



## AUGUST 17, 2016 MEETING MINUTES

Mr. Cusick read the following:

ADEQUATE NOTICE HAS BEEN GIVEN OF THIS MEETING BY NOTIFICATION TO THE ASBURY PARK PRESS AND PLACED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING OF THE BOROUGH OF KEANSBURG.

Mr. Cusick asked all to rise and recite:

**Salute to the Flag**

Mr. Cusick took:

**Roll Call**

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

**Police Department:**



**Retirement:**

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### RETIREMENT

#### *Deputy Chief John White*

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Deputy Mayor Foley read a proclamation for the occasion of Deputy Chief John White's Retirement:

# Proclamation

**WHEREAS**, the Mayor and Council of the Borough of Keansburg are proud of the dedication and achievements of its employees; and,

**WHEREAS**, John White, began his employment with the Borough of Keansburg in 1986 as a Borough Patrolman; and,



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**WHEREAS**, through his hard work and tireless service John rose through the ranks to the position of Deputy Chief of the Borough of Keansburg; and,

**WHEREAS**, during his tenure John was a well-respected law enforcement officer dedicated to the well-being and safety of our Community, as well as, his fellow Police Officers; and,

**WHEREAS**, after a distinguished law enforcement career John has retired from his service with the Borough of Keansburg.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keansburg that the governing body does hereby congratulate John on the occasion of his retirement; and

**BE IT FURTHER RESOLVED** that the Borough Council extends the thanks of a grateful Community to Deputy Chief John White for his devotion to duty; and

**BE IT FURTHER RESOLVED** that a certified copy of this Proclamation be presented to Deputy Chief John White on this 17<sup>th</sup> day of August, 2016.

### Police Promotion:

Deputy Mayor Foley administered the Oath of Office to:

**Kevin White, Deputy Police Chief and**

**Wayne Davis, Captain**

### Police Oath of Office:

Councilman Cocuzza administered the Oath of Office to:

**John Swartz, Patrolman**

Councilman Tonne administered the Oath of Office to:

**Christopher Hosey, Patrolman**

Deputy Mayor Foley administered the Oath of Office to:

**John Murray, Patrolman**



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

### 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 RECONVENE the meeting:

### Roll Call

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

### Meeting Minutes

Meeting Minutes July 20, 2016

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					✓	

### Ordinances:

#### Second Reading



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### ORDINANCE #1582

### Vacant and Abandoned Properties

AN ORDINANCE OF THE BOROUGH OF KEANSBURG, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AMENDING CHAPTER 11 OF THE CODE OF THE BOROUGH OF KEANSBURG TO INCLUDE A SECTION ENTITLED "VACANT AND ABANDONED PROPERTIES"

**WHEREAS**, the Borough of Keansburg (the "Borough") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Monmouth County; and

**WHEREAS**, there exists within the Borough structures that are vacant and/or abandoned; and

**WHEREAS**, in many cases the owners or other responsible parties of these structures (lenders and/or lien holders including mortgagees and mortgage servicers) are neglectful of them, and are failing to maintain them or secure them to adequate standards, or restore them to productive use; and

**WHEREAS**, many of these structures are in violation of State and/or local fire, housing and property maintenance codes; and

**WHEREAS**, it has been established that vacant and/or abandoned structures cause severe harm to the public health, safety and general welfare of the community, including diminution of neighboring property values, loss of property tax revenues, accumulation of trash and debris, overgrowth of grass, weeds, and other vegetation that is inhabited by insects and rodents, increased risk of fire, arson, and vandalism, potential increases in criminal activity, an increased public health risk, and the loss of neighborhood stability, revitalization, and sense of community; and

**WHEREAS**, the continued presence of abandoned and vacant properties, which are presumptively considered to be nuisances in view of their negative effects on nearby properties and the residents or users of those properties, in the Borough acts as a significant barrier to the Borough's continued progressive development and revitalization; and

**WHEREAS**, the resident taxpayers of the Borough incur unnecessary and disproportionate costs to address the problems caused by vacant structures, including but not limited to police calls, fire calls, public works calls, property inspections and related tasks associated with these calls; and

**WHEREAS**, the New Jersey Abandoned Properties Rehabilitation Act, *N.J.S.A. 55:19-78 et seq.*, sets forth methodology by which municipalities may address the presence of abandoned properties within the municipality; and

**WHEREAS**, *N.J.S.A. 46:10B-51* requires every creditor that has initiated a foreclosure proceeding to provide the Municipal Clerk of the municipality with a listing of all residential properties in the municipality for which the creditor has foreclosure actions pending, and the Municipal Clerk shall forward a copy of said Notice to the enforcement officer who shall be responsible for administration of any property maintenance or public nuisance code; and

**WHEREAS**, pursuant to *N.J.S.A. 40:48-2*, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Borough by law; and

**WHEREAS**, it is in the public's interest for the Borough to establish standards of accountability on the owners or other responsible parties (to include lenders and/or lien holders including mortgagees and mortgage servicers) of vacant structures in order to protect the health, safety and general welfare of the residents of the Borough; and



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**WHEREAS**, it is further the purpose of this Ordinance to impose a fee in conjunction with the registration of vacant and/or abandoned structures in light of the disproportionate and unnecessary costs imposed on the Borough by the presence of such structures.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Keansburg, in the County of Monmouth and State of New Jersey, and it is hereby enacted and ordained by the authority of same that the Code of the Borough of Keansburg is hereby amended, by adoption of this Ordinance, to include a new Section of Chapter 11 of the Code of the Borough of Keansburg entitled "Vacant and Abandoned Properties" as set forth below:

### Chapter 11, Section 12 - ABANDONED AND VACANT PROPERTIES

#### Article 1 - Abandoned Property List

##### §11-12.1 Abandoned Property Criteria.

- A. Except as provided in *N.J.S.A. 55:19-83*, any property that has not been legally occupied for a period of six months and which meets any one of the following criteria may be deemed to be abandoned property upon a determination by the Code Enforcement Officer, or such other public officer designated or appointed by the Borough Manager, that:
- (1) The property is in need of rehabilitation in the reasonable judgment of the Code Enforcement Officer, pursuant to *N.J.S.A. 40:48-2.5*, and no rehabilitation has taken place during that same six-month period,
  - (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six months,
  - (3) At least one installment of property tax remains unpaid and delinquent on that property as of the date of a determination,
  - (4) The property has been determined to be a nuisance by the Code Enforcement Officer, for one or more of the following reasons,
    - (a) The property has been found to be unfit for human habitation, occupancy or use pursuant to (*N.J.S.A. 40:48-2.3*),
    - (b) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties,
    - (c) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so,
    - (d) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards,
    - (e) The dilapidated appearance or other condition of the property materially affects the



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welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.

- B. A property which contains both residential and nonresidential space may be considered abandoned pursuant to *N.J.S.A. 55:19-78 et seq.*, so long as 2/3 or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six months at the time of the determination of abandonment by the Code Enforcement Officer

### **§11-12.2 Establishment of Abandoned Property List.**

- A. The Code Enforcement Officer shall identify abandoned property within the Borough of Keansburg for the purpose of establishing an abandoned property list. The abandoned property list shall include, for each abandoned property identified, the tax block and lot number, the name of the owner of record, if known, street address of the lot and the date added to the list. The Code Enforcement Officer may add properties to the abandoned property list at any time, and may delete properties at any time when he or she finds that the property no longer meets the definition of an abandoned property.
- B. An abandoned property shall not be included on the abandoned property list if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Borough of Keansburg has purchased or taken assignment from the Borough of a tax sale certificate which has been placed on the abandoned property list may be removed if the owner of the certificate pays all municipal taxes and liens due on the property within 30 days after the property is placed on the list; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six months after the property was first placed on the List, the property shall be restored to the abandoned property list in accordance with the provisions of *N.J.S.A. 55:19-103*.
- C. The Code Enforcement Officer shall establish the abandoned property list, after which a notice of violation will be sent, certified mail, return receipt requested, and by regular mail, to the owner of record and any stakeholder. The notice of violation shall identify the property determined to be abandoned, setting forth the owner of record and any stakeholder, if known, the tax lot and block number, street address and the date the property was added to the list. The Code Enforcement Officer in consultation with the Tax Collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to *N.J.S.A. 54:4-64(d)*. When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the Tax Collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in *N.J.S.A. 40:48-2.7*. The mailed notice shall indicate the factual basis for the finding of the Code Enforcement Officer, that the property is abandoned as that term is defined herein and in *N.J.S.A. 55:19-54*, and shall specify the information relied upon in making such finding. In all cases, a copy of the mailed or posted notice shall also be filed by the Code Enforcement Officer in the Office of the Monmouth County Clerk. This filing shall have the same force and effect as a formal notice under *N.J.S.A. 2A:15-6*. The notice shall be captioned with the name of the Borough of Keansburg as "plaintiff" and the name of the property owner as "defendant," as though an action had been commenced by the Borough against the owner.
- D. An owner or lienholder may challenge the inclusion of his property on the abandoned property list by



