

BOROUGH OF KEANSBURG
MUNICIPAL COUNCIL & REDEVELOPMENT AGENCY
November 12, 2009 REGULAR MEETING
Meeting Minutes

..Mr. Cusick read the following:

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

Mr. Cusick asked all to rise and recite:

Salute to the Flag

Mr. Cusick took:

Roll Call

Mr. Boden	Mr. Cocuzza	Mr. Hoff	Mrs. Strydio	Mr. DePompa
√	√	√	√	√

Presentations:

**Ed Dunphy – WatersEdge Enterprise LLC
Concert Event**

At this time Mr. Dunphy presented the Borough Council with the concept of a major music festival on the Beachfront on the weekend of July 10, 2010. Mr. Dunphy will coordinate with Borough Officials the issues of security, off-site parking, sanitation and other logistical matters.

Council pleased with the concept and Mr. Dunphy assured of their support. Mr. Dunphy will keep the Borough Council informed of his progress.

Ordinances:

Second Readings:

**ORDINANCE #1493: Bond Ordinance – Desalinization
(Amend Ordinance 1466 \$3.1m)**

BOND ORDINANCE AMENDING IN PART BOND ORDINANCE NO. 1441 adopted on June 27, 2007, AS AMENDED BY BOND ORDINANCE NO. 1466 ADOPTED ON JUNE 11, 2008, FOR THE DESIGN, construction and installation OF THE DESALINATION SYSTEM FOR THE WATER TREATMENT PLANT, IN ORDER TO INCREASE THE APPROPRIATION THEREFOR BY \$625,000 FOR A TOTAL APPROPRIATION OF \$3,125,000, TO INCREASE THE AUTHORIZED BONDS AND NOTES TO BE ISSUED TO FINANCE A PORTION OF THE COSTS THEREOF BY \$625,000 FOR A TOTAL DEBT AUTHORIZATION OF \$3,125,000, AND TO INCREASE THE ALLOCATION OF THE APPROPRIATION TO COSTS

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PERMITTED UNDER N.J.S.A. 40A:2-20, 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. 1441 on June 27, 2007, as amended by Bond Ordinance 1446 adopted on June 11, 2008 (collectively the "Prior Ordinance"), for the design, construction and installation of the Desalination System for the Water Treatment Plant; and

WHEREAS, the Borough has determined that the costs associated with said improvements are higher than anticipated and has determined to supplement the appropriation and bonds and notes authorized therefore; and

WHEREAS, the Borough has determined that the \$630,000 authorized by the Prior Ordinance for purposes permitted under N.J.S.A. 40A:2-20 is insufficient and desires to increase such allocation by \$95,000 to an aggregate amount of \$725,000.

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. The improvements described in Section 3 of this bond ordinance are hereby authorized as general improvements to be undertaken in and by the Borough of Keansburg, in the County of Monmouth, New Jersey (the "Borough"). For the improvements or purposes described in Section 3, there is hereby appropriated the sum of \$625,000 in addition to the \$2,500,000 appropriated by the Prior Ordinance, said sums being inclusive of all appropriations heretofore made therefor. No down payment is required or appropriated herein, in accordance with N.J.S.A. 40A:2-11c of the Local Bond Law, as this bond ordinance authorizes obligations solely for purposes which are self-liquidating and deductible from the gross debt of the Borough as set forth in N.J.S.A. 40A:2-7h. It is anticipated that the costs of said improvements or purposes will be financed through the New Jersey Environmental Infrastructure Program.

Section 2. In order to finance the costs of said improvements or purposes, \$625,000 negotiable bonds are hereby authorized to be issued in addition to the \$2,500,000 previously authorized by the Prior Ordinance for a total principal amount not to exceed \$3,125,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvements or purposes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvements hereby authorized and the purposes for which the obligations are to be issued to provide for the design, construction, and installation of the planned desalination system for the water treatment plant, including, but not limited to, all engineering and design work, surveying, preparation of maps, plans and specifications, permit application and acquisition work, bid documents, contract administration, environmental work, the construction of additions to the existing water treatment plant, the construction of a structure that will house the new treatment process consisting of reverse osmosis membrane treatment and related equipment, including pumps and chemical

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storage/feed, and modifications of the existing treatment plant chemical storage and feed systems to upgrade and improve the chemical systems, together with all purposes necessary, incidental or appurtenant thereto, all as shown on and in accordance with contracts, plans, specifications or requisitions therefor on file with or through the Borough Clerk, as finally approved by the governing body of Borough.

(b) The estimated maximum amount of bonds or notes to be issued for the improvements or purposes described in Section 3(a) hereof is \$3,125,000, including the \$625,000 authorized herein, as stated in Section 2 hereof.

(c) The estimated cost of the improvements or purposes described in Section 3(a) hereof is \$3,125,000, which is equal to the amount of the \$625,000 supplemental appropriation herein made therefor and the \$2,500,000 appropriation made by the Prior Ordinance.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Borough, provided that no note shall mature later than one (1) year from its date. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer, who shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of such notes occurs, such report shall include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvements or purposes described in Section 3 of this bond ordinance are not a current expense and are improvements or purposes that the Borough may lawfully undertake as a general improvement of the Water Utility and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the improvements or purposes, within the limitations of the Local Bond Law and taking into consideration the amount of the obligations authorized for said purposes, according to the reasonable life thereof computed from the date of the bonds authorized by this bond ordinance, is forty (40) years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Municipal Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows that the gross debt of the Borough as defined in the Local Bond Law is not increased by the authorization of the \$625,000 Bonds and notes provided in this bond ordinance because the purposes authorized herein are self-liquidating

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and are deductible from the Borough's gross debt in accordance with N.J.S.A. 40A:2-44c and the obligations authorized herein will be within all debt limitations prescribed by said Law.

