

Approved 9/5/06
Keyport, New Jersey
January 10, 2006

Minutes of the Work Meeting of the Mayor and Council held on the above date in the Keyport Municipal Complex, 70 West Front Street, Keyport, N.J. pursuant to the Annual Notice on the file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, Newark Star Ledger, and The Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:00 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman. Others present were: Mr. Wisniewski Borough Attorney, Mr. Antonucci Borough Administrator and Mr. Litwin, Special Legal Counsel.

RESOLUTIONS

1. Resolution #57-06, Closed Meeting- Personnel, Litigation, Labor Relations, Contract Negotiations

WHEREAS, the Mayor and Council of the Borough of Keyport propose to discuss the following subjects:

Personnel

1. Borough Clerk's Retirement
2. Diana Hoffman Incentive Days
3. Borough Administrator-Personal/Vacation Days
4. Kenneth Marr Jr., Emergency Management Coordinator

Litigation

1. Police Matters
2. A & K/Roof Replacement
3. Aeromarine Litigation

Contract Negotiations

1. Proposed Interlocal Janitorial/Handyman Services with the Keyport Board of Education
2. Email Exchange Server

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith, in the Council Chambers for the purpose of discussing the following subjects:

Personnel, Litigation, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, and Contract Negotiations, conducted at said Closed Session shall be disclosed when the matters discussed are resolved, and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Councilman Wedick, second by Councilman Walling

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

Council went into closed session at 7:02 P.M. and this meeting was reconvened at 8:01 P.M.

Mayor Merla called the meeting to order at 8:04 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman. Others present were: Mr. Wisniewski Borough Attorney, Mr. Norbut Borough Engineer, and Mr. Antonucci Borough Administrator.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 1-06, Amend and Supplement Chapter 12-1.6 Construction Fee Permits Schedule

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH OF KEYPORT ORDINANCE 12-1.6 CONSTRUCTION FEE PERMITS SCHEDULE

WHEREAS, pursuant to N.J.S.A. 40:48-1 The Power to Adopt Public Ordinances for Public Health, Safety and Welfare of the Municipality as residence is coterminous with the power of the legislature, and

WHEREAS, Chapter 12 of the Borough Code was enacted to regulate construction permits in accordance with the provisions of N.J.S.A. 52:27D-119 et seq., and

WHEREAS, the Mayor and Borough Council wish to clarify a provision in the aforementioned Ordinance, the governing body wishes to amend Ordinance 12-1.6.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance 12-1.6 entitled **Construction Fee Permits Schedule** is hereby amended as follows:

NO PERMIT WILL BE ISSUED IF ANY FEES, AMOUNTS OR OTHER SUMS ARE DUE THE BOROUGH OF KEYPORT, INCLUDING, BUT NOT LIMITED TO, TAXES, WATER AND SEWER FEES AND ARREARAGES, WATER AND SEWER CONNECTION FEES AND WATER METER FEES.

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

- 1a. Motion authorizing the Borough Clerk to publish the Ordinance, as introduced, in the Courier, issue of January 12, 2006, for a Hearing to be held on February 7, 2006 moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.
2. Ordinance No. 2-06, Amend and Supplement an Ordinance-Salaries for Various Part Time Employees

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, NJ IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and adopt a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

WHEREAS, the following Ordinance has been prepared with salary ranges therein for the positions listed, wherein the ranges give the minimum salary for the position as well as the maximum for the position, and the exact salary to be paid to each employee as determined by a Resolution duly adopted by the Mayor and Council of the Borough of Keyport must be within the ranges given in the Ordinance and the purpose is to save money in preparation and publication costs

by making the ranges sufficiently wide to last for several years and also to give greater flexibility, should a position be vacated and it is desired to start a new employee with less experience at a lower alary since the new salary may simply be set by a Resolution of the Mayor and Council.

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

**PLEASE NOTE THAT ALL OF THE FOLLOWING ARE NOT
INCREASES IN EXISTING SALARIES, BUT ARE RANGES
WITHIN WHICH SALARIES MUST FALL**

SECTION 1. The following salary ranges are hereby fixed and determined for the following part time officers and employees retroactive to January 1, 2005.

	MINIMUM SALARY	MAXIMUM SALARY
Fire Official	\$2,000	\$20,000 annually
Fire Inspector	\$2,000	\$10,000 annually
Electrical Inspector	\$2,000	\$12,000 annually
Crossing Guard	\$ 6.00	\$ 15.00 per hour

SECTION 2. Inconsistent Ordinances. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

SECTION 3. 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 the Ordinance shall be deemed valid and effective.

