



October 7, 2015 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. DePompa	Mr. Boden	Mr. Cocuzza	Mr. Foley	Mr. Hoff
Absent	✓	✓	✓	✓

Meeting Minutes:

Meeting Minutes

September 23, 2015

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. DePompa					✓	
Mr. Cocuzza			✓			
Mr. Boden		✓	✓			
Mr. Foley			✓			
Mr. Hoff	✓		✓			

Ordinances:

First Reading:

ORDINANCE #1569

Amendment Retail Hours Restriction

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER III, POLICE REGULATIONS, CREATING SECTION 3-19 (HOURS OF OPERATION OF RESTAURANTS, DRIVE IN RESTAURANTS, RETAIL FOOD ESTABLISHMENTS, AND RETAIL SALES ESTABLISHMENTS)



October 7, 2015 MEETING MINUTES

WHEREAS, the Mayor and Council of the Borough of Keansburg find that a uniform closing time for businesses may:

1. Reduce the crowds of individuals who are attracted to businesses located near residential areas in Keansburg, which businesses remain open to the public during the late night and early morning hours;
2. Discourage crowds of individuals from congregating not only on the main streets and thoroughfares but also onto nearby residential streets, lots and parking areas, which prevents neighborhood residents from sleeping, safely walking their streets, and enjoying the peace and quiet of their homes;
3. Reduce the incidence of disorderly conduct and criminal activities, including loitering, littering, public drinking, drug dealing, noise disturbance and other unlawful acts during the late night hours which would lead to a commensurate reduction in the need for police presence and calls for police service in or in close proximity to residential areas; and
4. Reduce debris in residential areas from improperly discarded food containers, wrappings, bottles, cans, utensils and decomposing food products; and

WHEREAS, the Mayor and Council also find that 24-hour operations may be permitted in certain areas of the Borough that are less likely to have a negative impact on residential areas, such as (i) properties within or near the Light Industrial (LI) District; (ii) properties within the B-3 Highway Commercial District, which abut State Highway 36; (iii) properties not within 100 feet of single family residential zones; and (iv) properties that house businesses that have taken additional security measures to minimize unlawful activity and disruption to surrounding residential neighborhoods; and

WHEREAS, the Mayor and Council also find that it is appropriate to exempt holders of plenary retail consumption and retail distribution licenses from the provisions of this ordinance, because such holders are regulated on a statewide basis by the Division of Alcoholic Beverage Control; and

WHEREAS, the Mayor and Council find that in the final analysis, adopting reasonable limitations on the hours of operation of the businesses identified herein will help balance the needs of the Borough's businesses against its residents' rights to the peaceful enjoyment of their properties; and

WHEREAS, it is hereby declared to be in the best interests of the health, safety and welfare of the residents of the Borough of Keansburg, as well as the employees and patrons of certain establishments to regulate the hours of operation and closure of restaurants, drive in restaurants, retail food establishments, and retail sales establishments to which the public is invited.



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

Section 1

SECTION 3-19 (HOURS OF OPERATION OF RESTAURANTS, DRIVE IN RESTAURANTS, RETAIL FOOD ESTABLISHMENTS, AND RETAIL SALES ESTABLISHMENTS) within Chapter III, Police Regulations, of the Borough of Keansburg Revised General Ordinances is hereby created, and shall read as follows:

Section 3-19.1 - Purpose -The purpose of this section regulating operating hours of restaurants, drive in restaurants, retail food establishments, and retail sales establishments is to:

- (a) Improve the quality of life for residents in the residential areas of the Borough, particularly during late night and early morning hours;
- (b) Decrease the incidence of nuisance complaints and littering associated with large crowds of individuals congregating in or in close proximity to residential areas during the late night and early morning hours, which individually and collectively have a negative impact on the quality of life for residents;
- (c) Discourage activities that compromise the public safety of residents and business patrons in certain areas during the late night and early morning hours; and
- (d) Provide for the efficient, effective and economical provision of scarce governmental resources in addressing each of the aforementioned purposes.

Section 3.19-2 - Definitions -For the purposes of this section, the following terms shall have the following meanings:

Restaurant shall mean any establishment, however designated, at which food is sold for consumption on the premises, normally to patrons seated within an enclosed building.

