



MAY 17, 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

Presentation:

DrugSmart Healthy Mother’s Day Plant Sale Donation

A donation of \$300.00 was presented on behalf of the DrugSmart Healthy Mother’s Day Plants Sale event held on May 7th to benefit the Keansburg EMS Cadets program and the Borough’s Centennial Celebration.

Meeting Minutes:

Meeting Minutes April 19, 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					✓	



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Ordinances:

Second Reading

ORDINANCE #1594 BOND: Leola Avenue & Highland Boulevard

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

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



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- 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,

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.



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(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 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.



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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 #1594:

Roll Call

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

ORDINANCE #1595

Sale of Undersized Property

Ordinance Authorizing Sale of Undersized Borough – Owned Property to contiguous Property Owners

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



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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.

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.



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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.

29 Seaview Avenue
Hancock Street
Beachway

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			✓			



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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 #1595:

Roll Call

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

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



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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:

- 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.



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- 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:
 - 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



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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.
- 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



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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 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



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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."

- 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);



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- h. 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
 - i. 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. 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



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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 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.



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- 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 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."



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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 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.



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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 #1596:

Roll Call

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

WITHDRAWN:

ORDINANCE # 1592

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

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

Roll Call



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

WITHDRAWN

First Reading

ORDINANCE # 1597

Municipal Parking Lot Fees; 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 in any designated municipal lot for any buses (any motor vehicle designed for more than fifteen 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.

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.



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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 INTRODUCE Ordinance #1597 and set for public hearing on June 21, 2017:

Roll Call

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

ORDINANCE # 1598

Repealing Section 5.3 (Charter Bus; Permit Requirements)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER V (VEHICLES FOR HIRE), REPEALING SECTION 5.3 (CHARTER BUSES; PERMIT REQUIREMENTS) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg as follows:

Section 1: Chapter V (Vehicles for Hire), Section 5.3 entitled “Charter Buses; Permit Requirements” shall be deleted in its entirety. Existing section shall be Reserved.

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.



MAY 17, 2017 MEETING MINUTES

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 INTRODUCE Ordinance #1598 and set for public hearing on June 21, 2017:

Roll Call

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

ORDINANCE # 1599 Accepting Donation of 11 Grove Place

AN ORDINANCE AUTHORIZING THE BOROUGH OF KEANSBURG TO ACCEPT DONATION OF CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 29, LOT 32 ON THE BOROUGH OF KEANSBURG TAX MAP

AN ORDINANCE AUTHORIZING THE BOROUGH OF KEANSBURG TO ACCEPT DONATION OF CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 29, LOT 32 ON THE BOROUGH OF KEANSBURG TAX MAP

WHEREAS, *N.J.S.A.* 40A:12-5(a)(1) authorizes a municipality, by ordinance, to acquire real property by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement; and

WHEREAS, the Owner desires to donate for no consideration and convey Block 29, Lot 32 to the Borough of Keansburg; and

WHEREAS, the Mayor and Council of the Borough of Keansburg believe that the acquisition of this donated property will greatly benefit the residents of the Borough.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth and State of New Jersey, as follows:

1. That, pursuant to the "Local Lands and Buildings Law," *N.J.S.A.* 40a:12-1, et seq., the Borough of Keansburg is hereby authorized to accept the donation of real property known and designated as Block 29, Lot 32 on the Keansburg Borough Tax Map.



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2. That the donation for no consideration and conveyance of Block 29, Lot 32, as specifically described in the Donation Agreement dated February 3, 2017 from the Wells Fargo Home Donation Program, is hereby accepted.

3. That the Mayor is hereby authorized to execute and the Borough Clerk to attest any and all documents that are necessary in order to effectuate the acquisition of this property, including Assignment Agreements, provided that said documents are in a form acceptable to the Borough Attorney prior to final execution.