SECTION 4. Effective Date. This Ordinance shall take effect upon its passage and publication according to law except that portion as it pertains to managerial, executive, or confidential employees which shall become operative in 20 days after the publication thereof, after final passage, unless within said 20 days a petition signed by the voters equal in number to at least 5% of the registered voters protecting against the passage of such Ordinance being presented to the Governing Body.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

- 2a. Motion authorizing the Borough Clerk to publish the Ordinance, as introduced, in the Courier, issue of January 12, 2006 for a Hearing to be held on February 7, 2006 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Memo from Police Captain John Dayback advising of his retirement, effective May 1, 2006.

Motion to accept with regret moved by Mr. Bergen, seconded by Mr. Wedick with Ayes by all present.

2. Application & Permit for Street Opening from New Jersey Natural Gas, 1 E. Third Street, install 2" gas main.

Motion to refer to Engineer moved by Mr. Bergen, seconded by Mr. Wedick with Ayes by all present.

3. Request from Organization Pro-Unidad Puertorriquena of Keyport (Keyport Spanish American Club) to use Beach Park on August 12, 2006 from 12:00 P.M. to 8:00 P.M. for 9th Annual Spanish Festival and requesting that First Street be closed from Broad Street to Church Street.

The Contractors for Woodmont should be advised..

Motion to Approve moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

4. Request from Keyport Business Alliance to approve 2006 Calendar of Events.

Mike Morris, KBA President, said the Harbor Commission was concerned with the Fourth of July. The KBA felt they can work with the Harbor Commission on the ramp being kept open. They have already sent out the Guide for printing. Pat Denardo is in charge of the Fireman's Fair, July 8th–16th. Parking will need to be addressed. Mayor Merla asked John Olsen to set up a meeting between the Harbor Commission and Fire Department. Councilman Bergen said the construction project for the area will be in process. If the DEP needs the area, we granted them an easement. We have to make parking arrangements. Pat Denardo said the Fire Department has been approved for five years and the 2008 fair is on the Fourth of July. Mr. Norbut said the bulkhead construction project should be in full swing by the end of spring. Jeff Fink, KBA, stated there are some safety concerns and that is why the ramp is requested to be closed.

Motion to approve moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

5. Building Livable Communities Grant Information.

Motion to Refer to Tom Antonucci, Borough Administrator moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

6. Notice of Building Sustainable Communities in New Jersey Workshop

Motion to refer to the Planning Board moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

UNFINISHED BUSINESS

1. Mayor's Appointment of Historic Preservation Commission Member, two year term expiring 12/31/07 – Elena Malinconico

WHEREAS, the Mayor and Council of the Borough of Keyport have established, by Ordinance, a Historic Preservation Commission consisting of five members; and

WHEREAS, the Ordinance provides that the Mayor shall appoint all members of the Commission.

NOW, THEREFORE, I, JOHN J. MERLA, Mayor of the Borough of Keyport, do hereby appoint, the following members of the Historic Preservation Commission for the terms designated:

Alternate #2 – Elena Malinconico term expiring December 31, 2007.

2. Mayor's Appointment of Unified Planning Board Alternate #1 Member, two year unexpired term expiring 12/31/06

Mayor Merla announced the appointment of Christian Bolte-Hudson as an Alternate #1 member of the Unified Planning Board to fill a two year unexpired term which will expire on December 31, 2006.

3. **Subcommittee for Broad Street Milling.** Mayor Merla stated Mr. Hubler asked that this matter be revisited and discussed with the Police. A subcommittee should be put together and included in the Budget. Mr. Norbut asked the committee to be creative. . Mayor Merla, Engineer Norbut, Councilman Walling, George Sappah, Chief Gajewski and Mr. Hubler will serve on the Committee. Mayor Merla said the County should look at it since it is a County road.

4. **Janitorial/Custodial Services Contract.** This will be discussed in closed session.

5. Requests from Anthony Vecchio, Code Enforcement/Zoning Officer for Ordinance Amendments on fee increases, Transfer of Title requirements and additional wording for sign ordinance

Councilman Bergen asked this to be referred to the Attorney to create ordinances. There should be something for transfer of ownership and we will increase all fees. Mr. Vecchio said there has been some transfer of property without a Certificate of Occupancy; Mr. Vecchio should inspect and list violations. The new owners are making repairs and there is a concern of flipping the property. The Borough Ordinance doesn't require a transfer of title and Council was advised of one property being flipped. To do the work, a property owner would need a temporary Certificate of Occupancy.

