Hourly Work
3. Bond Counsel	8. Borough Auditor
4. Planning Board Attorney	9. Borough Planner
5. Planning Board Engineer	

BE IT FURTHER RESOLVED, that all contracts awarded for the above professional services shall be made in accordance with the Borough of Keansburg “Fair and Open Process” as set forth in Exhibit A attached hereto.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-052

Person to Person Plenary Transfer – (Correction)

WHEREAS, an application has been received by the Mayor and Council of the Borough of Keansburg from RDS Bar & Restaurant, LLC260-262 Beachway, Keansburg, New Jersey, 07734, trading as “Pier 260” for a **Person-to-Person** transfer of Plenary Retail Consumption License No. 1321-33-031-009 from Slover Productions, LLC, 260-262 Beachway, Keansburg, New Jersey; and

WHEREAS, the application form for said transfer is in proper form, and the proper certified check has been received by the Borough Clerk; and



APRIL 19, 2017 MEETING MINUTES

WHEREAS, publication of the transfer has been made in “The Asbury Park Press” on February 1 and February 8, 2017; and

WHEREAS, the applicant has disclosed and the Mayor and Council have reviewed the source of all funds used in the purchase of the license and the licenses business and all additional financing obtained in connection with the licensed business; and

WHEREAS, the Mayor and Council has received a written statement, under oath signed by an authorized representative of both the transferor and transferee affirming that the transferee is aware of all obligations outstanding to New Jersey Alcoholic Beverage Manufacturers, Wholesalers and Distributors, and that either the transferee has assumed any such obligations or the obligations have been or will be satisfied by the transferor out of the proceeds of the sale of the licenses business; and

WHEREAS, no objections to said transfer have been received by the Borough Clerk and a public hearing was held on February 15, 2017 at which time no objections were presented to the Borough Council.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the application of RDS Bar & Restaurant, LLC, 260-262 Beachway, Keansburg, New Jersey, to transfer a Plenary Retail Consumption License No. 1321-33-031-010 from person-to-person, being Slover Productions, LLC, be and it is hereby approved; and,

BE IT FURTHER RESOLVED that the transfer resolution approving transfer of this license March 15, 2017 is hereby rescinded.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-053

Special Police Officer Class II Appointment (N. Thompson)

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



APRIL 19, 2017 MEETING MINUTES

Nicholas Thompson

As a Special Police Officer Class II for 2017; and,

BE IT FURTHER RESOLVED that the Borough Council that a certified copy of this Resolution be forwarded to the Keansburg Police Department.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-054

Rejection of Bids – Façade Improvement Project & Auth. of Re-Bid

Façade Improvements Project – Rejection of Bids and Authorization of Re-Bid

WHEREAS, bids were received on February 1, 2017 at the Borough of Keansburg Municipal Building, 29 Church Street, Keansburg, NJ for the Façade Improvement Program; and

WHEREAS, due to the proposed costs of the project bids the Borough does hereby reject all bids.

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keansburg that the bids received in the matter of the Façade Improvement Program be rejected, and the Manager is hereby authorized to rebid the contract.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Borough Clerk to be a true copy be forwarded to:

- a. Borough Manager
- b. Borough Qualified Purchasing Agent
- c. Borough Chief Financial Officer
- d. All known bidders



APRIL 19, 2017 MEETING MINUTES

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-055

Fireworks Permit 2017 (Jersey Shore Beach & Boardwalk)

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the governing body does hereby approve the application for fireworks display as submitted by Jersey Shore Beach & Boardwalk, Inc. for occasions to be held on:

July 3, 2017, and

July 4, 2017

BE IT FURTHER RESOLVED that the Bureau of Fire Safety has reported that the application has been properly completed and all fees have been paid to the Borough of Keansburg; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Bureau of Fire safety and Jersey Shore Beach & Boardwalk, Inc.

Mr. Cusick asked for a roll call vote:

Roll Call

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



APRIL 19, 2017 MEETING MINUTES

RESOLUTION # 17-056

Risk Management Consultant & Agreement

RESOLUTION APPOINTING RISK MANAGEMENT CONSULTANT

WHEREAS, The Borough of Keansburg (hereinafter "Local Unit") has joined the Statewide Insurance Fund (hereinafter "Fund"), a joint insurance fund as defined in N.J.S.A. 40A:10-36 *et seq.*; and

WHEREAS, the Bylaws require participating members to appoint a Risk Management Consultant, as those positions are defined in the Bylaws, if requested to do so by the "Fund"; and

WHEREAS, the Local Unit has complied with relevant law with regard to the appointment of a Risk management Consultant; and

WHEREAS, the "Fund" has requested its members to appoint individuals or entities to that position; and

NOW, THEREFORE, BE IT RESOLVED by the governing body of "Local Unit", in the County of Monmouth and State of New Jersey, as follows:

1. The Borough of Keansburg hereby appoints
Brown & Brown Metro, Inc. its local Risk Management Consultant.
2. The Borough Manager (*authorized representative of the public entity*) and Risk Management Consultant are hereby authorized to execute the Risk Management Consultant's Agreement for the year 2015 in the form attached hereto.