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appealing that determination to the Borough Manager within 30 days of the owner's receipt of the certified notice or 40 days from the date upon which the notice was sent. An owner whose identity was not known to the Code Enforcement Officer, shall have 40 days from the date upon which notice was posted, whichever is later, to challenge the inclusion of a property on the abandoned property list. For good cause shown, the Borough Manager may accept a late filing of an appeal. Within 30 days of receipt of a request for an appeal of the findings contained in the notice, a hearing shall be scheduled for redetermination of the matter. Any property included on the list shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property is not an abandoned property, can demonstrate that the property was erroneously included on the list. The affidavit or certification shall be accompanied by supporting documentation, such as, but not limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in *N.J.S.A. 55:19-54*. The Borough Manager shall decide any timely filed appeal within 10 days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefor.

- E. The property owner may challenge an adverse determination of an appeal, in accordance with the New Jersey Court Rules, a summary trial proceeding in the Superior Court, Monmouth County. Such action shall be instituted within 20 days of the date of the notice of decision. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in *N.J.S.A. 55:19-54*. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the court may extend the deadline for instituting the action.
- F. The Borough shall promptly remove any property from the abandoned property list that has been determined by the Borough Manager or on appeal not to be abandoned and may, in its discretion, remove properties from said list whenever he deems such removal appropriate under the circumstances.
- G. The abandoned property list shall become effective, and the Borough of Keansburg shall have the right to pursue any legal remedy with respect to properties on the list, at any time after at least one property has been placed on the list and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property.

### **§11-12.3 Interested parties may request additions to the abandoned property list.**

- A. Any interested party may submit a written request to the Borough asserting that any property within the Borough of Keansburg should be included on the abandoned property list. The written request must specify the street address and block and lot number of the property to be included and the grounds for its inclusion. Within 30 days of receipt of any such request, the Borough shall provide a written response to the party, either indicating that the property will be added to the list or, if not, the reasons for not adding the property. For the purposes of this section, the term "interested parties" shall include any resident of the Borough of Keansburg, any owner or operator of a business within the Borough of Keansburg or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.



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- B. Any interested party may participate in a redetermination hearing regarding the inclusion of a property on the abandoned property list. Upon written request by any interested party, the Borough Manager shall provide that party with at least 20 days' notice of any such hearing. The party shall provide the Borough with notice at least 10 days before the hearing of its intention to participate and the nature of the testimony or other information that it proposes to submit at the hearing.

### §11-12.4 Removal of property from abandoned properties list.

- A. An owner may request removal of their property from the Abandoned Properties List prior to sale of the tax sale certificate by paying all taxes and Borough liens due, including interest and penalties, and:
- (1) By posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to *N.J.S.A. 55:19-55* and by posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the Borough stating that the cash or bond adequately covers the cost of the cleanup; or
  - (2) By demonstrating to the satisfaction of the Borough that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Manager finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned, as evidenced by significant rehabilitation activity on the property, may be granted an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.
- B. If the owner has posted cash or a bond in order to have a property removed from the abandoned property list and the conditions because of which the property was determined to be abandoned have not been fully remediated within one year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the New Jersey Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Borough, which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

### §11-12.5 Sale of restricted tax liens.

- A. Notwithstanding the provisions of *N.J.S.A. 54:5-19*, or the provisions of any other law to the contrary, if a property is included on the abandoned property list and the property taxes or other Borough liens due on the property are delinquent for six or more quarters as of the date of expiration of the right to appeal the property's inclusion on the list or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the list have been exhausted, then the tax lien on the property may be sold in accordance with the procedures of the Tax Sale Law, *N.J.S.A. 54:5-1 et seq.*, on or after the 90th day following the expiration of that time of appeal or final determination on an appeal.
- B. The Borough of Keansburg may, at its option, require that the sale of the tax sale certificate or any





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subsequent assignment or transfer of a tax sale certificate held by the Borough be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the abandoned property list pursuant to *N.J.S.A. 55:19-55* and to post a bond in favor of the Borough to guarantee the rehabilitation or repair of the property. The Governing Body of the Borough may waive a requirement to post a bond imposed by the Borough for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Governing Body of the Borough that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in *N.J.S.A. 55:19-80*. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the Tax Collector, pursuant to *N.J.S.A. 54:5-62*, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 in effect for the time period when the amounts were expended, pursuant to *N.J.S.A. 54:4-67*. The tax sale certificate purchaser, assignee or transferee, with the authority of the Borough of Keansburg, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement, holding the Borough of Keansburg harmless, has been filed with the Borough Clerk.

- C. If the Borough of Keansburg acquires the tax sale certificate for a property on the abandoned property list, then, upon 10 days' written notice to the property owner and any mortgagee as of the date of the filing of the notice pursuant to *N.J.S.A. 55:19-55*, the Borough shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the abandoned property list. No remediation shall be commenced, however, if within that ten-day period the owner or mortgagee shall have notified the Borough in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Borough of Keansburg in order to ensure performance. The amount and conditions of the bond shall be determined by the Governing Body of the Borough.
- D. The cost of remediation incurred by the Borough of Keansburg, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to or after the filing of any lien by the Borough, except for Borough taxes, liens and assessments and any lien imposed pursuant to the Spill Compensation and Control Act, *N.J.S.A. 58:10-23.11 et seq.*, together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Monmouth County Clerk.
- E. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this chapter shall be considered a public purpose and public use, for which the power of eminent domain may be lawfully exercised.

### **§11-12.6 Special tax sale and criteria for bidders.**

- A. The Borough of Keansburg may hold special tax sales with respect to those properties eligible for tax



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sale pursuant to *N.J.S.A.* 54:5-19 which are also on the abandoned property list.

- B. The Borough Manager shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:
- (1) Documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Borough plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Borough plans and regulations;
  - (2) Commitments by the bidder to take action to foreclose on the tax lien by a date certain; and
  - (3) Such other criteria, as may be determine, if necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.
- C. Establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due, to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.
- D. The ability to combine properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.
- E. The Borough may sell properties subject to the provision that if the purchaser fails to carry out any commitment that has been set forth as a condition of sale, or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Borough, and any amount paid by the purchaser at the special tax sale shall be forfeit to the Borough.
- F. In the event there are two or more qualified bidders for any property or bid package in a special tax sale, the Borough may designate the unsuccessful qualified bidder whose bid was closest to the successful bid, as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the Borough pursuant to this section and their interest in the property or properties reverts to the Borough, the Borough may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties, and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.
- G. The Borough of Keansburg shall provide notice of a special tax sale pursuant to *N.J.S.A.* 54:5-26. The notice shall include any special terms of sale established by the Borough pursuant to this section. Nothing shall prohibit the Borough from holding a special tax sale on the same day as a standard or accelerated tax sale.

### **§11-12.7 Expedited action to foreclose right of redemption.**

- A. When a person or entity other than the Borough of Keansburg acquires a tax sale certificate for a property on the abandoned property list at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six months following the date of the sale of the tax sale certificate.
- B. When the Borough of Keansburg is the purchaser at tax sale of any property on the abandoned property list pursuant to *N.J.S.A.* 54:5-34, an action to foreclose the right of redemption may be



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instituted in accordance with the provisions of subsection (b) of *N.J.S.A.* 54:5-77.