6. **Letter to Business Owners regarding Garbage.** Mayor Merla said he received police memos regarding lack of enforcement. The Garbage Contractor is following the letter of contract. There are problems on Broad St. between First and Third, W. Front Street between Church and Beers, and E. Front Street. Twelve businesses had cans and the rest of the businesses just had bags. The situation is getting worse and the Ordinance is not being enforced. Mayor Merla asked where the business owners are storing their garbage. The KBA is working on dumpsters. Mr. Bergen said the Police, Board of Health, and Property Maintenance Officer should enforce the Ordinance. Mr. Bergen said we are cost prohibited on subsidizing businesses and he is not in favor of it. Mayor Merla said the residents are O.K., but the businesses are to comply. Kathy Shaw is doing a study. Weight slips are needed. Mr. Bergen said if this is not resolved by spring, it should be taken out of the contract. Mr. Antonucci, Borough Administrator, said there was a meeting with George Sappah and KBA about where to place dumpsters. The businesses would share the expense. Mayor Merla said we should sweep two times a week; other towns don't.
7. Councilman Walling brought up the issue of placing plaques on the anchors down at Beach Park. This was referred to Borough Administrator Thomas Antonucci. John Olsen has the information for the plaques.
8. Councilman Walling said that George Sappah asked about removing the bird perch at Cedar Street. Rowland Seckinger said the Audubon Society wants the perch. This matter was referred to the Public Works Committee.

ADMINISTRATOR'S REPORT

Mr. Antonucci reported on the Payment of Bills for January 3, 2006: Current Account - \$151,172.42, Water/Sewer Account - \$28,943.60. We have received \$60,000 in grants; \$10,000 for sidewalks at the Senior Center and \$50,000 to raise First Street. He thanked Engineer Norbut. There is a parks meeting in Freehold regarding the Henry Hudson Trail; Councilman Sheridan will attend the meeting. He attended training for the Department of Personnel software system. The Municipal Roof project is moving along; there is still about 6 to 7 weeks left.

The Cass St. Water Tower will be repainted in April. The Cell Tower companies were advised to remove antennas. Mr. Bergen said the Borough can receive \$100,000's of dollars with companies advertising on the tower to offset costs. Mr. Antonucci said he had reached out to some companies. A resident from the audience stated people do not want to see advertising on bill boards.

The Coastal Engineer raised an issue on the Bulkhead. It is recommended that composite sheathing be used. The DEP advertised for bids January 26th, February 6th and 9th for bids to be received on February 15th. The Harbor Commission should be advised of materials for the pier. Birdsall will be authorized to advertise for bids in February. Mr. Antonucci wished everyone a Happy New Year. Mr. Bergen thanked the Borough Attorney for the \$60,000 in grants the Borough received. Mr. Wedick also thanked Mr. Wisniewski for supporting the anti smoking bill. Mr. Sheridan asked about the Senior Center furnace. Mayor Merla replied that the furnace is working, but they want a gas furnace instead of fuel oil. Mr. Antonucci stated that Stultz Fuel did an inspection on the boiler and said it is still serviceable.

ENGINEER'S REPORT

Engineer Norbut said the Bond should not be release for Main Street; they did not install the retaining walls or implement the grading plans. They are aware of the situation and will be meeting soon. Regarding the bump out, the Attorney called the contractor to do paving and T&M did the survey. Paving will not be simple. The engineer spoke with Mallory to meet on site on the first. The county will also be involved. In regards to the Bulkhead Project, Coastal Engineering will be ready to go to bid in January. Coastal Engineering said there is a composite sheathing problem in Deal because of difficult soils. Mayor Merla said the DEP advised it was the best material. Mr. Sheridan said Wade Pedersen was an eye witness in Deal. Engineer Norbut said he, Wade Pedersen and Mr. Garofalo of the DEP met. There was a knee jerk reaction to Deals problem. North Star has upgraded their product and it will require minor change. Mr. Garofalo insists on a letter from Borough to proceed with the upgraded composite sheathing (some will break). There is a fifty year warranty on the sheathing. Mr. Bergen said we need a copy of the test on the borings. Mr. Sheridan said Deal has a mandrill device and there has been good progress; Mr. Bergen said the final matter is selecting lights for the area. Mr. Walling said Kathy Shaw wants to get involved. There is an option A which would add additional Bulkhead near the boat ramp area.

