

Approved 11/22/05

October 4, 2005
Keyport, New Jersey

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

Mayor Merla called the meeting to order at 7:51 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Doyle, Bergen, Walling, Hassmiller. Absent: Councilmembers Atkins and Wedick. Other present: Mr. Wisniewski, Borough Attorney and Mr. Antonucci, Borough Administrator.

RESOLUTION

1. Resolution No. 308-05, Closed Meeting – Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Fire Department
2. Police Dispatcher

Possible Litigation

1. Henry Weisbecker Insurance Claim

Labor Relations

- 1.

Contract Negotiations

- 1.

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 from which the public shall be excluded in the Council Chambers, Borough Hall for the purpose of discussing the following subjects:

Personnel and Possible Litigation

BE IT FURTHER RESOLVED that the discussions on Personnel and Possible Litigation conducted at said Closed Session shall be disclosed when the matters discussed are resolved and with regard to Labor Relations when negotiations are completed and a contract executed and this meeting shall continue in approximately 20 minutes.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

Council went into closed session at 7:52 P.M. and this meeting was reconvened at 8:12 P.M.

Mayor Merla called the meeting to order at 8:20 P.M. and read the Sunshine Law Notice. He requested a Moment of Silence for the passing of ex-Councilman Robert Hyer.

ROLL CALL

On Roll Call the following were present: Councilmembers Doyle, Bergen, Walling, Hassmiller. Absent: Councilmembers Atkins and Wedick. Other present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer, Mr. Peter Valesi, Special Engineer and Mr. Antonucci, Borough Administrator.

PROCLAMATION

Mayor Merla read a Proclamation for the 2005 Halloween Curfew. Mr. Walling mentioned that Keyport High School is holding their Halloween Dance on Saturday, October 29th.

APPEARANCE AND DISCUSSION

1. **Keyport Yacht Club.** Mayor Merla said Tony Quinn of the Keyport Yacht Club was invited to come and speak at this evening's meeting. The Yacht Club is growing and more parking is needed. They would like the Borough to grant a section of Atlantic Street to them for parking. The property would be maintained by the Yacht Club.

Mr. Quinn introduced himself to Mayor and Council; he is the Immediate Past Commodore of the Yacht Club. There is not enough parking for the Yacht Club members. Presently there are 35 spaces on the premises and 15 spaces are used on Atlantic Street. Summer is a very busy time. Some members have used the corner lot at Church and Second Streets. There is 150' of road being used on Atlantic Street; this is an access road and parking for the club members. The section of street that the Yacht Club is looking to obtain is Borough owned and club would like ownership transferred to them and they would like to reconfigure their lot to accommodate 10 more spaces. The Club really needs 20-25 spaces, but 10 spaces is a start; there are benefits.

Mayor Merla asked Council if they would like to refer the matter to Traffic Safety or not consider the request at all. Borough Attorney Wisniewski said the street must be vacated and if there is an easement of property owner, the Club can receive the property to the center line of the road. This matter depends upon how the street is held, it may have to be bid. If the area is undersized, it could go to the contiguous land owners. Mr. Bergen recommended this matter be referred to the Borough Attorney for review and recommendation. The Borough should check where the sewer line is. Mr. Bergen asked Mr. Quinn if the Yacht Club would handle the Title Search costs? Mr. Quinn said they would.

APPROVAL OF MINUTES

Minutes of the Regular Meetings of September 16, 2003 and December 16, 2003, Work Meeting of October 7, 2003, Special Meetings of September 25, 2003 and October 9, 2003 and Closed Meetings of September 16, 2003, October 7, 2003 and December 16, 2003 were approved as read on motion of Mr. Bergen, second by Mr. Doyle with Ayes by all present except Councilmembers Walling and Hassmiller who abstained..