- C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:
- (1) Posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to *N.J.S.A.* 55:19-55, as determined by the Court; or
  - (2) Demonstrates to the Court that the conditions because of which the property was determined to be abandoned have been remedied in full.

### **§11-12.8 Abandoned property status during expedited foreclosure.**

- A. If an entity other than the Borough of Keansburg has purchased or taken assignment from the Borough of a tax sale certificate on a property that has not been legally occupied for a period of six months, that property shall not be added to the abandoned property list under the following limited circumstances:
- (1) The owner of the certificate continued to pay all Borough taxes and liens on the property in the tax year when due; and
  - (2) The owner of the certificate takes action to initiate foreclosure proceedings within six months after the property is eligible for foreclosure pursuant to either subsection a or subsection b of *N.J.S.A.* 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- B. A property used on a seasonal basis shall be deemed abandoned only if it meets any two of the additional criteria set forth in *N.J.S.A.* 55:19-81.
- C. A determination that a property is abandoned property under the provisions of this chapter and *N.J.S.A.* 55:19-78 *et seq.*, shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.
- D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b of *N.J.S.A.* 54:5-86, the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of an “abandoned property” according to the criteria established in *N.J.S.A.* 55:19-81 and *N.J.S.A.* 55:19-82.

### **§11-12.9 Summary action for control and possession of abandoned property.**

- A. A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the Borough of Keansburg may be brought by the Borough in the Superior Court, Monmouth County. If the Court shall find that the property is abandoned, and that the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Borough to take possession and control of the property and to develop its own rehabilitation plan for the property.
- B. Where the Borough has been granted possession and control, the Borough may commence and maintain further proceedings for the conservation, protection or disposal of the property, or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation,



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and for the sale of the property; provided, however, that the Court shall not direct the sale of the property if the owner applies to the Court for reinstatement of control and possession of the property as permitted by *N.J.S.A. 55:19-92*.

- C. Failure by the owner, mortgage holder or lienholder to submit a plan for rehabilitation to the Borough, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, state or federal agencies providing such funding, within the initial six-month period, shall be deemed clear evidence that the owner has failed to take any action to further the rehabilitation of the property.
- D. An owner may defend against a complaint filed pursuant to *N.J.S.A. 55:19-84* by submitting a plan for the rehabilitation and reuse of the property which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the Borough to be the projected cost of rehabilitation.
- E. Any plan submitted by an owner to defend against a complaint shall be submitted within 60 days after the complaint has been filed, unless the Court provides the owner with an extension of time for good cause shown. A plan submitted by an owner pursuant to this section shall include, but not be limited to:
- (1) A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
  - (2) A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
  - (3) A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and
  - (4) Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.
- F. Where the Court approves the rehabilitation plan of the owner or other party in interest, then it may appoint the Governing Body of the Borough to act as monitor of compliance and progress. If the owner fails to carry out any step in the approved plan, then the Borough may apply to the Court to have the posted bond forfeited, to transfer possession of the building to the Borough to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The owner or other party in interest shall provide bimonthly reports to the Borough on its activities and progress toward rehabilitation and reuse of the property.
- G. If an owner is unsuccessful in defending against a complaint filed pursuant to *N.J.S.A. 55:19-84*, the mortgage holder or lienholder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in *N.J.S.A. 55:19-87*. Their plan must be submitted within 60 days following the Court's rejection of the owner's plan, unless the Court provides the mortgage holder or lienholder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lienholder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation.



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- H. The mortgage holder or lienholder, as the case may be, shall provide bimonthly reports to the Court and the Borough on its activities and progress toward rehabilitation and reuse of the property. If the mortgage holder or lienholder fails to carry out any material step in the approved plan, then the Borough Solicitor shall notify the Court, which may order the posted bond forfeit, grant the Borough possession of the property, and authorize the Borough to use the proceeds of the bond for rehabilitation of the property.
- I. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lienholder granted possession of a property, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due to that mortgage holder or lienholder, with interest calculated at the same rate set forth in the note or security agreement, or, in the case of a tax lienholder, at the statutory interest rate for subsequent liens.
- J. If no mortgage holder or lienholder meets the conditions of *N.J.S.A. 55:19-88*, then the Borough may submit a plan to the Court which conforms with the provisions of *N.J.S.A. 55:19-87*. Such plan shall designate whether the Borough or a qualified rehabilitation entity shall undertake the rehabilitation plan in accordance with the provisions of *N.J.S.A. 55:19-90*.
- K. With the granting of possession by the Court to the Borough of a property determined to be abandoned, the owner shall continue to be responsible for all taxes or other municipal liens and charges, or mortgages or liens to any party, incurred on the property, whether those taxes, charges or liens are incurred before or after the granting of possession; nor shall the owner be relieved of any operating or maintenance expense associated with the property. Similarly, although the Borough is required to maintain, safeguard, and maintain insurance on the property, the owner shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner relating to the property.

### **§11-12.10 Borough rehabilitation or designation of qualified rehabilitation entity.**

- A. The Governing Body of the Borough may designate a qualified rehabilitation entity for the purpose of exercising the Borough's rights, where that designation will further the rehabilitation and reuse of the property consistent with Borough plans and objectives.
- B. Regardless of whether the Borough exercises its rights directly or the Governing Body of the Borough designates a qualified rehabilitation entity pursuant to this section, the Borough shall maintain, safeguard, and maintain insurance on the property while in possession of such property. Notwithstanding the Borough's possession of the property, the owner of the property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.
- C. The Court may approve the borrowing of funds by the Borough to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court must find as follows:
  - (1) The Borough sought to obtain the necessary financing from the senior lienholder, which declined to provide such financing on reasonable terms;
  - (2) The Borough sought to obtain a voluntary subordination from the senior lienholder, which refused to provide such subordination; and
  - (3) Lien priority is necessary in order to induce another lender to provide financing on reasonable



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terms. No lien authorized by the Court shall take effect unless recorded with the Clerk of Monmouth County.

- D. Where the Borough has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide bimonthly reports to the Borough on its activities and progress toward rehabilitation and reuse of the property. The Borough or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary. If the Court finds that the Borough or its designee have failed to take diligent action toward rehabilitation of the property within one year from the grant of possession, then the Court may request that the Borough designate another qualified rehabilitation entity to exercise its rights, or if the Borough fails to do so, may terminate the order of possession and return possession and control of the property to its owner.
- E. The Borough of Keansburg shall file a notice of completion with the Court, and shall also serve a copy on the owner and any mortgage holder or lienholder, at such time as the Borough has determined that no more than six months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Borough Manager, attesting that the rehabilitation is anticipated to be completed within six months, and a statement setting forth the actions as it plans to undertake consistent with the plan.

### **§11-12.11 Petition for reinstatement of control and possession by owner.**

- A. An owner may petition for reinstatement of the owner's control and possession of the property at any time after one year from the Court's removal of possession, but no later than 30 days after the Borough of Keansburg has filed a notice of completion with the Court or, in the event the notice of completion is filed within less than one year of the grant of possession, within 30 days after the Borough has filed said notice.
- B. The Court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Borough or affect any of the terms or conditions under which the Borough has applied for or received financing for the rehabilitation of the property.
- C. If the owner fails to petition for the reinstatement of control and possession of the property within 30 days after the Borough has filed a notice of completion or, in any event, within two years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the Court in granting a reinstatement petition, the Court may grant the Borough title or authorize the Borough to sell the property, subject to the provisions of *N.J.S.A. 55:19-96*.

### **§11-12.12 Procedure for Borough to place liens, obtain title and sell property.**

- A. The Governing Body of the Borough, with the approval of the Court, may place a lien on the property to cover any costs of the Borough in connection with any proceeding under *N.J.S.A. 55:19-78 et seq.*, incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Borough lien for the purposes of *N.J.S.A. 54:5-9*, with the rights and status of a Borough lien pursuant thereto.
- B. Where the Borough seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve and may place the proceeds of sale in escrow with the



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Court.