ATTORNEY'S REPORT

Mr. Wisniewski did not have a report.

NEW BUSINESS

1. Memo from Police Chief. Mr. Wedick advised that he had received a letter from the Police Chief regarding a donation. There is a Resolution on the Agenda.
2. Green Grove Apartments Parking. Mr. Bergen said the residents met with the Chief and now we need an ordinance. Mr. Wedick asked if the residents of the apartments wanted a Parking Permit. The Borough can issue them one. The Chief said it can be outlined in an ordinance. One resident in the audience there is no problem now. Mr. Walling asked if they could dig out along the road and if they obtained permits. Mr. Vecchio said yes they have permits and there will be two spaces in the front and two in the back. Mr. Bergen said they are in violation of the site plan. Mr. Vecchio stated the dumpsters are in the site triangle. Mr. Bergen said this is a dangerous situation and the apartments should change their system. The Borough will give them the permits and eliminate parking on Green Grove Avenue.
3. Mr. Bergen said there will be School Board retirements and a liaison is needed. The First Aid Squad also needs a liaison. Mr. Wedick said he will liaison the First Aid Squad.
4. Mayor Merla said in the next 90 days the Legislature will institute a No Smoking Ban where enforcement is mandated. It was asked who will enforce this and what the penalties would be. The Board of Health liaison will address this matter. The Police Chief said there is a provision in the bill. The Borough Attorney, the Police Department and Board of Health will discuss this matter. The Police Chief said the owner of the business should enforce the law.
5. Mayor Merla said he has received six complaints since January 1st of this year regarding Duck Hunters. The Environmental Commission and Marine Police should be involved. Duck hunters are shooting on Sundays by 7:00 A.M. and the bullets are hitting businesses and residential homes. The Chief said he would look at the Ordinance. Mr. Rowland Seckinger said the duck hunters cannot shoot in the Keyport limits. There was a question on whether they have to stay 400 feet from the high water mark. There was also a question on riparian rights. We cannot prohibit fishing and crabbing. John Olsen will inform Mr. Seckinger of the numbers for the Division of Fish Game and Wildlife the Marine Police.
6. Regarding the KBA Bylaws, Mr. Walling addressed the Mayor stating "he voted by phone and he had to hear all of the dialog." Mike Norris, KBA, said he had received one vote by fax and one by phone; 12 out of 16 votes are needed for the bylaws to pass. Mr. Walling said the public did not have any input so another meeting was held. The KBA agenda stated 6 PM and a Public Portion would be held. Mr. Norris said it is not required at Special Meetings to have a Public Comment Portion. Mayor Merla asked Mr. Norris if since the meeting, has he been asked by the Public to comment; no. Mr. Bergen asked if anyone on the Board opened the meeting to the public? No. Mr. Walling said some people did want to speak at the meeting. Mr. Bergen addressed Mr. Olsen and asked him if he had any questions and, if so, to please ask now. Mr. Olsen said he didn't have any major questions, but he wanted to speak.

PUBLIC COMMENT PORTION

The meeting was opened to the public at 9:23 P.M. for comments or questions. Sandra Shevlin, KBA, said she attended 5 meetings over the Holidays and the public spoke at 3 public meetings where suggestions were made for the bylaws. The Board is looking into proxy votes for 2007. The board unanimously voted on the bylaws. The KBA could not postpone the vote any longer.

Bob Ludwig, 50 Beers St., had a concern about the quantity of the garbage pickup. The businesses were told they could have three cans. One business owner took his garbage home because he would have violated the Ordinance.

Rowland Seckinger, Environmental Commission, thanked everyone for supporting the Clean Ocean Zone. He also thanked Council for allowing the Environmental Commission to join ANJAC. The Environmental Commission Reorganization meeting will be held on January 24th at 7:00 P.M. There is a Road Show Program where Environmental issues and site plan reviews will be discussed; the members of Council may attend the meeting. Mr. Seckinger also asked the Council to provide 2006 funds in the budget for the Environmental Commisison.

Mr. Bergen said he asked the school to tape the Council meetings and broadcast them on Channel 22. Mr. Antonucci said the State is making training mandatory for all Planning Board Members.