INTRODUCTION OF ORDINANCES

1. Ordinance No. 15-05, Prohibit the Feeding of Unconfined Wildlife

The Clerk read the Ordinance by Title:

ORDINANCE NO. 15-05

AN ORDINANCE TO PROHIBIT THE FEEDING OF UNCONFINED WILDLIFE IN ANY PUBLIC PARK OR PROPERTY OWNED OR OPERATED BY THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

SECTION I. Purpose. An Ordinance to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Borough of Keyport so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

SECTION II. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Feed – to give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.
- b. Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- c. Wildlife – all animals that are neither human nor domesticated.

SECTION III. Prohibited Conduct:

- a. No person shall feed, in any public park or any other property owned or operated by the Borough of Keyport, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation center or unconfined wildlife at environmental education centers).

SECTION IV. Enforcement:

- a. This ordinance shall be enforced by the Police Department and Board of Health of the Borough of Keyport.
- b. Any person found to be in violation of this ordinance shall be ordered to cease the feeding immediately.

SECTION V. Violations and Penalties. Any person(s), entity, firm, corporation or other group that is found guilty of violating any of the provisions of this ordinance shall be subject to any penalty set forth in Section 1-5 of the General Code. Each incident shall be considered as a separate violation.

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

SECTION VII. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Doyle, second by Mr. Walling with Ayes by all present.
- 2. Ordinance No. 16-05, Prohibit Illicit Connection to Municipal Separate Storm Sewer System

The Clerk read the Ordinance by Title:

ORDINANCE NO. 16-05

**AN ORDINANCE TO PROHIBIT ILLICIT CONNECTIONS TO
MUNICIPAL SEPARATE STORM SEWER SYSTEM OPERATED
BY THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY**

SECTION I. Purpose. An Ordinance to prohibit illicit connections to the municipal separate storm sewer system(s) operated by the Borough of Keyport, so as to protect the public health, safety and welfare and to prescribe penalties for the failure to comply.

SECTION II. Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. The definitions below are the same as or based on corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at NJAC 7:14A-1.2.

- a. Domestic sewage – waste and wastewater from humans or household operations.
- b. Illicit connection – any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Keyport, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Discharge Permit (NJPDES Permit Number NJ0141852). Non-physical connections may include, but are not limited to leaks, flows or overflows into the municipal separate storm sewer system.
- c. Industrial waste – non-domestic waste, including but not limited to those pollutants regulated under Section 307(a),(b) or (c) of the Federal Clean Water Act (33 U.S.C. Subsection 1317(a), (b) or (c)).
- d. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the Borough of Keyport or other public body and is designed and used for collecting and conveying stormwater.
- e. NJPDES permit – a permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at NJAC 7:14A.
- f. Non-contact cooling water – water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algacides or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.
- g. Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- h. Process wastewater – any water which during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product. Process wastewater includes, but is not limited to leachate and cooling water other than non-contact cooling water.
- i. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct. No person shall discharge or cause to be

discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Keyport any domestic sewage, non-contact cooling water, process wastewater or other industrial waste (other than stormwater).

SECTION IV. Enforcement. This Ordinance shall be enforced by the Police Department and Board of Health of the Borough of Keyport.

SECTION V. Penalties. Any person(s), entity, firm, corporation or other group that is found guilty of violating any of the provisions of this ordinance shall be subject to any penalty set forth in Section 1-5 of the General Code. Each incident shall be considered as a separate violation.

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

SECTION VII. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause or phrase and the finding or holding of any such portion of this ordinance to be unconstitutional, void or ineffective for any clause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Walling, second by Mr. Doyle with Ayes by all present.
3. Ordinance No. 17-05, Establish Requirements to Control Littering

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 17-05
AN ORDINANCE ESTABLISHING REQUIREMENTS TO
CONTROL LITTERING IN THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

SECTION I. Purpose. An Ordinance to establish requirements to control littering in the Borough of Keyport, so as to protect public health, safety and welfare and to prescribe penalties or the failure to comply.

SECTION II. Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Litter – any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper or other natural or synthetic material or any combination thereof, including but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

- b. Litter Receptacle – a container suitable for the depositing of litter.
- c. Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Prohibited acts and regulated activities.