- C. The Court may authorize the Borough of Keansburg to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in *N.J.S.A. 55:19-97*.
- D. Upon approval by the Court, the Borough shall sell the property on such terms and at such price as the Court shall approve and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying Court costs in the order of priority set forth in *N.J.S.A. 55:19-97*.
- E. With the exception of the holding of special tax sales pursuant to *N.J.S.A. 55:19-101*, the remedies available under *N.J.S.A. 55:19-78, et seq.* shall be available to the Borough with respect to any abandoned property, whether or not the Borough has established an abandoned property list and whether or not the property at issue has been included on any such list.

### Article II - Maintenance of Vacant Properties

#### §11-12.13 Definitions.

As used in this article, the following terms shall have the meanings indicated:

**OPERATOR** - Any person, persons or entity who is not the owner, who has charge, care and control of a premises or part thereof, with or without the knowledge, consent or authority of the owner. "Operator" shall also include a creditor, as defined in *N.J.S.A. 46:10B-38*, that has served a notice of intention to foreclose on a mortgage on a residential property, and that property has become vacant after the filing of this intention to foreclose.

**OWNER** - Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of *N.J.S.A. 46:10B-51*, or any other entity determined by the Borough of Keansburg to have authority to act with respect to the property.

**VACANT PROPERTY** - Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation, including but not limited to any property meeting the definition of abandoned property in *N.J.S.A. 55:19-80* or §11-12.1 above; provided, however, that any property where all building systems are in working order, where the building and grounds are maintained in good order, or where the building is in habitable condition, and where the building is being actively marketed by its owner for sale or rental, shall not be deemed a vacant property for purposes of this article.

#### §11-12.14 Registration Requirements.

The owner and/or operator of any vacant property, as defined herein, shall, within 30 calendar days after the building becomes vacant property or within 30 calendar days after assuming ownership of the vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Borough Clerk on forms provided by the Borough for such purposes. Failure to receive notice by the Borough shall not constitute grounds for failure to register the property.



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- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately .
- B. The registration statement shall include the name, street address, telephone number and e-mail address (if applicable) of a person 21 years or older, designated by the owner and/or operator or owner and/or operators as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owners and/or operators in connection with the enforcement of any applicable code, and the name, street address, telephone number and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a twenty-four-hour-per-day, seven-day-per-week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- C. The registration shall remain valid for one year from the date of registration, except for the initial registration time, which shall be prorated through December 31. The owner and/or operator shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in §11-12.17 of this Article, for each vacant property registered.
- D. The annual renewal shall be completed by January 1 each year. The initial registration fee shall be prorated for registration statements received less than 10 months prior to that date.
- E. The owner and/or operator shall notify the Borough Clerk within 30 calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Borough Clerk for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Borough against the owners and/or operators of the building.

### **§11-12.15 Access to Vacant Properties.**

The owner and/or operator of any vacant property registered under this Article shall provide access to the Borough to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner and/or operator or the designated agent. Such inspections shall be carried out on weekdays during the hours of 8:00 a.m. and 4:00 p.m., or such other time as may be mutually agreed upon between the owner and/or operator and the Borough.

### **§11-12.16 Responsible Owner or Agent.**

- A. An owner who meets the requirements of this article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to





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consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Borough in writing of a change of authorized agent or until the owner files a new annual registration statement.

- C. Any owner who fails to register vacant property under the provisions of this Article shall further be deemed to consent to receive by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Borough of Keansburg by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

### **§11-12.17 Fees.**

- A. The initial registration fee for each building shall be \$500. If not paid within six (6) months of notification by the Borough of Keansburg, the registration fee shall increase to \$1,000.00.
- B. The fee for the first renewal is \$1,500.
- C. The fee for the second renewal is \$3,000.
- D. The fee for any subsequent renewal beyond the second renewal is \$5,000.

### **§11-12.18 Requirements of owners and/or operators of vacant properties.**

The owner and/or operator of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within 30 days thereof:

- A. Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Borough Code or as set forth in the rules and regulations supplementing those codes; and
- B. Post a sign affixed to the building indicating the name, address and telephone number of the owner and/or operator, the owner and/or operator's authorized agent for the purpose of service of process (if designated pursuant to §11-12.16 above), and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner and/or operator holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight inches by 10 inches; and
- C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and
- D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, rights-of-way, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter and grass and weed growth; and
- E. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied or is demolished or until repair and/or rehabilitation of the building is complete.
- F. If the owner of a residential property vacates or abandons any property on which a foreclosure proceeding has been initiated, or if a residential property becomes vacant at any point subsequent to the operator's filing the summons and complaint in an action to foreclose on a mortgage against the subject property, but prior to vesting of title in the operator or any other third party, and the property is found to be a nuisance and/or in violation of any of the provisions of this article, the Code



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Enforcement Officer shall notify the operator, which shall have the responsibility to abate the nuisance and/or correct the violation in the same manner and to the same extent as the title owner of the property, to such standard or specification as may be required by state law or this article. The Borough shall include a description of the conditions that gave rise to the violation with the notice of violation, and shall provide a period of not less than 30 days from the operator's receipt of the notice for the operator to remedy the violation. If the operator fails to remedy the violation within that time period, the Borough may impose penalties allowed for such violations pursuant to §11-12.20 of this Article.

### §11-12.19 Requirements of creditors of vacant or abandoned properties.

- A. A creditor, as defined in *N.J.S.A. 46:10B-38*, who files a summons and complaint in an action to foreclose, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property subject to the foreclosure, and if located out-of-State, shall be responsible for appointing an in-State representative or agent to act for the foreclosing creditor.
- B. The Code Enforcement Officer, or any other local official designated by the Governing Body for administration of any property maintenance or public nuisance code, may issue a notice to the creditor filing the summons and complaint in an action to foreclose, if the public officer or other authorized municipal official determines that the creditor has violated any provision of this Chapter by failing to provide for the care, maintenance, security, and upkeep of the exterior of the vacant and abandoned residential property subject to the foreclosure.
  1. Such notice shall include a description of the conditions that gave rise to the violation with the notice of violation and shall provide a period of not less than thirty (30) days from the creditor's receipt of the notice for the creditor to remedy the violation, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety.
  2. A creditor subject to this Section who is found to be in violation of this Section by the Borough of Keansburg Municipal Court, or by any other court of competent jurisdiction, of the requirement to correct a care, maintenance, security, or upkeep violation cited in a notice issued pursuant to the ordinance shall be subject to a fine of One Thousand, Five Hundred (\$1,500.00) Dollars for each day of the violation. Any fines imposed pursuant to this paragraph shall commence thirty-one (31) days following receipt of the notice, except if the violation presents an imminent risk to public health and safety, in which case any fines shall commence eleven (11) days following receipt of the notice. Fines assessed under this Chapter shall be recoverable from the owner or Creditor and shall be a lien on the property as described in *N.J.S.A. 55:19-100*.
- C. Any creditor whose principal place of business is located outside of the State of New Jersey who has served a summons and complaint in an action to foreclose on a residential property, shall provide to the Borough Clerk the full name and contact information of its in-State representative or agent, within the 10 day period as required by *N.J.S.A. 46:10B-51*, which contains the full name and contact information of an in-State representative or agent who shall be responsible for the care, maintenance, security, and upkeep of the exterior of the property if it becomes vacant and/or abandoned.
  1. Any out-of-State creditor subject to the provisions of this Section who is found by the Borough of Keansburg Municipal Court, or by any other court of competent jurisdiction, in violation of the requirement of this Section to appoint an in-State representative or agent pursuant to this Chapter shall be subject to a fine of Two Thousand, Five Hundred (\$2,500.00) Dollars for each



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day of the violation. Fines assessed under this Chapter shall be recoverable from the owner or Creditor and shall be a lien on the property as described in *N.J.S.A. 55:19-100*.

2. Any fines imposed on a creditor for the failure to appoint an in-State representative or agent shall commence on the day after the 10-day period as required by *N.J.S.A. 46:10B-51 et seq.* for providing notice to the Borough Clerk that a summons and complaint in an action to foreclose on a mortgage has been served.
- D. The issuance of a notice pursuant to this Section shall constitute proof that the property is “vacant and abandoned” for the purposes of *N.J.S.A. 2A:50-73*.