Peggy Hayes, 55 First Street, said the 4 condos on First Street never received a recycling schedule. She also asked for the garbage laws to be enforced. She suggested inserting news on recycling in the water bills and said all businesses own their building and they should get the news. It shows when their garbage would be picked up. Mayor Merla said businesses should use compactors. Mrs. Cosgrove, First Street, said there is a lot of speeding on First Street and the Chief should report each week. Mr. Bergen said Mayor and Council are looking into this matter. Mrs. Hayes asked if residents submit a letter to the County, would the Mayor and Council back them up? Mr. Bergen said there should be a massive crack down for two weeks tickets given out to speeders.

Jeff Fink, KBA, said the KBA has followed the procedures given and two attorneys have commended the KBA for incorporating suggestions into the bylaws. Mr. Bergen said he is not taking away their rights and asked how many members there were.

Bob Ludwig said the Environmental Commission meetings have been changed to every fourth Tuesday. The meeting was closed to the public at 9:39 P.M.

RESOLUTIONS

2. Resolution #58-06, Approve Visiting Nurse Association of Central Jersey contract for January 1st through December 31, 2006.

WHEREAS, the Borough of Keyport has previously executed an agreement with the Visiting Nurse Association since the termination of health services by the Borough of Matawan on June 30, 2004; and

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the Borough of Keyport to enter the Monmouth County Regional Health Commission No. 1 for full membership and have obtained requisite health services for the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council have received a proposed contract for services with the Monmouth County Visiting Nurse Services to provide nursing related services as required by the Borough of Keyport and the Keyport Board of Health for the period of January 1, 2006 through December 31, 2006; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed a proposed Contract with the Visiting Nurse Association to provide nursing related services in the amount of Seven Thousand Dollars (\$7000) which will provide the expected required services to the Borough of Keyport; and

WHEREAS, the Mayor and Council wish to authorize the Mayor to execute the within contract with the VNA and have been advised by the Municipal Finance Officer as to the availability of funds for the within contract.

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

1. The Mayor and Borough Council hereby authorize the Mayor to execute a Contract with the Visiting Nurse Association in the amount of Seven Thousand Dollars (\$7,000) to provide nursing related services to the Borough of Keyport and the Keyport Board of Health for the period of January 1, 2006 through December 31, 2006.
2. Copies of the within Resolution shall be forwarded to the Visiting Nurse Association, Keyport Board of Health and the Municipal Finance Officer and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Bergen, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

3. Resolution #59-06, Amend Resolution #375-05, Salary Resolution for Various Employees

WHEREAS, previously adopted Resolution No. 375-05 contained two incorrect items and the Mayor and Council of the borough of Keyport wish to correct said items.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the following salaries be and hereby are established for the indicated positions effective January 1, 2005, or the date of hire or transfer, whichever is later, in accordance with salary ordinances now in effect.

Administrative Clerk \$49,750 Annually

BE IT FURTHER RESOLVED effective January 1, 2005 the above salaries listed herein do not include longevity, which is as follows:

Years of Service	Percentage
5-10 years of service	1% increase above base pay
10-15 years of service	2% increase above base pay
15-20 years of service	4% increase above base pay
20-25 years of service	5% increase above base pay
25 years of service	6% increase above base pay

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Keyport, that the following salaries be and hereby are established for the indicated positions effective January 1, 2005, or the date of hire or transfer, whichever is later, in accordance with salary ordinances now in effect.

Blood Borne Pathogen Officer \$3,220 Annually

Offered for adoption by Mr. Bergen, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

4. Approve Judith L. Poling accrued time – This Resolution was held.

5. Resolution #60-06, Appointment of Municipal Public Defender, Wesley Kain, Esq.

MUNICIPAL PUBLIC DEFENDER

Mayor Merla announced the appointment of Wesley M. Kain, Esq. as the Municipal Public Defender for the term of one year, from January 1, 2006 through December 31, 2006

WHEREAS, pursuant to the laws of the State of New Jersey and Borough Ordinance there exists a need for a Municipal Public Defender in the Borough of Keyport, County of Monmouth; and

WHEREAS, funds are or will be available for that purpose; and

WHEREAS, the Local Public Contract Law (NJSA 40A:11-1 et seq.) requires that the Resolution awarding the contract shall state the supporting reasons and be printed in a newspaper of general circulation not more than ten days after the passage of the Resolution

Offered for adoption by Mr. Bergen, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

6. Resolution #61-06, Appointment of Library Board of Trustees Member Martha Lopez.

LIBRARY BOARD OF TRUSTEES MEMBER

Mayor Merla announced with the advice and consent of the Council, the appointment of Martha Lopez as a member of the Library Board of Trustees to fill a five year unexpired term which will expire on December 31, 2006.