(d) An aggregate amount not exceeding \$725,000, including \$630,000 authorized hereby and \$95,000 authorized by the Prior Ordinance, for interest on said obligations, costs of issuing said obligations, engineering costs, legal fees and other items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included as part of the cost of said improvements and is included in the estimated cost indicated herein for said improvements.

(e) To the extent that moneys of the Borough are used to finance, on an interim basis, costs of said improvements or purposes, the Borough reasonably expects such costs to be paid or reimbursed with the proceeds of obligations issued pursuant hereto. This ordinance shall constitute a declaration of official intent for the purposes and within the meaning of Section 1.150-2(e) of the United States Treasury Regulations.

(f) This bond ordinance authorizes obligations of the Borough solely for purposes described in subparagraph (h) of §40A:2-7 of the Local Bond Law, and the obligations authorized herein are to be issued for purposes which are self-liquidating within the meaning and limitation of N.J.S.A. 40A:2-45 of said Law and are deductible from the gross debt of the Borough pursuant to N.J.S.A. 40A:2-44c and N.J.S.A. 40A:2-46 of said Law.

Section 6. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Municipal Clerk and is available there for public inspection.

Section 7. Any grant or similar moneys from time to time received by the Borough for the improvements or purposes described in Section 3 hereof, shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are received and so used.

Section 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and, unless paid from other sources, the Borough shall be obligated to levy ad valorem taxes upon all the taxable property within the Borough for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. 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 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

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

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

Mr. Cusick asked for a roll call vote on Ordinance 1493:

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

Resolutions:

RESOLUTION #09- 158 Payment of Bills (11/12/09)

BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that the following numbered Vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names and endorsed and approved on said vouchers; and

BE IT FURTHER RESOLVED that checks be drawn by the Chief Financial Officer, signed by the Mayor and attested to by the Municipal Clerk as required by law:

Current	\$748,068.72
Water & Sewer	109,429.56
Capital	19,280.09
Grant	1,373.91
Trust	8,510.49

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Unemployment Trust	9,256.45
Total:	\$895,919.22

Mr. Cusick asked for a roll call vote:

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

RESOLUTION #09- 159 Award Bid for Main Street Improvements

WHEREAS, the Borough of Keansburg advertised and received bids for the FY 2009 NJDOT/2008 CDBG Main Street Improvements on October 13, 2009; and

WHEREAS, two (2) bids were received and opened in public by the Borough Engineer; and

WHEREAS, the following bids were received:

Lucas Bros., Inc.: Base Bid: \$ 483,849.75 Alternate 1: \$ 228,229.25

Green Construction: Base Bid: \$ 524,321.25 Alternate 1: \$ 270,356.31

WHEREAS, the Borough Engineer has reviewed the bids and has determined that Lucas Bros. Inc. is the lowest and responsible bidder for this Project.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keansburg that based upon the recommendation of the Borough Engineer that it does hereby award the bid for the Main Street Improvements (base bid and Alternate 1) to:

in the total amount of \$ 712,079.00; and

BE IT FURTHER RESOLVED that the award is subject to:

1. Review of bid documents and contract by the Borough Attorney
2. Certification of the availability of funds by the Borough Chief Financial Officer

Patrick DeBlasio, Chief Financial Officer

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are authorized to execute the contract with Lucas Bros., Inc. after the review by the Borough Attorney and Chief Financial Officer's certification.

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Mr. Cusick asked for a roll call vote:

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

RESOLUTION #09- 160 Deputize for Civil Union

BE IT RESOLVED that at the request of Mayor Anthony DePompa that Councilman George Hoff be deputized for the purpose of conducting a Civil Union.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Councilman George Hoff.

Mr. Cusick asked for a roll call vote:

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

RESOLUTION #09- 161 Deputize for Wedding

BE IT RESOLVED that at the request of Mayor Anthony DePompa that Councilman James Cocuzza be deputized for the purpose of conducting a Wedding.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to Councilman James Cocuzza.

Mr. Cusick asked for a roll call vote:

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

**RESOLUTION #09- 162 Professional Services Agreement (CMX):
Groundwater**

R E S O L U T I O N # 09-162

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

CMX Engineering

be and is hereby authorized to perform groundwater sampling and analysis at the 120 Main Street; and

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

1. The Borough Council accepts the proposal dated November 12, 2009 and the Acting Borough Manager is hereby authorized to enter into an agreement with CMX Engineering in the contract amount not to exceed

\$ 15,000.00.

2. The attached contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law (N.J.S.A. 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.

3. The services to be performed are necessary for the orderly function of the project.

4. The amounts paid under the attached contract shall not exceed the amount appropriated by the Borough Council for such services.

5. The Chief Financial Officer certifies the availability of funds.

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Patrick DeBlasio, Chief Financial Officer

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

Mr. Cusick asked for a roll call vote:

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

Council Discussion:

Mr. Boden expressed concern over the pavers installed on Beachway.

A memo on the solar panels at the Library is being prepared for the Borough Council.

Mr. Hoff announced the upcoming Christmas Tree Lighting Ceremony, Super-hero Breakfast and the Parade Committee Fundraiser. Happy Thanksgiving to all.

Open to the Public:

Mr. Cusick asked for a roll call vote:

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

Mr. Cusick asked for a roll call vote:

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

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Adjournment

Mr. Cusick asked for a roll call vote:

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