### **§11-12.20 Violations and penalties.**

- A. Except as otherwise provided in Section 11-12.19 above, any owner, operator or occupant who or which shall violate any of the provisions of this article shall, upon conviction in the Borough of Keansburg Municipal Court or any such other court having jurisdiction, be sentenced to a not exceeding one thousand dollars (\$1,000.) or imprisonment for a term not exceeding thirty (30) days, or both. Each day that a violation occurs shall be deemed a separate offense and subject to the penalty provisions of this chapter. Fines assessed under this Chapter shall be recoverable from the owner or Creditor and shall be a lien on the property as described in *N.J.S.A. 55:19-100*.
- B. For purposes of this article, failure to file a registration statement within 30 calendar days after a building becomes vacant property or within 30 calendar days after assuming ownership of a vacant property, whichever is later, or within 10 calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions of such provisions contained herein shall be deemed to be violations of this article.

### **§11-12.21 Enforcement Officer Issued Rules and Regulations.**

The Code Enforcement Officer may issue rules and regulations for the administration of the provisions of this Ordinance. Such administratively promulgated rules and regulations shall be in writing and shall be provided to the owners or Creditor of properties registered under this Chapter or their designated agents within thirty (30) calendar days of their effective date.

### **Article 3 - Repealer**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

### **Article 4 - Severability:**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

### **Article 5 - Effective Date**

This Ordinance shall take effect upon passage and publication according to law.

Mr. Cusick asked for a roll call vote to OPEN the meeting to the public for Ordinance #1582:



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### Roll Call

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

Fred Punyko  
120 Shore Blvd

Asked what is the intent of ordinance?

Mr. Bennett replied that it gives the Borough a process to enact laws to appoint a public officer who may determine if abandoned properties may be subject to demolition if code violations are not addressed by the owner or mortgage holder additionally. Foreclosure proceedings may be expedited by the Borough.

Mr. Cusick asked for a roll call vote to CLOSE the meeting to the public for Ordinance #1582:

### 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 #1582:

### Roll Call

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



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### ORDINANCE #1583

### Rental Registration

AN ORDINANCE OF THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AMENDING CHAPTER 11, ARTICLE 4, SECTION 11-4.2 OF THE CODE OF THE BOROUGH OF KEANSBURG, REPEALING A SECTION REQUIRING THE LICENSING OF RENTAL UNITS AND ESTABLISHING FEES FOR REGISTRATION AND INSPECTION OF RENTAL PROPERTIES WITHIN THE BOROUGH OF KEANSBURG

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Governing Body of the Borough of Keansburg, County of Monmouth, and State of New Jersey that Chapter 11, Article 4, Section 11-4.2 of the Code of the Borough of Keansburg be amended as follows:

**1. Chapter 11, Article 4, Section 11-4.1 shall be amended (bold strikethrough) as follows:**

11-4.1 Rental Property Registration Required.

- a. The owner of every rental property, with the exception of owner-occupied units, in the Borough of Keansburg shall file a Rental Registration Statement. Properties ~~vacant or~~ available for sale shall also be subject to file Rental Registration Statement.
- b. The Rental Property Registration Statement shall be filed on an annual basis on or before March 1 of each year after which time a late fee shall be assessed.
- c. The Rental Registration Statement shall include:
  1. The name and the address of all record owners of the rental property, building or of the rental business.
  2. The name and the address of a person who resides in Monmouth County and is authorized to accept notices from a tenant or a municipality, to issue receipts for those notices and to accept service of process on behalf of the record owner.
  3. The name and address of the managing agent, and if applicable, the name, addresses and the telephone number of the superintendent, janitor, custodian or other person employed to provide regular maintenance services; the name, address and telephone number of an individual representative of the record owner or maintaining agent who may be reached or contacted at any time in the event of an emergency affecting the dwelling or any dwelling unit, including such emergencies as the failure of any essential service or system, and who has authority to make emergency decisions concerning the building or unit, including the making of repairs.
  4. The name and date of birth of each and every tenant in each unit, including children.
  5. The names and the addresses of all holders of recorded mortgages on the



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property.

6. If fuel oil is used to heat the unit, the name and the address of the fuel oil dealer servicing the unit and the grade of oil used.

7. As to each unit, the owner shall provide a floor plan of the unit, which shall depict the number, dimensions and location of each room unit. No space shall be used for sleeping purposes which has not been designated as a sleeping area on the sketch provided by the owner and approved by the Construction Official.

8. Such other information as may be required by the Borough of Keansburg.

d. In the event of tenancy changes during the year, the landlord, owner or managing agent shall, within thirty (30) days of the change of tenancy, provide an updated Rental Property Registration Statement for every unit in which a change in tenant has occurred. This shall be in addition to the requirements for obtaining a certificate of occupancy for the change of tenant. A change in tenancy shall mean the addition of any person not included in the annual statement, or deletion of any person in the annual statement.

### 2. Chapter 11, Article 4, Section 11-4.2, which states as follows, shall be repealed in its entirety:

#### Chapter 11 BUILDING AND HOUSING

#### ARTICLE 11-4 RENTAL PROPERTY REGISTRATION

#### §11-4.2 Licensing

a. *Purpose.* The purpose of this subsection is to provide a uniform set of procedures for administering the issuance, renewal and revocation of licenses within the Borough of Keansburg.

b. *License Required.*

1. No person(s), corporations or business entity shall rent, lease or let any residential property to any person or persons without obtaining a license. Properties that are vacant or available for sale are subject to said requirement. This section shall not apply to owner-occupied units.

2. The annual nonrefundable license fee shall be as follows:

Ownership of one (1) unit through nine (9) units:

Two hundred fifty (\$250.00) dollars for each rental dwelling unit.

Ownership of ten (10) units or more:

One hundred fifty (\$150.00) dollars for each rental dwelling unit.



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Ownership of rental units by a bona-fide resident of the Borough Keansburg:

One hundred fifty (\$150.00) dollars for each rental dwelling unit.

For purpose of this section, ownership shall mean the same individual(s), partnership, business entity or corporate name vested in the property and on the title of ownership.

For purposes of this section a bona-fide resident of the Borough of Keansburg shall be determined by the prescribed identification methods utilized and sanctioned by the Borough of Keansburg.

In the event that ownership of the property is transferred, the new owner shall apply for a license by completing a new Rental Property Registration application and submitting the applicable fee within ten (10) days of transfer or shall be subject to a late fee.

c. *Revocation of License.* In the event conviction(s) for violations of this or any Borough ordinance, statute or regulation concerning rental property in the Borough of Keansburg are received by a licensee, the Mayor and Council may revoke the license after notice is given and an opportunity for hearing is had. A license shall not be revoked until five (5) days prior notice of the grounds therefor is served on the licensee and a reasonable opportunity is given to the licensee to be heard thereon.

d. Any owner of a vacant property as defined herein shall within ninety (90) calendar days after the building becomes a vacant property or within ninety (90) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the Borough of Keansburg, file a registration statement for such vacant property with the Borough Construction Department on forms provided by the Borough for such purpose. Failure to receive notice by the Borough of Keansburg shall not constitute grounds for failing to register the property.

e. Vacant Property Registration Fee Schedule shall be:

Initial Registration

(first twelve month term) \$ 500.00

First Renewal

(second twelve month term) 1,500.00

Second Renewal

(third twelve month term) 3,000.00

All Subsequent Renewals

(each twelve month term) 5,000.00



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### 3. The following shall be enacted in place of repealed Chapter 11, Article 4, Section 11-4.2 as follows:

11-4.2 Definitions; Registration Form and Fees

#### A. Definitions

Unless the context clearly indicates a different meaning, the following words or phrases, when used in this chapter, shall have the following meanings:

##### 1. AGENT

The individual or individuals designated by the owner as the person(s) authorized by the owner to perform any duty imposed upon the owner of this article. The term does not necessarily mean a licensed real estate broker or salesman of the State of New Jersey, as those terms are defined by *N.J.S.A. 45:15-3*; however, such term may include a licensed real estate broker or salesman of the State of New Jersey, if such person designated by the owner as his agent is so licensed.