- 1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle or having done so, to allow such litter to remain.
- 2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this Ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this Ordinance.

SECTION IV. Enforcement. This Ordinance shall be enforced by the Police Department and Board of Health of the Borough of Keyport.

SECTION V. Penalties. Any person(s), entity, firm, corporation or other group that is found guilty of violating any of the provisions of this ordinance shall be subject to any penalty set forth in Section 1-5 of the General Code. Each incident shall be considered as a separate violation.

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

SECTION VII. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

SECTION VIII. Effective date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 3a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Doyle, second by Mr. Walling with Ayes by all present.
- 4. Ordinance No. 18-05, Establish an Improper Disposal of Waste Ordinance

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 18-05
AN ORDINANCE ESTABLISHING AN IMPROPER
DISPOSAL OF WASTE ORDINANCE IN THE BOROUGH
OF KEYPORT, COUNTY OF MONMOUTH AND STATE OF
NEW JERSEY**

SECTION I. Purpose. An Ordinance to prohibit the spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Keyport, so as to protect public health, safety and welfare and to prescribed penalties for the failure to comply.

SECTION II. Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the test of this Chapter clearly demonstrates a different meaning. When not inconsistent with the

context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels or storm drains) that is owned or operated by the Borough of Keyport or other public body and is designed and used for collecting and conveying stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- c. Stormwater – water resulting from precipitation (including rain or snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewer or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct. The spilling, dumping or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Keyport is prohibited. The spilling, dumping or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer is also prohibited.

SECTION IV. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources.
- b. Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters).
- c. Air conditioning condensate (excluding contact and non-contact cooling water).
- d. Irrigation water (including landscape and lawn watering runoff).
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- f. Residential car washing water and residential swimming pool discharges.
- g. Sidewalk, driveway and street wash water.
- h. Flows from fire fighting activities including the washing of fire fighting vehicles.
- i. Vehicle and equipment washwater from municipal operations pursuant to Part I, Section F.8.e of the Borough’s Tier A Municipal Stormwater General Permit.
- j. Flows from rinsing of the following equipment with clean water:
 - Beach maintenance equipment immediately following their use for their intended purposes; and
 - Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g. shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded

SECTION V. Enforcement. This Ordinance shall be enforced by the Police Department and Board of Health of the Borough of Keyport.

SECTION VI. Penalties. Any person(s), entity, firm, corporation or other group that is found guilty of violating any of the provisions of this ordinance shall be subject to any penalty set forth in Section 1-5 of the General Code. Each incident shall be considered as a separate violation.

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

SECTION VIII. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

SECTION IX. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 4a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Hassmiller, second by Mr. Bergen with Ayes by all present.

5. Ordinance No. 19-05, Establish Requirement for Disposal of Pet Waste

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 19-05
AN ORDINANCE ESTABLISHING REQUIREMENT
REGARDING DISPOSAL OF PET WASTE IN THE BOROUGH
OF KEYPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

SECTION I. Purpose. An Ordinance to establish requirements for the proper disposal of pet solid waste in the Borough of Keyport, so as to protect public health, safety and welfare and to prescribe penalties for failure to comply.

SECTION II. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Immediate – shall mean that the pet solid waste is removed at once, without delay.
- b. Owner/Keeper – any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not the owner of such pet.
- c. Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- d. Pet – a domesticated animal (other than a disability assistance animal) kept for amusement or companionship.
- e. Pet solid waste – waste matter expelled from the bowels of the pet; excrement.
- f. Proper disposal – Placement in a designated waste receptacle or other suitable container and discarded in a refuse container which is regularly emptied by the municipality or some other refuse collector or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

SECTION III. Requirement for Disposal. All pet owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

SECTION IV. Exemptions. Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.

SECTION V. Enforcement. The provisions of this Article shall be enforced by the Police Department and Board of Health of the Borough of Keyport.