4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

5. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

6. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

Mr. Cusick asked for a roll call vote to **INTRODUCE Ordinance #1599** and set for public hearing on **June 21, 2017:**

Roll Call

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

ORDINANCE # 1600 Amendment to the Redevelopment Plan

AN ORDINANCE OF THE BOROUGH OF KEANSBURG, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING THE BEACHWAY AVENUE WATERFRONT REDEVELOPMENT PLAN

WHEREAS, on July 27, 2005, the Borough Council adopted Resolution #171-A determining that the entire Borough is an “area in need of rehabilitation” under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “LHRL”); and

WHEREAS, on February 22, 2006, the Borough Council adopted Ordinance #1403 adopting a redevelopment plan known as the Beachway Avenue Waterfront Redevelopment Plan to govern lots which were then identified as Block 184, Lots 1, 2 and 3 in the rehabilitation area; and

WHEREAS, on August 25, 2015, the Borough Council adopted Resolution #107 determining that Block 184, Lots 1 and 3 are an area in need of redevelopment under the LRHL; and



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WHEREAS, on March 29, 2016, the Borough Council adopted Ordinance #16-1579 amending the Beachway Avenue Waterfront Redevelopment Plan; and

WHEREAS, the Borough Council subsequently authorized a settlement requiring repeal of Ordinance #16-1579; and

WHEREAS, the Borough now wishes to adopt an amendment to the Beachway Avenue Waterfront Redevelopment Plan to create an overlay zone governing Block 184, Lots 1, 3 and a portion of Lot 3.01 in the redevelopment/rehabilitation area, which amendment will supersede and replace all previous versions of the Beachway Avenue Waterfront Redevelopment Plan; and

WHEREAS, the Borough’s engineering and planning consultant, T&M Associates, has prepared an Amendment to the Beachway Avenue Waterfront Redevelopment Plan; and

WHEREAS, prior to final passage of this Ordinance, the Amendment to the Beachway Avenue Waterfront Redevelopment Plan was provided to the Borough’s Planning Board for review as to master plan consistency and for any other comments in accordance with *N.J.S.A. 40A:12A-7(e)* of the LHRL; and

WHEREAS, the Borough Council now wishes to approve the Amendment to the Beachway Avenue Waterfront Redevelopment Plan in the form attached hereto as **Exhibit A**.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Keansburg, County of Monmouth, and State of New Jersey hereby approves and adopts the Amendment to the Beachway Avenue Waterfront Redevelopment Plan in the form attached hereto as **Exhibit A**; and

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Mr. Cusick asked for a roll call vote to INTRODUCE Ordinance #1600 and set for public hearing on June 21, 2017:

Roll Call

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



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Mr. Foley		✓	✓			
Mr. Hoff					✓	

Resolutions:

RESOLUTION # 17-063 Payment of Bills (05/17/17)

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	\$ 1,323,913.89
Dog Trust	216.80
Grant	904.65
General Capitol	218,929.22
Law Trust	33,552.57
SUI Trust	67.46
Trust	80,456.43
Water/Sewer	160,595.41
Water/Sewer Cap	785.56
TOTAL:	\$1,819,421.99

Mr. Cusick asked for a roll call vote:

Roll Call

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



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Mr. Cocuzza	✓		✓			
Mr. Foley			✓			
Mr. Hoff					✓	

RESOLUTION # 17-064

Award of Bid: Cellular Placement – Water Tower – New Cingular

**A RESOLUTION AWARDING BID FOR THE PLACEMENT OF
COMMUNICATIONS EQUIPMENT ON LEASED PREMISES TO NEW
CINGULAR WIRELESS PCS, LLC ("AT&T")**

WHEREAS, the Borough of Keansburg Borough Council approved the specifications and authorized competitive bidding for co-locators to enter into a lease on municipal property located at the Water Tower off Highland Boulevard, Keansburg, NJ 07734, known as Block 58, Lots 4 and 29 for the placement of communications equipment; and,

WHEREAS, pursuant to the New Jersey Local Public Contracts Law, bid advertisements soliciting competitive bidding were published in the Asbury Park Press on April 7, 2017, and April 14, 2017; and

WHEREAS, a bid notice and addendum were posted on the Borough of Keansburg's official website on or about April 1, 2017, and April 12, 2017, respectively; and

WHEREAS, on May 5, 2017 at 11:00 a.m., the following bid was received, opened, and its contents read aloud:

Bidder

New Cingular Wireless PCS, LLC {"AT&T}
One AT&T Way
Bedminster, New Jersey 07921
Amount Bid
\$41,000.00 per year

WHEREAS, the Borough of Keansburg's Wireless Telecommunications Consultant, FSD Enterprises, LLC has recommended the Borough Council award contracts contingent upon the Borough Attorney resolving exceptions submitted by the bidders in compliance with *NJS.A. 40A:12-14(a)*; and,

WHEREAS, the bid submitted has been reviewed by the Borough Attorney and Borough Administrator and a contract award is recommended consistent with *NJS.A. 40A:12-14*, which requires award of a contract no later than the second regular meeting of the governing body after the bid opening, and consistent with *NJS.A. 40A:11-1 et. seq.* Currently, the Borough of Keansburg is



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reviewing the proposed exceptions submitted by AT&T, and this bid is awarded subject to the mutual satisfactory resolution of all submitted bid exceptions.