##### 2. APARTMENT or DWELLING

Any apartment, cottage, bungalow, any room or rooms in a rooming house/boardinghouse or other dwelling unit consisting of one or more rooms occupying all or part of a floor or floors in a building, whether designed with or without housekeeping facilities for dwelling purposes and notwithstanding whether the apartment be designed for residence, for office or the operation of any industry or business or for any other type of independent use. Each dwelling unit shall contain no more than one kitchen or cooking facility.

##### 3. COMMERCIAL

Related to or connected with trade and traffic or business and commerce.

##### 4. COMMERCIAL UNIT

A building or structure, or any part thereof, used for the manufacturing, processing or assembling of material or manufactured products or for research, office, industrial, commercial, retail, service, recreational, hotel or motel facilities or for warehousing purposes or for any combination thereof.

##### 5. DWELLING UNIT

Any room or rooms or suite or apartment, including any room or rooms in a rooming house/boardinghouse, whether furnished or unfurnished, which is occupied or intended, arranged or designed to be occupied for sleeping or dwelling purposes by one or more persons, including but not limited to the owner thereof or any of his servants, agents or employees, and





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shall include all privileges, services, furnishings, furniture, equipment, facilities and improvement connected with use or occupancy thereof. Each dwelling unit shall contain no more than one kitchen or cooking facility.

### 6. FAMILY MEMBER

Shall include parents of the owner or the owner's spouse, as well as children of the owner or owner's spouse.

### 7. REGISTRATION

The registration issued by the Borough Clerk or designee attesting that the rental unit has been properly registered in accordance with this article.

### 8. REGISTRANT

The person to whom the registration is issued pursuant to this article. The term "registrant" includes within its definition the term "agent," where applicable.

### 9. OWNER

Any person or group of persons, firm, corporation or officer thereof, partnership, association or trust who owns, operates, exercises control over, or is in charge of a rental facility.

### 10. OWNER-OCCUPIED

A portion of a rental facility, dwelling, commercial unit or dwelling unit shall be considered owner-occupied if the owner makes his primary residence therein. A person may have only one primary residence in the Borough.

### 11. PERSON

An individual, firm, corporation, partnership, association, trust or other legal entity, or any combination thereof.

### 12. RENTAL FACILITY

Every building, group of buildings or a portion thereof consisting of less than three dwelling units and having sleeping facilities for less than 25 occupants, kept, used, maintained, advertised or held out to be a place where living accommodations are supplied, whether furnished or unfurnished, for pay or other consideration, to one or more individuals.

### 13. RENTAL UNIT

A dwelling unit or commercial unit which is available by lease, rental or otherwise to persons other than the owner. "Rental unit" shall not include that portion of a rental facility, dwelling, commercial unit or dwelling unit that is owner-occupied.



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### 14. RENT or RENTED

Occupied by any person or persons other than the owner, regardless of whether there is a written or oral agreement and regardless of whether the owner receives consideration for the occupancy.

### 15. TENANCY

Occupancy of the unit by one or more tenants.

### 16. TENANT

Occupant in a unit other than the owner.

## B. Registration Form and Fees

At the time of the filing of the registration form and prior to the issuance of a registration certificate, the owner or agent of the owner must pay a fee in accordance with the following schedule:

- a. An annual registration fee and registration form is required for each rental unit due and payable on January 1 for a 12 month period according to the following schedule:
  1. If there are fewer than eight rental units on a property (block and lot), for each non-owner-occupied rental units: \$200 per unit.
  2. If there are eight or more rental units on a property (block and lot), for each non-owner-occupied rental units: \$150 per unit.
  3. If an annual registration fee is not paid within 30 days of its due date, a late fee surcharge of \$50 per unit will be assessed.
- b. No person shall hereafter occupy any rental unit, nor shall the owner permit occupancy of any rental unit, within the Borough of Keansburg which is not registered in accordance with this article.
- c. Upon the filing of a completed registration form and payment of the prescribed fee and a satisfactory inspection, the owner shall be entitled to the issuance of a registration commencing on the date of issuance and expiring on the 31<sup>st</sup> of December of the same year. A registration form shall be required for each rental unit, and a registration certificate shall issue to the owner for each rental unit, even if more than one rental unit is contained in the property.
- d. Any owner of a vacant property as defined in Chapter 11, Section 12 of the Borough of Keansburg Ordinances shall comply with the registration requirements of that Ordinance.
- e. Each rental unit shall be inspected with each change in occupancy, as set forth in Section 11-4.3 hereof. Any lease which has been executed prior to the adoption of this article



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shall not be affected, but the rental unit must nevertheless be registered and inspected in accordance with this article. No rental unit shall hereafter be rented unless the rental unit is registered in accordance with this article.

f. Every person required to file a registration form pursuant to this article shall file an amended registration form within 20 days after any change in the information required to be included thereon. No fee shall be required for the filing of an amendment, except where the ownership of the premises is changed.

### 3. Chapter 11, Article 4, Section 11-4.3 shall be amended (bold) as follows:

#### 11-4.3 Inspections.

a. Inspection Required. No owner shall lease, rent or otherwise allow the occupancy of any unit or rental dwelling space within the Borough without first securing a certificate of inspection for the occupancy. The certificate of inspection so issued shall apply only to the tenancy for which it is issued. **An inspection is required upon every change in ownership, tenancy or occupancy.**

1. All rental units shall be inspected by person or agencies duly authorized by the Borough for inspections for purposes of determining Zoning Ordinance compliance, and to determine if the rental property, unit or complex complies with all laws including, but not limited to the Property Maintenance Code.

2. In the event that the inspection(s) of a rental unit does not result in a satisfactory inspection, the owner or agent shall cause all necessary repairs or corrections to be made within the time prescribed by the applicable official or code, and if not made within that time period, the owner shall be deemed in violation of this section and every day that the violation continues shall constitute a separate and distinct violation subject to the penalty provisions herein.

3. All rental units subject to this section shall be subject to the inspections to determine their condition in order to safeguard the health, safety and welfare of the occupants of such rental units and of the general public and to determine compliance with this section. The owner, operator, agent and occupant shall make units available for such inspections and are required to provide necessary arrangements to facilitate such inspections. Inspections shall be made with the consent of the occupant, who is of legal age to grant such consent or, absent consent, with an administrative search warrant, unless there is reason to believe that a violation exists which possess an immediate threat to health or safety, requiring inspection and abatement without delay. Reasonable attempts shall be made to obtain consent of the occupant.

4. In the event of a refusal of entry for inspection, the inspection officer may, upon affidavit, apply to the judge of the Municipal Court for a search warrant setting forth the reasonable basis for believing that a nuisance or violation of this section exists.



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5. An inspected and approved vacant rental unit shall be reinspected after a period of ninety (90) days from the last inspection. At the end of the ninety day period, a fire inspection shall be required, and a thirty-five (\$35.00) dollar fire inspection fee will be applied for each rental unit.

b. Application for Inspection. Upon filing of an application for such certificate of inspection the Borough shall cause such rental unit to be inspected by a Borough Inspector designated therefor whose findings for such unit must indicate that the unit permits the standards provided by law in the interests of the public safety, health and welfare.

c. Inspection Fees.

1. Upon the filing of an application for an inspection for the issuance of a certificate of occupancy, the applicant shall pay to the Borough a fee of one hundred ten dollars (**\$110.00**) dollars which will entitle the applicant to two (2) initial inspections and fire inspections.

2. Additional inspections shall be made only after the payment of an additional inspection fee as follows:

i. First reinspection: \$30 per unit;

ii. Second reinspection: \$40 per unit;

iii. Third reinspection: \$70 per unit; and

iv. Fourth or subsequent reinspection: \$100 per unit.