SECTION VI. Violations and Penalty. Any person(s), entity, firm, corporation or other group that is found guilty of violating any of the provisions of this ordinance shall be subject to any penalty set forth in Section 1-5 of the General Code. Each incident shall be considered as a separate violation

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

SECTION VIII. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional, void or ineffective for any cause or reason, shall not affect any other portion of this Ordinance.

SECTION IX. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 5a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.
6. Ordinance No. 20-05, Establish a Yard Waste Collection and Disposal Program

The Clerk read the Ordinance by Title:

ORDINANCE NO. 20-05
AN ORDINANCE TO ESTABLISH A YARD WASTE COLLECTION
AND DISPOSAL PROGRAM IN THE BOROUGH OF KEYPORT, COUNTY
OF MONMOUTH AND STATE OF NEW JERSEY

SECTION I. Purpose. An ordinance to establish a yard waste collection and disposal program in the Borough of Keyport, so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

SECTION II. Definitions. For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the plural number include the singular number and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

- a. Containerized – means the placement of yard waste in a trash can, bucket, bag or other vessel, such as to prevent the yard waste from spilling or blowing out into the street and coming into contact with stormwater.
- b. Person – any individual, corporation, company, partnership, firm, association or political subdivision of this State subject to municipal jurisdiction.
- c. Street – means any street, avenue, boulevard, road, parkway, viaduct, drive or other way, which is an existing State, County or Municipal roadway and includes the land between the street lines, which improved or unimproved and many

comprise pavement, shoulders, gutters, curbs, sidewalks, parking areas and other areas within the street lines.

- d. Yard Waste – means leaves and grass clippings.

SECTION III. Yard Waste Collection. Sweeping, raking, blowing or otherwise placing yard waste that is not containerized at the curb or along the street is only allowed during the seven (7) days prior to a scheduled and announced collection and shall not be placed closer than 10 feet from any storm drain inlet. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a violation of this Ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street or said party shall be deemed in violation of this ordinance.

SECTION IV. Enforcement. The provisions of this ordinance shall be enforced by the Police Department and Board of Health of the Borough of Keyport.

SECTION V. Violations and Penalties. Any person(s), entity, firm, corporation or other group that is found guilty of violating any of the provisions of this ordinance shall be subject to any penalty set forth in Section 1-5 of the General Code. Each incident shall be considered as a separate violation

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

SECTION VII. Severability. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase and the finding or holding of any such portion of this Ordinance to be unconstitutional void or ineffective for any cause or reason shall not affect any other portion of this Ordinance.

SECTION VIII. Effective Date. This Ordinance shall be in full force and effect from and after its adoption and any publication as may be required by law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 6a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Hassmiller, second by Mr. Doyle with Ayes by all present.
7. Ordinance No. 21-05, Bond Ordinance/Upgrade Water Treatment Facility

The Supplemental Debt Statement is on file with the Clerk.

The Clerk read the Ordinance by Title:

ORDINANCE NO. 21-05

BOND ORDINANCE PROVIDING FOR THE PERRY STREET WATER TREATMENT FACILITY UPGRADE, 2005-2006 IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,047,600 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New

Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$1,100,000, including the sum of \$52,400 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,047,600 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Perry Street Water Treatment Facility Upgrade, 2005-2006, as more fully described on a list on file in the office of the Clerk, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer 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. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. 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 the notes pursuant to this ordinance is made. Such report must 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 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 Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,047,600, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, 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 so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. 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 the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

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

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 7a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Councilman Walling, second by Mr. Hassmiller with Ayes by all present.

Mr. Bergen explained Ordinance No. 21-05 and said Peter Valesi from Hatch, Mott, McDonald (Special Engineer) is in attendance this evening.

Mayor Merla asked Mr. Valesi to explain what happened with the iron in the Water Plant. Mr. Valesi said the Plant is an iron removal facility; there was a slight PH adjustment done. There was pre-treated water mixed with finished water. There was a slight problem which made it difficult to find. Once the problem was found, immediate action was taken and the problem was solved. At the same time, the system needed to be flushed which created the additional complaints. The water was not harmful, it was just discolored (it creates bad coffee and dirty laundry).