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Keansburg, in the County of Monmouth and State of New Jersey that a contract is hereby awarded consistent with *NJS.A. 40A:12-14(a)* and *NJS.A. 40A:11-1et. seq.* to New Cingular Wireless PCS, LLC ("AT&T"), One AT&T Way, Bedminster, New Jersey 07921 in accordance with the bid specifications for an annual rent of forty one thousand dollars (\$41,000.00) specifically and expressly contingent upon the mutually satisfactory resolution of all submitted bid exceptions.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. FSD Enterprises, LLC
- b. New Cingular Wireless PCS, LLC
- c. GluckWalrath LLP

KEANSBURG BOROUGH COUNCIL

ATTEST:

I hereby certify that the foregoing Resolution was adopted by the governing body of the Borough of Keansburg on May 17, 2017.

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 # 17-065

Authorizing Settlement Agreement: Borough vs. Applejacks



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A RESOLUTION AUTHORIZING A SETTLEMENT AGREEMENT BETWEEN THE BOROUGH OF KEANSBURG AND RUSSELL LENGYEL SUSPENDING LIQUOR LICENSE NUMBER 1321-33-018-005

WHEREAS, Russell Lengyel (“Licensee”) holds a plenary retail consumption license in the Borough of Keansburg for Applejack’s Bar located at 60 Carr Avenue, License No. 1321-33-018-005; and

WHEREAS, the Licensee was issued a letter notifying the Licensee a disciplinary hearing was to be conducted regarded alleged illegal narcotics sales within Applejack’s from approximately July to September 2016; and

WHEREAS, the Borough of Keansburg and the Licensee have reached a settlement agreement in lieu of a disciplinary hearing and potential additional litigation; and

WHEREAS, the Borough Attorney has recommended that the Township Council approve the settlement agreement.

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

1. The Licensee agrees to a thirty (30) day suspension of Liquor License No. 1321-33-018-005 that began on April 30, 2017 at 12:00 a.m.
2. An additional one-hundred fifty (150) day liquor license suspension will be held in abeyance such that if any additional illegal narcotics activity occurs on the Applejack’s premises within one (1) year of this settlement and Licensee is either found guilty or pleads guilty to the additional illegal narcotics activity, Liquor License No. 1321-33-018-005 will be suspended one-hundred fifty (150) days in addition to any penalty the Borough of Keansburg may adjudicate stemming from the new charges.
3. Licensee waives any appeal related to the thirty (30) day suspension of Liquor License No. 1321-33-018-005.
4. In the event there are no additional violations during the suspension, at reasonable discretion of the Borough of Keansburg, the Licensee may re-open Applejack’s on May 27, 2017 at approximately 10:00 a.m.



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5. In the event there are no additional violations from May 27, 2017 to September 30, 2017, two (2) of the remaining four (4) days of the thirty (30) day suspension shall be expunged.
6. In the event there are no additional violations from May 27, 2017 to September 30, 2017, the Licensee agrees to close for the remaining two (2) suspension days on a date at the Licensee’s discretion prior to September 30, 2017.
7. The Licensee agrees will agree to work with the Chief of Police on any additional security measures which may be deemed appropriate at the time of renewal of the license.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Thomas Jannarone, Esq.
- b. GluckWalrath LLP

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 # 17-066

Award of Contract – State Contract Vendor (Baywalk Repair)

AUTHORIZING THE PURCHASING FROM MRESC CONTRACTS BY THE BOROUGH OF KEANSBURG

WHEREAS, the Borough of Keansburg purchased item from authorized vendors under the ESCNJ/MRESC; and



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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 has ensured that the vendor, The Gordian Group utilizing Murray Paving has been awarded a Contractor Number and is authorized to provide Paving and Cement services; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the awarded The Gordian Group, a ESCNJ/MRESC contractor with JOC Contract No.: MRESC 15/16-83-PV3 have been approved for the contract of job order contracting; job being repair of the Baywalk East for the amount of \$125,183.29.