3. If an appointment is made by an applicant with a Building Inspector for the purpose of conducting an inspection, and the applicant does not appear without having notified the inspector at least forty-eight (48) hours in advance of the time agreed upon for inspection, **the applicant shall forfeit the fee for the scheduled inspection, and must pay a reinspection fee for any rescheduled inspection.**

4. If the owner of the property is a senior citizen or disabled citizen who resides in a unit of the property and rents out the remaining units and would otherwise qualify under the State of New Jersey property tax deduction under *N.J.S.A. 54:4-8.41*, there shall be no inspection fees.

5. If the occupant of a rental unit is a family member, as defined by this article, no registration fee or inspection schedule shall apply, except upon change in occupancy. Registration of units occupied by family members is required and, in addition, must be accompanied by an affidavit stating the relationship of the occupant to the owner or owner's spouse.

4. Repealer



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All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**5. Severability:**

If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**6. Effective Date**

This Ordinance shall take effect upon passage and publication according to law.

Mr. Cusick asked for a roll call vote to OPEN the meeting to the public for Ordinance #1583:

**Roll Call**

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

Mr. Bennett explained intent of ordinance that this Ordinance is being enacted so that the Borough can register and inspect housing units in the Borough.

**NO MEMBERS OF THE PUBLIC SPOKE AT THIS TIME**

Although he will abstain on the passage of this Ordinance, Mr. Tonne stated that he is not in favor of the intent of this Ordinance.

Mr. Cusick asked for a roll call vote to CLOSE the meeting to the public for Ordinance #1583:

**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 #1583:

**Roll Call**



## AUGUST 17, 2016 MEETING MINUTES

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

### First Reading

**ORDINANCE #1584**

**BOND ORDINANCE – Amending Police Building Ordinance #1553 & #1574**

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1553 ADOPTED ON JUNE 25, 2014, AS AMENDED BY BOND ORDINANCE NO. 1574 ADOPTED ON December 16, 2015, PROVIDING FOR THE CONSTRUCTION OF A NEW FACILITY FOR THE KEANSBURG POLICE DEPARTMENT, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$1,647,474 IN GRANT FUNDS RECEIVED FROM the Federal Emergency Management Agency FOR A TOTAL APPROPRIATION OF \$6,947,474, AUTHORIZED IN AND BY THE BOROUGH OF KEANSBURG, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, the Borough of Keansburg, in the County of Monmouth, New Jersey (the “Borough”) finally adopted Bond Ordinance No. 1553 on June 25, 2014, as amended by Bond Ordinance No. 1574 adopted on December 16, 2015 (collectively, the “Prior Ordinance”), providing for the construction of a new facility for the Keansburg Police Department; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than originally appropriated for by the Prior Ordinance and has determined to supplement the appropriation.

NOW, THEREFORE, 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. For the improvements authorized by the Prior Ordinance, there is hereby appropriated the sum of \$1,647,474 in addition to the \$5,300,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor, including the sum of \$265,000 as down payment previously appropriated by the Prior Ordinance, and an additional \$1,647,474 in grant funds received from the Federal Emergency Management Agency (“FEMA”), appropriated herein.



## AUGUST 17, 2016 MEETING MINUTES

Section 2. The aggregate debt authorization of \$5,035,000, average period of usefulness of the improvements of 27.84 years, and other authorizations of the Prior Ordinance remain unchanged and are hereby confirmed.

Section 3. 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 Municipal Clerk and is available there for public inspection.

Section 4. All ordinances or parts of ordinances in conflict or inconsistent with any of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent. In the event that any section, part or provision of this ordinance shall be held to be unconstitutional or invalid by any court, such holding shall not affect the validity of this ordinance as a whole, or any part hereof other than the part so held unconstitutional or invalid.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final passage, as provided in the Local Bond Law, N.J.S.A. 40A:2-1 et seq..

**ORDINANCE #1585** Establishment of EMS Cadet Program

**An Ordinance Amending and Supplementing  
Chapter II (Administration), Section 21 (Volunteer Fire Department)  
of the Revised General Ordinances of the Borough of Keansburg  
Establishing an EMS Cadet Program**

**Section 2-21B.1**

There is hereby established an Emergency Medical Service (EMS) Cadet Program operating under the auspices of Keansburg Emergency Medical Service.

**Section 2-21B.2**

**Membership of Cadets**



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All persons shall be eligible for membership provided that they are currently attending High School or a High School graduate. Members must maintain passing grades and proof of same must be made available upon request.

Written permission is required by the parent or legal guardian of the prospective cadet prior to admission to the program. Said permission must be notarized and subject to validation. Cadets must be residents of the Borough of Keansburg.

### Section 2-21B.3

#### Insurance Coverage

The Borough shall provide members of the cadet program, upon the recommendation of the Keansburg Board of Fire Commissioners, the same insurance coverage as provided for regular volunteer EMS and firefighters of the Borough of Keansburg.

### Section 2-21B.4

#### Activities of Cadets

Cadets under the age of 16 years of age shall be limited to:

- 1 Attendance of meetings and participate in company and department functions
- 2 Complete CPR and EMR training.
- 3 Observing qualified EMS members (EMT) while under their supervision.

Activities of cadets 16 and older:

- 1 Training and Certification as an EMT (Emergency Medical Technician).
- 2 Assigned duties as an EMT.
- 3 Attendance of meetings and participate in company and department functions

### Section 2-21B.5

#### Basic Rules and Regulation for All Cadets

The Keansburg EMS along with the Cadet Advisory committee shall establish rules and regulations for training and performance of duties by all cadets. All rules and regulations are subject to approval by the Keansburg Board of Fire Commissioners.

### Section 2-21B.6





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### Termination of Membership

The Keansburg Emergency Medical Services and or the Board of Fire Commissioners retain the right at all times to terminate the membership of any cadet for good cause. Good cause shall include, but no be limited to, the following:

- a. Violation of the rules and regulations of the Keansburg Emergency Medical Services.
- b. Non-compliance of membership requirements.
- c. Conduct that is unbecoming and not in the best interest of the Keansburg Fire Department.

Mr. Cusick asked for a roll call vote for introduction of Ordinance #1584 and Ordinance #1585 to be set for public hearing on September 21, 2016:

### Roll Call

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

### Resolutions:

**RESOLUTION # 16-092**                      Payment of Bills (08.17.16)

**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	\$1,730,622.34
Capital	190,067.56
Dog Trust	21.60
Grant	3,327.50



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Trust	16,079.67
Water/Sewer	362,140.11
S.U.I.Trust	186.00
<b>Total:</b>	<b>\$2,302,444.78</b>

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 # 16-093**                      Drive Sober or Get Pulled Over Resolution 8.2016

**Whereas**, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

**Whereas**, impaired driving crashes cost the United States almost \$50 Billion a year; and

**Whereas**, 27% of motor vehicle fatalities in New Jersey in 2014 (the last year for which complete data is available) were alcohol-related; and

**Whereas**, an enforcement crackdown is planned to combat impaired driving; and

**Whereas**, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

**Whereas**, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the State to participate in the *DRIVE SOBER OR GET PULLED OVER 2016 Statewide Crackdown*; and

**Whereas**, the project will involve increased impaired driving enforcement from August 19 through September 5, 2016; and

**Whereas**, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways.

**Therefore Be It Resolved** that the Borough of Keansburg declares its support for the *DRIVE SOBER OR GET PULLED OVER 2016 Statewide Crackdown* from August 19 – September 5, 2016 and pledges to increase awareness of the dangers of drinking and driving.



## AUGUST 17, 2016 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 # 16-094**                      Resolution Accepting Annual Audit CY 2015

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

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

**WHEREAS**, the Annual Report of Audit for the year **CY2015** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

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

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

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

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

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

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



## AUGUST 17, 2016 MEETING MINUTES

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

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

***I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE RESOLUTION PASSED  
AT THE MEETING HELD ON August 17, 2016***

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 # 16-095**                      CY2015 Corrective Action Plan (8.2016)

**Whereas**, the Audit for the year ending December 31, 2015 has been previously received and reviewed by the Members of the Borough Council; and,

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

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

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

**CY 2013 CORRECTIVE ACTION PLAN**

**Recommendation**

**Explanation and Corrective Action**

**Implementation**

**There are no Recommendations or Corrective Action needed by the Borough of Keansburg.**



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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 # 16-096**

Refund of Fees (Kankowska)

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

<b>Amount:</b>	\$110.00
<b>Reason:</b>	Refund of Certificate of Occupancy Fee Ref: 17 Bayview Ave
<b>Payable to:</b>	Halina Kankowska 170 Inman Ave Colonia, NJ 07067

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 # 16-097**                      OPEN SPACE Grant Application Resolution 2016  
 Resolution voted on later in the meeting – please see Public Hearing following the Resolutions.