Mr. Valesi said there was rust in the lines and it shifted when the systems were changed. The Borough switches from Shorelands Water to its own and there was a problem with the Plant's output.

Mayor Merla said he appreciated everyone's time and it turned out a check valve was the problem.

The Water Plant is antiquated and needs replacements for reliable service to the residents. The Clarifier is a big tank and will be covered (Perry Street). The Borough needs a stable Plant

and the upflow must be removed in order to make down flow. The wells are not the problem. A starter was replaced.

Mr. Bergen said the Borough is not selling the water system, but improvements need to be made. A package is being put together.

8. Ordinance No. 22-05, Amend Bond Ordinance No. 14-04

The Supplemental Debt Statement is on file with the Clerk.

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 22-05
BOND ORDINANCE AMENDING SECTION 3(a) OF BOND
ORDINANCE NUMBER 14-04 FINALLY ADOPTED AUGUST 3, 2004
AND PROVIDING FOR A SUPPLEMENTAL APPROPRIATION OF \$400,000
IN ORDER TO PROVIDE FOR THE FUNDING OF THE RE-
CONSTRUCTION OF AMERICAN LEGION DRIVE BULKHEAD IN
AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF
MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF
\$380,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART
OF THE APPROPRIATION.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL, OF THE BOROUGH OF
KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY** (not less than two-thirds
of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements authorized and purpose for the financing set forth in Section 3(a) of bond ordinance #14-04 of the Borough finally adopted August 3, 2004 is hereby amended to add the additional improvement set forth in Section 4(a) hereof.

Section 2. The improvement described in Section 4(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Keyport, New Jersey as a general improvement. For the improvement or purpose described in Section 4(a), as revised by Section 1 hereof, there is hereby appropriated the supplemental amount of \$400,000, such sum being in addition to the \$1,000,000 appropriated therefor by bond ordinance #14-04 of the Borough finally adopted August 3, 2004 and including the sum of \$20,000 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 3. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 4. (a) The additional improvement authorized and the additional purpose for the financing of which the bonds are to be issued is for the Reconstruction of American Legion Drive Bulkhead, including all work and materials necessary therefor and incidental thereto, in addition to the improvements more fully described in Section 3(a) of bond ordinance #14-04 of the Borough finally adopted August 3, 2004.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose as revised is \$1,332,000 including the \$952,000 bonds or notes authorized by bond ordinance #14-04 of the Borough finally adopted August 2, 2004 and the \$380,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose as revised is \$1,400,000 including the \$1,000,000 appropriated by bond ordinance #14-04 of the Borough finally adopted August 3, 2004 and the \$400,000 appropriated herein.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer 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. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). 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 the notes pursuant to this ordinance is made. Such report must 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 6. The capital budget of the Borough of Keyport 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 Clerk and is available there for public inspection.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by bond ordinance #14-04, as amended by this bond ordinance, is 15.36 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$380,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) No additional expenses permitted by the provisions of N.J.S.A. 40A:2-20 are provided for herein.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement 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 so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. 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 the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 8a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Walling, second by Mr. Hassmiller with Ayes by all present.

Mr. Bergen said this Bond Ordinance amends a previous Bond Ordinance and will be used towards the replacement of the bulkhead on the waterfront. The project is cost effective to do.

9. Ordinance No. 23-05, Salary Ordinance – Various Officers and Employees

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 23-05
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 salary, since the new salary may simply be set by a Resolution of the Mayor and Council.