THIS AGREEMENT entered into this 19th day of April 2017, among the Statewide Insurance Fund ("FUND"), a joint insurance fund of the State of New Jersey, Borough of Keansburg ("MEMBER") and Brown & Brown Metro, Inc. ("CONSULTANT") through a fair and open process, pursuant to N.J.S.A.19:44A-20.4.

WHEREAS, the CONSULTANT has offered to the MEMBER professional risk management consulting services as required by the Bylaws of the FUND; and

WHEREAS, the CONSULTANT has advised the FUND that he/she is familiar with the terms, conditions and operations of the FUND; and

WHEREAS, the MEMBER desires these professional services from the CONSULTANT; and



APRIL 19, 2017 MEETING MINUTES

WHEREAS, the MEMBER has complied with relevant law in regard to the appointment of a Risk Management Consultant; and

WHEREAS, the Bylaws of the FUND require that members engage a CONSULTANT and that the CONSULTANT comply with certain requirements set forth therein.

NOW, THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein, agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:
 - (a) assist in evaluating the MEMBER'S exposures and advise on matters relating to the Member's operation and coverage.
 - (b) explain to the MEMBER, or its representatives, the various coverages available from the FUND.
 - (c) explain to the MEMBER, or its representatives, the terms of the member's commitment and obligations to the FUND.
 - (d) explain to the MEMBER, or its representatives the operation of the FUND.
 - (e) prepare applications, statements of values, etc., on behalf of the MEMBER, if required by the FUND.
 - (f) review the MEMBER'S assessment and assist in the preparation of the MEMBER'S insurance budget.
 - (g) review losses and engineering reports and provide assistance to the MEMBER'S safety committee, if required.
 - (h) assist in the claims settlement process, if required, by MEMBER or FUND.
 - (i) attend the majority of meetings of the Fund Commissioners or Executive Committee, if requested, and perform such other services as required by the MEMBER or the FUND.
 - (j) comply with the obligations imposed upon Risk Managers in the FUND's Bylaws.
 - (k) act in good faith and fair dealing to the FUND.
 - (l) perform other duties for the FUND as may be required from time to time by the FUND.
2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:



APRIL 19, 2017 MEETING MINUTES

- (a) The CONSULTANT shall be paid by the FUND, on behalf of the MEMBER, a fee as compensation for services rendered. Said fee, an apportionment of the MEMBER's assessment: 6% of workers' compensation (excluding any fees, PLIGA, and loss ratio apportionment); 7.5% of all lines assessment (excluding any fees, PLIGA, and loss ratio apportionment); and 10% of Selective umbrella assessment (excluding fees, PLIGA and administrative expenses).
 - (b) The CONSULTANT shall be entitled to compensation for services provided during any calendar year only if the CONSULTANT has been appointed and holds the position of Risk Management Consultant, as of January 31 of the said calendar year for counties and municipalities holding general elections and July 30 for municipalities holding regular elections.
 - (c) For any insurance coverages authorized by the MEMBER to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND's assessment in computing the fee set forth in 2(a).
 - (d) If the MEMBER shall require of the CONSULTANT extra services other than those outlined above, the CONSULTANT shall be paid by the MEMBER a fee at a rate to be negotiated by the parties.
3. The term of this Agreement shall be from **January 1, 2017** to **January 1, 2018**. However, this Agreement may be terminated by either party at any time by mailing to the other thirty (30) days written notice, certified mail return receipt.
 4. The CONSULTANT shall comply with all laws applicable to producers who provide insurance products to public entities and shall comply with all applicable statutes and regulations relating to joint insurance funds.
 5. The CONSULTANT agrees to comply with all affirmative action laws applicable in accordance with Exhibit A and to submit all necessary documentation establishing compliance within seven (7) days of this Agreement.