BE IT RESOLVED by the Council of the Borough of Keyport that the appointment of Martha Lopez as a member of the Library Board of Trustees to fill a five year unexpired term which will expire on December 31, 2006 be and the same is hereby confirmed.

Offered for adoption by Mr. Bergen, seconded by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

7. Resolution #62-06, Appointment of Recreation Commission Member Michael Dollear

RECREATION COMMISSION MEMBER

Mayor Merla announced with the advice and consent of the Council, the appointment of Michael Dollear as a member of the Recreation Commission to fill a five year unexpired term which will expire on December 31, 2006

BE IT RESOLVED by the Council of the Borough of Keyport that the appointment of Michael Dollear as a member of the Recreation Commission to fill a five year unexpired term which will expire on December 31, 2006 be and the same is hereby confirmed.

Offered for adoption by Mr. Bergen, seconded by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

8. Appointment of Alternate Recycling committee Member – This resolution was held.
9. Resolution #63-06, Support Clean Ocean Zone

WHEREAS, the New York/New Jersey Bight is defined as the waters from Montauk Point, New York, to Cape May, New Jersey, offshore to the outer edge of the Continental Shelf (out to 100 miles); and consists of over 19,000 square miles of Atlantic Ocean; and

WHEREAS, the physical, hydrodynamic and biological characteristics of the NY/NJ Bight are unique in the world as more than 300 species of fish, nearly 350 species of birds, 7 species of sea turtles and many marine mammals such as 10 species of whales and several species of seals and porpoises frequent this region. The NY/NJ Bight also serves as an essential migratory pathway for these species; and

WHEREAS, the ecological richness depends on protecting the quality of the environment;
and

WHEREAS, the NY/NJ Bight also sustains the economy of the region through its bounty of natural resources and intrinsic values for millions of people through tourism as well as being host to the nations largest east coast global port and its thousands of related industries; and

WHEREAS, recreational and commercial fisheries provide enormous economic benefits both in food production and recreational activities, the continued use of these renewable natural resources in accordance with existing laws must be supported and enhanced; and

WHEREAS, our waters were known as the “Ocean Dumping Capitol of the World” due to eight ocean dumpsites, including an area called the “dead sea” (a 20 mile area created by excessive sewage and toxic muck dumping); had beaches littered with garbage, medical waste and sludge balls; and suffered from water quality so poor that it was unsafe for swimming. These activities all

caused an ecological and economic crisis; and

WHEREAS, organizations, businesses and citizen rallying to defend these precious resources and working to improve and protect the waters of the NY/NJ Bight, resulted in an end to ocean dumping and dramatically improved water quality, proving that citizens can make a difference to assure their quality of life; and

WHEREAS, the NY/NJ Bight is downstream of, and receives pollution from the most densely populated industrialized and urbanized area in the country which spews millions of gallons of contaminated wastewater and toxic sediments into the ecosystem each year and threatens the vast ecological richness of the Bight and public health through beach closures and fish consumption advisories; and

WHEREAS, currently, the NY/NJ Bight continues to be vulnerable to sources of pollution and threats to habitat on a permit by permit basis, which is often risky, unproductive and not sustainable. These destructive activities undermine the ecological and economic potentialities to sustain living marine resources in the NY/NJ Bight and must be prohibited; and

WHEREAS, current laws and regulations are insufficient to protect the vast value of this ocean region and its living marine resources from polluting and habitat destructive activities, elected officials must strive harder to protect the NY/NJ Bight; and

WHEREAS, it is time to lock-in the tremendous path of progress which has led to far reaching improvements in our ocean water quality and lock out environmentally harmful activities, thereby ensuring the continued protection of the ocean today and for future generations; and

WHEREAS, a logical and essential next step is to use federal and state regulatory and legislative opportunities to designate the NY/NJ Bight as the "Clean Ocean Zone (COZ)", which will:

REDUCE POLLUTION:

1. Prohibit new ocean dumpsites
2. Mandate capping of the Historic Area Remediation Site (HARS) – formerly the Mud Dump Site with "clean material". "Clean material" is defined as being as clean as the sediments found on the ocean floor outside HARS and that protects against adverse ecological effects. Ensure implementation of environmentally sound alternatives for managing dredged material to help keep harbor channels safe for navigation.
3. Prohibit new point sources of pollution and increases of discharge capacity (e.g. wastewater discharge, outfalls, industrial discharges). Encourage environmentally protective beneficial reuse of wastewater.
4. Reduce pollution from stormwater and sediments.