Drive In Restaurant shall mean an establishment where the majority of the patrons purchase food, soft drinks, ice cream, and similar confections for takeout or consumption on the premises but outside the confines of the principal building, or in automobiles parked upon the premises, regardless of whether or not, in addition thereto, seats or other accommodations are provided for the patrons.

Retail Food Establishment shall mean an establishment where food and beverages are offered for retail sale for consumption off premises. Such foods or beverages may be packaged in a ready-to-consume state or may come packaged and sold in bulk quantities. Examples of retail food establishments include without limitation grocery stores, ice cream shops, retail mini-marts, bakeries, and delicatessens.



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Retail Sales Establishment shall mean an establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods, including, but not limited to specialty shops and boutiques.

Operating Hours shall mean the hours during which a business is open to the general public.

Section 3.19-3 - Restriction on Operating Hours - Restaurants, drive in restaurants, retail food establishments, and retail sales establishments shall not be open to the public between the hours of 1:00 a.m. and 5:00 a.m.

Section 3.19-4 - Exception for Licensed Premises - The restriction on operating hours set forth in Section 3-19.3, does not apply to restaurants, drive in restaurants, retail food establishments, and retail sales establishments that are licensed for the sale of alcoholic beverages. Hours of operation for those licensees shall continue to be governed separately by N.J.S.A. 33:1-1 et seq. and by applicable Borough ordinances pertaining to the sale of alcoholic beverages.

Section 3.19-5 - Exception for the Light Industrial (LI) and B-3 Highway Commercial Districts - The restriction on operating hours set forth in Section 3-19.3, does not apply to restaurants, drive in restaurants, retail food establishments, and retail sales establishments operating on property within the Light Industrial (LI) and B-3 Highway Commercial Districts.

Section 3.19-6 - Exception for the B-1 and B-2 Districts - Notwithstanding the restriction on operating hours set forth in Section 3-19.3, a restaurant, drive in restaurant, retail food establishment, or retail sale establishment operating on property in the B-1 or B-2 Districts (as shown on the Official Zoning Map of the Borough of Keansburg) may operate 24 hours per day if it meets both of the following two criteria:

(1) The establishment is located on property within the B-1 or B-2 Districts that:

(a) abuts the Light Industrial (LI) District (as shown on the Official Zoning Map of the Borough of Keansburg); OR

(b) is not within 100 feet of the R-7, R-5, or R-5A Districts (as shown on the Official Zoning Map of the Borough of Keansburg);

AND

(2) The establishment uses a retail security camera system meeting the following criteria:

(a) A security camera system operates via motion sensor 24 hours a day/7 days a week with at least 3 security cameras;



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(b) At least one of the security cameras has 360 degree capability;

(c) At least one of the security cameras within the establishment is completely dedicated to monitoring the public entrance door;

(d) There must be a camera or cameras that monitor the entire area of the establishment that is accessible by the public; and

(e) The video footage obtained by the security camera system must be maintained by the establishment for no less than 40 days.

SECTION 2:

EFFECTIVE DATE: This Ordinance shall take effect immediately upon its passage and publication according to law.

SECTION 3:

REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.

SECTION 4:

INCONSISTENT ORDINANCES. All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION 5:

SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.



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Mr. Cusick asked for a roll call vote to introduce Ordinance #1569 and set for public hearing on October 28, 2015 at 7 p.m.:

Roll Call

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

ORDINANCE #1572

Retail Hours Restriction – Ordinance #1562 – Rescinded

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII (DEVELOPMENT REGULATIONS), SECTION 5.9 (REGULATIONS CONTROLLING THE B-1 GENERAL COMMERCIAL ZONE DISTRICT) AND SECTION 5.10 (REGULATIONS CONTROLLING THE B-2 (MIXED USE COMMERCIAL-RESIDENTIAL ZONE DISTRICT) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG.

Section 1:

BE IT ORDAINED by the Mayor and Council of the Borough of Keansburg Chapter XXII (Development Regulations) be amended and supplemented as follows:

Ordinance #1562 entitled

“AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER XXII (DEVELOPMENT REGULATIONS), SECTION 5.9 (REGULATIONS CONTROLLING THE B-1 GENERAL COMMERCIAL ZONE DISTRICT) AND SECTION 5.10 (REGULATIONS CONTROLLING THE B-2 (MIXED USE COMMERCIAL-RESIDENTIAL ZONE DISTRICT) OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEANSBURG”,

is hereby repealed in its entirety.