Mr. Cusick asked for a roll call vote:

Roll Call

Moved	Seconded	Ayes	Nays	Absent	Abstain
-------	----------	------	------	--------	---------



APRIL 19, 2017 MEETING MINUTES

Mr. Tonne			✓			
Mr. Boden			✓			
Mr. Cocuzza	✓		✓			
Mr. Foley					✓	
Mr. Hoff		✓	✓			

RESOLUTION # 17-057

Cranford Police Co-Operative Pricing System

AUTHORIZING THE PURCHASING FROM CRANFORD POLICE CO OPERATIVE PRICING SYSTEM BY THE BOROUGH OF KEANSBURG

WHEREAS, the Borough of Keansburg will purchase identifier 47-CPCPS, one (1) 2017 Ford Interceptor Utility Police Vehicle from the Cranford Police Co-Operative pricing system; and

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

WHEREAS, the Borough QPA will ensure that the vendor has been awarded a valid contract; the CFO has certified fund through the Law Enforcement Trust Fund; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg, approve the purchase of one (1) 2017 Ford Interceptor Police Vehicle through contract 47-CPCPS, Day Ford and Chevrolet for \$ 33,552.57:

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-058

Safe and Secure Grant 2017

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE
SAFE AND SECURE COMMUNITIES PROGRAM
RESOLUTION OF PARTICIPATION – GRANT No. P-6968-17



APRIL 19, 2017 MEETING MINUTES

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the **BOROUGH OF KEANSBURG POLICE DEPARTMENT** wishes to apply for funding of approximately **\$ 60,000.00** with a match of **\$260,127.84** for an approximate project total cost of **\$ 320,128.32** for a project under the State of New Jersey **SAFE AND SECURE COMMUNITIES** Grant Program, and

WHEREAS, the **KEANSBURG BOROUGH COUNCIL** has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the **Department of Law and Public Safety and KEANSBURG POLICE DEPARTMENT** for the purpose described in the application;

THEREFORE, BE IT RESOLVED by the **KEANSBURG BOROUGH COUNCIL**: that

1. As a matter of public policy the **KEANSBURG BOROUGH COUNCIL** wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-059

Professional Services Agreements – Leola Avenue Drainage

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

T and M Associates

hereby appointed as Borough Engineer for engineering services for

Engineering Services Proposal

FY2015 Leola Avenue Drainage Improvements

BE IT FURTHER RESOLVED by the Mayor and Council as follows:



APRIL 19, 2017 MEETING MINUTES

1. The Borough Manager and Clerk are hereby authorized to enter into the attached agreement for the proposal dated March 16, 2017, with T and M Associates in the proposal amount of **\$30,000.00** plus reimbursable expenses.
2. The attached contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. The services to be performed are necessary for the orderly function of the Project.
4. The amounts paid under the attached proposal shall not exceed the amount appropriated by the Borough Council for these services.
5. The Chief Financial Officer certifies that funds are available for this purpose.

Patrick DeBlasio

Patrick DeBlasio CFO

6. A copy of this Resolution as well as the executed proposal shall be placed on file with the Municipal Clerk of the Borough of Keansburg.

A notice in accordance with the Local Public Contracts Law stating the nature, duration, service and amount of the contract and that the Resolution and contract are on file and available for inspection in the Office of the Municipal Clerk.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-060

Professional Services Agreements – Highland Blvd - Reconstruction

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

T and M Associates

hereby appointed as Borough Engineer for engineering services for

Engineering Services Proposal
FY2016 Highland Blvd Reconstruction



APRIL 19, 2017 MEETING MINUTES

BE IT FURTHER RESOLVED by the Mayor and Council as follows:

1. The Borough Manager and Clerk are hereby authorized to enter into the attached agreement for the proposal dated April 4, 2017, with T and M Associates in the proposal amount of **\$38,000.00** plus reimbursable expenses.
2. The attached contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. The services to be performed are necessary for the orderly function of the Project.
4. The amounts paid under the attached proposal shall not exceed the amount appropriated by the Borough Council for these services.
5. The Chief Financial Officer certifies that funds are available for this purpose.

Patrick DeBlasio

Patrick DeBlasio CFO

6. A copy of this Resolution as well as the executed proposal shall be placed on file with the Municipal Clerk of the Borough of Keansburg.