WHEREAS, this contract is to be awarded for the price not to exceed \$125,183.29 as provided in the proposal with the certification of funds being provided by the Chief Financial Officer.

-G-02-41-227-201 -2016 Open Space Grant

-T-15-56806-299 Borough Trust

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 # 17-067

Execution of 2016 OPEN SPACE Grant Agreement

WHEREAS, the Borough of Keansburg has applied to the Monmouth County Park System for funding under the Open Space Grant Program for Improvements to Baywalk East; and

WHEREAS, the Borough was notified on April 6, 2017 that the application has been awarded \$ 73,000.00 in funding through the Monmouth County Municipal Open Space Grant Program; and



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WHEREAS, the Borough Council has reviewed the Grant Agreement supplied by the Monmouth County Park System and agree to the requirements and desire to accept the grant funding under this Program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the governing body does hereby authorize the Mayor and Municipal Clerk to sign the attached Project Agreement referenced as 16-11 Keansburg Bayfront Boardwalk Improvements; and

BE IT FURTHER RESOLVED that the Grant Agreement be forwarded to the Monmouth County Park System for execution by the appropriate County Officials.

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 # 17-068

Execution of Insurance Broker Agreement (BB Metro)

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the governing body does hereby authorize the Borough Manager and Municipal Clerk to sign the attached Insurance Brokers Agreement with Brown & Brown Metro.

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					✓	



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RESOLUTION # 17-069

Refund of Fees – M. Ryan

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

Amount:	\$1,000.00
Reason:	Refund of Amusement Gaming Fees REF: Loss of Concession
Payable to:	Maureen Ryan

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to issue payment as stated above:

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-070

Refund of Fees – A. Schneider



MAY 17, 2017 MEETING MINUTES

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

Amount:	\$350.00
Reason:	Refund of Overpayment - Registration Fees REF: 126 Carr. 124 Carr and 27 East Shore
Payable to:	Adam Schneider 640 Kirwan Court Freehold, NJ 07728

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby directed to issue payment as stated above:

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 17-071

Rejection of Bids: Water and Sewer Dept. - Membranes

Water / Sewer Reverse Osmosis Membrane Replacement – Rejection of Bids and Authorization of Re-Bid

WHEREAS, bids were received on May 10, 2017 at the Borough of Keansburg Municipal Building, 29 Church Street, Keansburg, NJ for the Water / Sewer Reverse Osmosis Membrane Replacement; and

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



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NOW, THEREFORE, BE IT RESOLVED by the governing body of the Borough of Keansburg that the bids received in the matter of the Water / Sewer Reverse Osmosis Membrane Replacement 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

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					✓	

MAYOR HOFF ARRIVED AT THIS TIME

RESOLUTION # 17-072

Authorize Execution Personnel Contact – S. Ussmann

BE IT RESOLVED that the Mayor and Council of the Borough of Keansburg do authorize the Mayor, the Deputy Borough Manager and the Municipal Clerk to execute the Personnel Contract as presented to Mayor and Council between the Borough of Keansburg and Steve Ussmann; and

BE IT FURTHER RESOLVED that a certified copy be placed on file with the Finance Department and the Borough Clerk’s Office

Mr. Cusick asked for a roll call vote:

Roll Call



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

RESOLUTION # 17-073

Authorize Notice to Bidders – 3rd Party Electric

Be It Resolved by the Mayor and Council of the Borough of Keansburg that the governing body does hereby authorize T & M Associates, to prepare bid specifications for the

Third-Party Electric Supply

for the Borough of Keansburg.

Be It Further Resolved that T & M Associates is authorized to advertise for receipt of bids for the

Third-Party Electric Supply

in accordance with the Local Public Contracts Law.

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 # 17-074

Sustainability Municipal Participation Certificate

**RESOLUTION SUPPORTING PARTICIPATION IN THE
SUSTAINABLE JERSEY MUNICIPAL CERTIFICATION PROGRAM**

WHEREAS, a sustainable community seeks to optimize quality of life for its residents by ensuring that its environmental, economic and social objectives are balanced and mutually supportive; and



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WHEREAS, The Borough of Keansburg strives to save tax dollars, assure clean land, air and water, improve working and living environments as steps to building a sustainable community that will thrive well into the new century; and

WHEREAS, The Borough of Keansburg hereby acknowledges that the residents of Keansburg desire a stable, sustainable future for themselves and future generations; and