PROTECT MARINE ECOSYSTEMS:

5. Prohibit the permanent extraction (e.g. strip mining) of natural non renewable resources, including sand and gravel.
6. Prohibit industrial and non renewable energy facilities and infrastructure, including oil and gas exploration and development.
7. Require the development of responsible regulations for renewable energy sources.

SUPPORT MARINE RESOURCES:

8. Support recreational and commercial fishing by acknowledging that federal and state laws for fisheries exist. Prohibit the COZ legislation from being used to adopt or enact fisheries management actions. The COZ legislation shall not be used to restrict or limit recreational or commercial fishing.
9. Support federal and state approved artificial reefs and allow underwater research and exploration, but not projects that will adversely affect the ecosystem.
10. Support, celebrate and sustain maritime activities that depend on a healthy and clean ocean such as: boating, underwater diving, fishing, surfing, swimming and the enjoyment of the sea. The COZ legislation will not be used to restrict or limit these activities.

NOW, THEREFORE, BE IT RESOLVED that on this date January 10, 2006, the Mayor and Council of the Borough of Keyport hereby supports the Clean Ocean Zone that would permanently protect the waters of the New York/New Jersey Bight from the aforementioned polluting and habitat destructive activities, thereby safeguarding the waters in this region for present and future generations.

Offered for adoption by Mr. Bergen, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

10. Resolution #64-06, Rescind Resolution No. 26-06, Appointment of Board of Health Member

WHEREAS, on January 1, 2006, the Mayor and Council adopted Resolution No. 26-06 appointing Anne R. Biagianti as a Board of Health Member for a four year term from January 1, 2006 to December 31, 2009; and

WHEREAS, this appointment was in error as Anne Biagianti's term does not expire until December 31, 2006.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Resolution No. 26-05 is hereby rescinded.

Offered for adoption by Mr. Bergen, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

11. Resolution #65-06, Accept Donation of carbine rifles for Police Department

WHEREAS, the Tumulty Family has donated three Police Carbine Rifles for use by the Keyport Police Department; and

WHEREAS, the Borough greatly appreciates the generosity of the Tumulty Family.

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

1. A list containing this donation accepted by the Borough is hereto attached.

Offered for adoption by Mr. Bergen, second by Mr. Sheridan

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

12. Resolution #66-06, Approve KBA Bylaws Amendments

WHEREAS, the KBA was created pursuant to NJSA 40:56-65 et seq and Chapter 13 of the Keyport Ordinances (21-1 et seq); and

WHEREAS, the KBA is empowered to adopt and amend its bylaws pursuant to Keyport Borough Ordinance 21-8; and

WHEREAS, on December 19, 2005 the KBA Board of Directors approved amended bylaws of the KBA, which are appended hereto and made a part hereof by reference; and

WHEREAS, pursuant to Borough Ordinance 21-8(a)(1) amendments to the KBA bylaws effecting membership requirements, eligibility, asset distribution upon dissolution and removal of elected members must be approved by the Keyport Borough Council; and

WHEREAS, the Mayor and Council of the Borough of Keyport regard the Keyport Business community and the KBA as vital economic and social forces in the Borough of Keyport; and

WHEREAS, the Mayor and Borough Council of the Borough of Keyport have reviewed the amendments to the KBA Bylaws.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport hereby approved the amendments to the KBA's bylaws ratified by the KBA Board of Directors on December 19, 2005.

Offered for adoption by Mr. Bergen, second by Mr. Hassmiller

Roll Call Vote: Ayes: Councilmembers Hassmiller, Bergen, Ortman, Mayor Merla
Nays: Councilmembers Walling, Wedick, Sheridan
Abstain: None
Absent: None

Council went back into closed session at 9:51 P.M. and this meeting was reconvened at 10:41 P.M. On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman.

ADJOURNMENT

Motion to Adjourn moved by Mr. Sheridan, seconded by Mr. Ortman, with Ayes by all present.

Time of Adjournment: 10:45 P.M.

These minutes were typed based on the notes taken by Judith L. Poling, Borough Clerk.