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- Section 2: REPEALER. The remainder of all other sections and subsections of the aforementioned ordinance not specifically amended by this Ordinance shall remain in full force and effect.
- Section 3: INCONSISTENT ORDINANCES. All Ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.
- Section 4: SEVERABILITY. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.
- Section 5: EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication according to law.

Mr. Cusick asked for a roll call vote to introduce Ordinance #1569 and set for public hearing on October 28, 2015 at 7 p.m.:

Roll Call

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

MR. DePOMPA ENTERED THE MEETING AT 7:15 p.m.

Second Reading:

ORDINANCE #1571

PILOT – BEACHWAY URBAN RENEWAL ASSOCIATES 2015

ORDINANCE OF THE BOROUGH OF KEANSBURG, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING A LONG TERM TAX EXEMPTION AGREEMENT BETWEEN THE BOROUGH OF KEANSBURG AND BEACHWAY URBAN RENEWAL ASSOCIATES, L.P. PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ.



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WHEREAS, the Borough of Keansburg (the “Borough”) and its Municipal Council (the “Council”) pursuant to the requirements of the *Local Redevelopment and Housing Law*, N.J.S.A. 40A:12A-1 et seq. (the “Act”), may contract with redevelopers for the planning, re-planning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8(f); and

WHEREAS, pursuant to the Act, the Borough heretofore designated an Area in Need of Rehabilitation (the “Rehabilitation Area”), including property identified on the tax maps of the Borough as Block 15, Lot 1, and located at the intersection of Beachway and Raritan Avenue within the Borough; and

WHEREAS, pursuant to the Act, the Borough has duly adopted the *Redevelopment Plan for Main Street Node Carr and Raritan Avenues Route 36 Gateway Redevelopment Plan* for the Rehabilitation Area (the “Redevelopment Plan”); and

WHEREAS, the Borough has determined to designate Beachway Urban Renewal Associates, L.P. (the “Redeveloper”) as the approved redeveloper of Block 15, Lot 1, selected by the Borough to implement the Redevelopment Plan for the purpose of developing a mixed-use commercial and residential rehabilitation project to be known as the “Keansburg Mixed Income Redevelopment” (“the Keansburg Mixed Income”), to be constructed in one phase; and

WHEREAS, the project will qualify for a tax exemption and/or abatement under the Long Term Tax Exemption Law; and

WHEREAS, the Redeveloper has presented to the Borough Council a summary of anticipated project benefits, including but not limited to projected economic output during the construction phase of the contemplated Keansburg Mixed Income, anticipated long-term job creation from project operations, and, in general, the generation of new revenue for the Borough through payments in lieu of taxes (PILOT); and

WHEREAS, the Borough Council deems it in the best interests of the Borough of Keansburg to grant a tax exemption and/or abatement under the Long Term Tax Exemption Law to Redeveloper, relative to construction of the Keansburg Mixed Income project; and



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NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keansburg, as follows:

- A. The Council authorizes the execution of an agreement substantially in the form attached hereto as Exhibit "A" and made a part hereof; and
- B. The Council hereby authorizes and directs the Mayor of the Borough to execute, on behalf of the Borough, the agreement attached hereto as Exhibit "A"; and
- C. The Council understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and the actual payments in lieu of taxes to be paid by the Redeveloper to the Borough shall be determined pursuant to the Agreement; and
- D. The Council understands that the Redeveloper has formed an urban renewal entity, namely Beachway Urban Renewal Associates, L.P., and that the Borough may enter into the payment in lieu of taxes agreement with such urban renewal entity.

The Municipal Clerk is hereby authorized to forward a certified true copy of this Ordinance to Beachway Urban Renewal Associates, L.P., c/o Edward G. Martoglio, Esq., 77 Park Street, Montclair, New Jersey 07042. The Municipal Clerk is hereby authorized to forward a certified true copy of this Ordinance, and the Financial Agreement implementing it, to both the Municipal Tax Assessor and the Director of the Division of Local Government Services.