**RESOLUTION # 16-098**                      Authorize Notice to Bidders-Façade Improvement Program 2016

### RESOLUTION AUTHORIZING THE BOROUGH OF KEANSBURG TO ADVERTISE AND ACCEPT BIDS FOR THE BOROUGH OF KEANSBURG FAÇADE IMPROVEMENT PROGRAM

**WHEREAS**, Council of the Borough of Keansburg has determined that it is in the best interest of the Borough of Keansburg to solicit bids for the Borough of Keansburg Façade Improvement Program; and

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Borough of Keansburg, County of Monmouth, New Jersey, that the Borough, its agents, officials, and professionals are hereby authorized to advertise and accept bids for the above listed Façade Improvement Program Project.

**BE IT FURTHER RESOLVED**, that all Borough officials, including, but not limited to the Mayor, the Borough Manager, and Municipal Clerk, are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this resolution.

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 # 16-099**                      Authorize Shared Serviced Agreement – Board of Education 8.2016

WHEREAS, the Keansburg Board of Education and the State of New Jersey have constructed a new school located at 81 Frances Place; and,

WHEREAS, it is in the interest of the Borough of Keansburg and the Keansburg Board of Education complete roadway improvement for the safety of the school children of Keansburg; and,



## AUGUST 17, 2016 MEETING MINUTES

WHEREAS, a Shared Services Agreement has been proposed for this purpose, pursuant to N.J.S.A. 40A:65-1 et seq.; and,

WHEREAS, It is in the best interest of the Borough of Keansburg to enter into such an Agreement;

NOW, THEREFORE, BE IT RESOLVED, By the Borough Council of the Borough of Keansburg, that the agreement entitled, "**SHARED SERVICES AGREEMENT-BOROUGH OF KEANSBURG-KEANSBURG BOARD OF EDUCATION-DESIGNATED ROADWAY IMPROVEMENTS**", a copy of which is attached hereto, be approved; and,

BE IT FURTHER RESOLVED, That the Borough Manager and Municipal Clerk be and are hereby authorized and directed to execute the contract agreement.

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 # 16-100**                      Payment of Bills (08.17.16) No. 2

**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	\$12,824.50
Trust	1,200.00
Water/Sewer	107.31
	_____
Total:	<b>\$14,131.81</b>

Mr. Cusick asked for a roll call vote:



## AUGUST 17, 2016 MEETING MINUTES

### Roll Call

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

### PUBLIC HEARING:

**Monmouth County Open Space Grant Application:**

*Development of Property – Baywalk Improvement*

A presentation was made by Daniel Mattson of T & M Associates, Borough Engineer, in regard to an application to be made by the Borough to the Monmouth County Park System for funding under the Open Space Program.

An application will be made for rehabilitation of Baywalk East at the foot of Main Street on Beachway. The original Baywalk was constructed with the assistance of Green Acre funding in 1994-95. The Baywalk is a focal point of the community and has been well utilized by residents and visitors.

Due to the age of the Baywalk and the force of nature the timber floor, handrails and ramps need to be replaced.

Fred Puyenko, 120 Shore Blvd., asked what the expected life of the timber would be if construction is approved.

Mr. Mattson state that it would be an assumed 20-25 year life span.

**RESOLUTION # 16-097**                      OPEN SPACE Grant Application Resolution 2016

**WHEREAS**, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and





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**WHEREAS**, the Governing Body of Borough of Keansburg desires to obtain County Open Space Trust Funds in the amount of **\$73,260** to fund the development of property located at Baywalk Improvement in the Borough of Keansburg, NJ. The parcel is identified on the Borough Tax Map as Block 184, Lot 5; and

**WHEREAS**, the total cost of the project including all matching funds is **\$146,500**; and

**WHEREAS**, the Borough of Keansburg will be holder of any interest acquired with County Open Space Trust Funds,

**NOW, THEREFORE, BE IT RESOLVED BY BOROUGH COUNCIL THAT:**

1. Raymond O’Hare, Borough Administrator or his successor is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the municipal contact person and correspondent of the above named municipality; and
2. The Borough of Keansburg is committed to this project and will provide the balance of funding necessary to complete the project as described in the grant application in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and
3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and
4. Raymond O’Hare, Borough Administrator or his successor is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and
5. This resolution shall take effect immediately.

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:**



## AUGUST 17, 2016 MEETING MINUTES

### Plenary Hearing

*Slover Productions D.B.A. Tiki Stadium*

*PUBLIC HEARING FOR PLENARY LICENSE CANCELED*

#### Discussion:

#### Department Reports:

Chief Pigott	Thanked the Council for the promotions of Deputy Chief Kevin White and Captain Wayne Davis and the addition of the three new police officers
Steve Ussmann Water and Sewer Superintendent	Reported on monthly revenues and that most capital improvements at the water plant have been completed. New water main is in service on Shore Boulevard and that the old main has been terminated.
Mr. Falco DPW Superintendent	Stated that the Recycling flyer has been mailed to all residents and that he is working with contractors and NJNG in regard to the various road improvements projects that are in progress. Concert services seems to be going well
Councilman Tonne	Thanked Mr. Falco and the Recreation Committee for their work on the concert series.
Dan Mattson, T & M Associates	Reviewed the monthly Engineering Report with Council. The paving of Raritan Avenue and the repairs to the tennis courts are complete. The sidewalks and paving at the new Caruso School are near completion. The Shore Boulevard reconstruction is fully in progress
Councilman Boden	Reported on the recent Art Show at the Historical Society Art Show at the Historical Society and that it proved to be a success. There is a beach clean –up on Saturday, August 20 <sup>th</sup> . A car show will be held in October on Carr Avenue.
Deputy Mayor Foley	Announced that there will be a children’s concert and related activities on August 27 <sup>th</sup> at 5 p.m.



## AUGUST 17, 2016 MEETING MINUTES

**Communications:**

TRUE JESUS CHURCH – Beach Baptism – September 11, 2016 – 9 a.m.

**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					✓	

Thomas J. Keelen  
380 Main Street

Asked why the Public Hearing was canceled.

Mr. Bennett stated that complaints are being investigated.

Mr. Keelen stated that he has been in touch with the Division of ABC and that there is only a minor violation pending which is close to resolution.

Mr. Bennett said that he was in touch with a Supervisor at ABC.

Mr. Keelen said this is causing him personal stress and financial hardship. He has been here for many years and he is always available to discuss and resolve any matters.

Fred Puyanko  
120 Shore Blvd

Asked if any local projects are impacted by the DOT stop work order.

Deputy Mayor Foley

Stated that only the DOT award portion of any project must cease.

Dan Mattson

Stated that Shore Blvd. would be effected from Twilight to Lawrence Avenues.

Cliff Moore  
49 Carr Avenue

Thanked the Council for allowing him to participate in the concert series. Thank you to DPW for all their work in the Carr Avenue area. Happy to state there are now five drop-off locations for the "Independent" newspaper.



## AUGUST 17, 2016 MEETING MINUTES

There will be a kick-off meeting of the new Keansburg Business Alliance on August 23<sup>rd</sup> at 7pm at Jackie Keelen's. All are welcome.

Caitlin Statkus  
42 Jahn Street

Thanks to the Water Department for a repair at her residence.

The Council should consider the installation of more bike racks in town to accommodate residents in the business areas.

Mr. Moore state that he just installed a bike rack at this business and it has been a benefit. He will also add this item to the Business Alliance agenda.

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					✓	



## AUGUST 17, 2016 MEETING MINUTES

### Adjournment

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

### Roll Call

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



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

**August 17, 2016**

**Attest:**

**Thomas P. Cusick**  
*Municipal Clerk*  
 Borough of Keansburg