WHEREAS, The Borough of Keansburg wishes to support a model of government which benefits our residents now and far into the future by exploring and adopting sustainable, economically-sound, local government practices; and

WHEREAS, by endorsing a sustainable path the Borough of Keansburg is pledging to educate itself and community members further about sustainable activities and to develop initiatives supporting sustainable local government practices; and

WHEREAS, as elected representatives of the Borough of Keansburg we have a significant responsibility to provide leadership which will seek community-based sustainable solutions to strengthen our community:

NOW THEREFORE BE IT RESOLVED, that to focus attention and effort within the Borough of Keansburg on matters of sustainability, the Borough wishes to pursue local initiatives and actions that will lead to Sustainable Jersey Municipal Certification.

BE IT FURTHER RESOLVED, by the Council of the Borough of Keansburg that we do hereby authorize James Falco to serve as Keansburg’s agent for the Sustainable Jersey Municipal Certification process and authorize the him to complete the Municipal Registration on behalf of the Borough of Keansburg.

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 # 17-075

Bingo Renewal – St. Ann’s Sport and Booster Club



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

**16-127-BINGO
Lic #BA 17-004**

St. Ann's Booster Club
St. Ann's Gymnasium
311 Carr Ave, Keansburg, NJ

All Calendar 2017 Saturdays
June 3, 2017-December 30, 2017

8 pm to 10:20pm

**16-1129-BINGO
Lic #BA 17-005**

St. Ann's Sports Committee
St. Ann's Gymnasium
311 Carr Ave, Keansburg, NJ

All Calendar 2017 Wednesdays
June 7, 2017-September 27, 2017

8 pm to 10:20pm

BE IT FURTHER RESOLVED that the Borough Clerk be and is hereby authorized and directed to issue and execute the said license.

Mr. Cusick asked for a roll call vote:

Roll Call

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

Department Reports:



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- Steve Ussmann* *Reported on the revenues for the previous month. Reported local repairs in conjunction with Borough Streets and Roads Department. Stated that the Borough will be off NJ American Water from June 1 to October 1.*
- James Falco* *Stated that Tonnage Grant and Clean Communities application have been submitted.*
- Borough Hall parking lot repaving starting on Friday, May 19th.*
- Baywalk reconstruction to start Monday, May 22nd.*
- Banners are being placed on poles throughout town.*
- Cliff Moore* *Reported on Murals funded by Monmouth Arts Council to be displayed throughout town.*
- Gratitude Migration offered to prepare two maps for visitors*
- June 9 – Centennial Gift Auction*
- June 3 – Flea markets starting*
- June 11 – La Playa Latino Festival*
- Fran Mullan, Borough Engineer* *Stated the Shore Blvd milling has begun. Paving will continue for 5 to 6 weeks.*
- Mr. Boden* *Announced that the Beach Clean-ups have been successful. Local Football Teams participating. Titan 5K race rescheduled for May 20th*
- Mr. Foley* *Announced that a Food Truck & Craft Beer Festival, sponsored by the Keansburg Recreation Committee would be held on Saturday, May 20th.*
- Mr. Tonne* *Asked all to please support the Titan 5K. Participants can choose to run or walk.*



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Mr. Hoff

Announced that the PTA Clothing Drive will be on Saturday. The Titan 5K is rescheduled for May 20th. The Memorial Day Parade will be held on Sunday, May 28th. The KHS Girls Softball Team are beginning Championship Games.

John Bennett

Spoke about upcoming closing on Francis Place property. Monies have been dedicated on demolition.

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	✓		✓			

Michael Coppola
135 Forest Ave

Wished to commend the police officers who helped to save his son’s life. He wished to thank Officers Neckles, Cocuzza, Angerami, Hosey, Dill, Rongo

Commented on Forest Park, Skate Park “Pedophile – Free Zone”. Complimented the re-construction of the Bulkhead.

Did not vote “Yes” on Police Director position.

Melissa Judowski
14 Seaview

Difficulty with fence construction due to debris at 12 Seaview Ave

Eileen Enright
24 Lawrence Ave

Dirt at 105 Shore Blvd. Reseed, handicapped ramps retaining water.

Litter at Shore Blvd site.

David Allen
184 Forest Ave

Commend Fire Department and First Aid on quick response to house fire on Main Street.



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

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

May 17, 2017

Attest:

Thomas P. Cusick
 Municipal Clerk
 Borough of Keansburg