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

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



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Mr. Cusick asked for a roll call vote to open the meeting to the public on Ordinance #1571

Roll Call

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

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

Mr. Cusick asked for a roll call vote to close the meeting to the public on Ordinance #1571

Roll Call

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

Mr. Cusick asked for a roll call vote to adopt Ordinance #1571

Roll Call

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



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Resolutions:

RESOLUTION # 15-133 Payment of Bills (10/07/15)

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:

Cap Fund	\$	5,661.36
Current		33,163.06
Dog Trust		5.40
Escrow		1,581.04
Trust		871.00
Water/Sewer		11,733.76
Water/Sewer Cap		85.65
Total:		<u><u>\$53,101.27</u></u>

Mr. Cusick asked for a roll call vote:

Roll Call

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



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RESOLUTION # 15-134

Adoption of Floodplain Management Plan 2015

RESOLUTION #15-134**Borough of Keansburg
Monmouth County, New Jersey**

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

WHEREAS, the Borough of Keansburg, Monmouth County is adopting the Floodplain Management Plan, dated September 8, 2015; prepared by Stan Slachetka, PP, AICP, Francis W. Mullan, PE, CME, and Christine Bell, PP, AICP, CFM, with inputs from and under the direction of the Borough Floodplain Management Plan Committee; and

WHEREAS, the Borough appointed a Floodplain Management Committee via Resolution # 15-042A on March 25, 2015, and they prepared the Plan in accordance with the requirements as outlined in the National Flood Insurance Program Community Rating System Coordinator's Manual. Over the last several months the Floodplain Committee has met and held public hearings to discuss the flood hazards within the community; and

WHEREAS, the Floodplain Management Plan provides a comprehensive review of possible activities and mitigation measures is conducted so that the most appropriate solutions are used to address the hazard; and

WHEREAS, the Floodplain Management Plan ensures that the recommended activities meet the goals and objectives of the community, do not create conflicts with other activities, and are coordinated to reduce the costs of implementing individual activities; and

WHEREAS, the Floodplain Management assists in educating residents about the hazards, loss reduction measures, and the natural and beneficial functions of floodplains; and

WHEREAS, The Floodplain Management Plan provides a foundation to build public and political support for projects that prevent new problems, reduce losses, and protect the natural and beneficial functions of floodplains; and

WHEREAS, the Floodplain Management Plan helps build a constituency that wants to see the plan's recommendation implemented.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Keansburg, County of Monmouth, State of New Jersey to adopt the Floodplain Management Plan prepared for 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. DePompa			✓			
Mr. Cocuzza			✓			
Mr. Boden			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

RESOLUTION # 15-135

Appointment of Special Officers 2015

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

Michael A. Pigott Sr.

As a Special Police Officer Class II for 2015; and,

Mr. Cusick asked for a roll call vote:

Roll Call

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



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RESOLUTION # 15-136

Authorize Release of Performance Bond (PAR Realty)

Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 15-137

Rejection of Bids

WHEREAS, bids were received at 10am on September 30, 2015 at the Borough of Keansburg Municipal Building, 29 Church Street, Keansburg, NJ for the Construction of the New Police Headquarters; and

WHEREAS, the bids received all contained fatal deficiencies and exceeded the maximum budget estimate for the project.

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

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

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



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Mr. Cusick asked for a roll call vote:

Roll Call

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

RESOLUTION # 15-138 Authorization to Re-Bid – Police Building

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

Keansburg Police Building

for the Borough of Keansburg.

Be It Further Resolved that T & M Associates is authorized to advertise for

Keansburg Police Building

in accordance with the Local Public Contracts Law.

Mr. Cusick asked for a roll call vote:

Roll Call

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



October 7, 2015 MEETING MINUTES

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. DePompa			✓			
Mr. Cocuzza			✓			
Mr. Boden			✓			
Mr. Foley		✓	✓			
Mr. Hoff	✓		✓			

NO MEMBER OF THE PUBLIC SPOKE AT THIS TIME

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

Roll Call

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

Adjournment

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

Roll Call

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



**October 7, 2015
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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
October 7, 2015

Attest:

Thomas P. Cusick
Municipal Clerk
Borough of Keansburg