A notice in accordance with the Local Public Contracts Law stating the nature, duration, service and amount of the contract and that the Resolution and contract are on file and available for inspection in the Office of the Municipal Clerk.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-061

2009 Maps

WHEREAS, the Borough Flood Plain Manager, Edward P. Striedl, has notified the Mayor and Council that the municipality has the option to pursue adopting new Flood Maps that have been prepared by the Federal Emergency Management Agency to replace the 2009 Flood Maps now in effect in the Borough; and



APRIL 19, 2017 MEETING MINUTES

WHEREAS, the new maps do contain higher base elevations in certain areas of the Borough which may result in revisions to new construction and increased flood insurance premiums.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the governing body does hereby agree with the recommendation of the Borough Flood Plain Manager to retain usage of the 2009 Flood Maps as prepared by the Federal Emergency Management Agency in the Borough of Keansburg; and

BE IT FURTHER RESOLVED that this Resolution be forwarded to Edward P. Striedl, Borough Flood Plain Manager.

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-060

Cablevision

RESOLUTION AUTHORIZING THE NEGOTIATION AND EXECUTION OF A LEASE AGREEMENT FOR THE PROVISION OF WIRELESS TELECOMMUNICATIONS SERVICES BETWEEN THE BOROUGH OF KEANSBURG AND CABLEVISION LIGHTPATH NJ LLC

WHEREAS, the Borough of Keansburg is the owner of certain real property and a water tank (“Water Tower”) constructed thereon, on Tax Block 58, Lots 4 and 20, located off of Highland Boulevard, Keansburg, New Jersey 07734 (the “Owned Premises”); and

WHEREAS, Cablevision Lightpath NJ LLC desires to enter into a co-location lease on the existing Water Tower for the purpose of attaching, installing, maintaining, operating, upgrading, changing and removing cable and telecommunication related equipment and devices to the Water Tower, in order to provide telecommunication services, by wireline or wireless, to the Borough of Keansburg; and

WHEREAS, the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*, authorizes, without public advertising for bids and bidding therefor, the purchase of any goods or services when the cost of such goods or services in the aggregate does not exceed in a contract year the bid threshold amount as set forth in *N.J.S.A. 40A:11-3*; and

WHEREAS, Cablevision and the Borough of Keansburg are currently in discussions regarding modifications to the proposed lease agreement. Currently, the Borough of Keansburg is reviewing the



APRIL 19, 2017 MEETING MINUTES

modifications, and this agreement shall be authorized pending the mutual satisfactory resolution of all submitted modifications.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Keansburg, County of Monmouth, State of New Jersey as follows:

1. That the Borough Manager is authorized to execute and the Municipal Clerk to attest to the lease agreement between the Borough of Keansburg and Cablevision Lightpath, NJ LLC.

2. That this agreement was authorized without competitive bidding, in accordance with *N.J.S.A. 40A:11-3*, of the Local Public Contracts Law of New Jersey, because the cost of the goods or services to be provided, in the aggregate, does not exceed in a contract year the bid threshold amount as set forth therein.

3. That a Certified copy of this Resolution shall be provided to each of the following:
 - a. Cablevision Lightpath, LLC;
 - b. Borough Clerk of the Finance Department; and
 - c. Borough Attorney

Mr. Cusick asked for a roll call vote:

Roll Call

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

Public Hearing:

Plenary Hearing: Applejacks

Public hearing has been postponed

Department Reports:



APRIL 19, 2017 MEETING MINUTES

- Steve Ussmann* *Reported that the Water and Sewer Department is flushing the system pipes. Reported on the Park Avenue and Creek Road water main repairs. The Consumer Confidence Report will be mailed shortly.*
- Cliff Moore* *Reported on upcoming meeting with Gratitude Migration. Working on several events for the Summer season.*
- Robert Yuro*
T & M Associates *Gave an update on Shore Boulevard and Engineers Report*
- Councilman Boden* *Announced the Beach Clean Ups*
- Mayor Hoff* *Thanked everyone for their assistance in the St. Patrick's Parade and the Titan 5K upcoming Run/Walk*

Communications:

Edward Striedl *Borough Flood Maps*

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. Tonne			✓			
Mr. Boden			✓			
Mr. Cocuzza		✓	✓			
Mr. Foley					✓	
Mr. Hoff	✓		✓			

- Phil Matthews*
1 Greenwood Place *Asked about the status of 28 Greenwood Place.*

Property is expected to be demolished in 6 weeks to 2 months
- Jennifer Perkel*
91 Maple Ave *Asked about sanitation collection hours. Concerned that neighbors are putting garbage to the curb much earlier in the day.*



APRIL 19, 2017 MEETING MINUTES

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

Roll Call

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

Adjournment

Mr. Cusick asked for a roll call vote:

Roll Call

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



1917 - 2017

I, Thomas P. Cusick, Municipal 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 **April 19, 2017**

Attest:

Thomas P. Cusick
 Municipal Clerk
 Borough of Keansburg