NOW, THEREFORE, BE IT ORDAINED 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 officers and employees effective January 1, 2005 or date of hire whichever come later:

	MINIMUM SALARY	MAXIMUM SALARY
Senior Account Clerk	\$18,000	\$ 50,000 annually
Administrative Secretary	\$20,000	\$ 60,000 annually
Police Records Clerk	\$15,000	\$ 50,000 annually
Senior Permit Clerk/Typist	\$18,000	\$ 50,000 annually
Registrar of Vital Statistics'		
Secretary Bd or Commission	\$15,000	\$ 50,000 annually
Clerk	\$15,000	\$ 40,000 annually
Account Clerk	\$15,000	\$ 35,000 annually
Permit Clerk	\$15,000	\$ 35,000 annually
Principal Account Clerk	\$20,000	\$ 45,000 annually
Supervisor, Public Works	\$25,000	\$ 75,000 annually
Asst Water Treatment Plant Operator	\$25,000	\$ 75,000 annually
Public Safety-Telecommunication Opt A	\$15,000	\$ 50,000 annually
Public Safety-Telecommunication Opt B	\$15,000	\$ 50,000 annually
Senior Public Safety Telecomm. Operator	\$20,000	\$ 60,000 annually
Equipment Operator	\$12.00	\$ 40.00 per hour
Mechanic	\$14.00	\$ 45.00 per hour

Public Works Repairer	\$12.00	\$ 40.00 per hour
Laborer, Third Year	\$12.00	\$ 40.00 per hour
Laborer, Second Year	\$12.00	\$ 40.00 per hour
Laborer, First year	\$12.00	\$ 40.00 per hour
Asst. Water Plant Tmt Oper/Laborer	\$12.00	\$ 40.00 per hour
Water Meter Reader/Repairer	\$12.00	\$ 45.00 per hour
Park Maintenance Worker	\$12.00	\$ 40.00 per hour
Senior Park Maintenance Worker	\$12.00	\$ 40.00 per hour

SECTION 2. the following salary ranges are hereby fixed and determined for the following officers and employees effective January 1, 2005 date of hire whichever come later:

Tax Collector	\$ 8,000	\$ 60,000 annually
Borough Clerk/Election Clerk	\$30,000	\$ 80,000 annually
Deputy Borough Clerk	\$20,000	\$ 60,000 annually
Borough Administrator	\$17,500	\$100,000 annually
Chief of Police	\$75,000	\$100,000 annually
Police Director	\$50,000	\$ 75,000 annually
Court Administrator	\$25,000	\$ 60,000 annually
Deputy Court Administrator	\$20,000	\$ 45,000 annually
Superintendent of Public Works	\$35,000	\$ 90,000 annually
Administrative Clerk	\$20,000	\$ 65,000 annually
Supervisor of Senior Center Activities	\$20,000	\$ 60,000 annually
Treasurer	\$ 8,000	\$ 45,000 annually

SECTION 3. The following salary ranges are hereby fixed and determined for the following part time officers and employees retroactive to January 1, 2005.

Chief Financial Officer	\$20,000	\$ 65,000 annually
Mayor	\$ 2,000	\$ 5,500 annually
Councilmembers	\$ 1,500	\$ 4,000 annually
Fire Chief	\$ 600	\$ 3,000 annually
Assistant Fire Chief	\$ 400	\$ 2,500 annually
Tax Assessor	\$ 7,500	\$ 40,000 annually
Municipal Court Judge	\$10,000	\$ 30,000 annually
Municipal Prosecutor	\$ 5,000	\$ 25,000 annually
Municipal Public Defender	\$ 4,000	\$ 8,000 annually
Unified Planning Board Secretary	\$ 2,000	\$ 6,000 annually
Fire Sub Code Official	\$ 2,000	\$ 6,000 annually
Fire Official	\$ 2,000	\$ 8,000 annually
Fire Alarm Repairman	\$ 600	\$ 3,000 annually
Smoke Detector Inspector	\$ 5,000	\$ 7,500 annually
Electrical Sub Code Official	\$ 2,000	\$ 7,000 annually
Electrical Inspector	\$ 2,000	\$ 6,500 annually
Plumbing Subcode Official	\$ 2,000	\$ 7,000 annually
Plumbing Inspector	\$ 2,000	\$ 6,500 annually
Construction Code Official	\$15,000	\$ 45,000 annually
Zoning Officer	\$15,000	\$ 40,000 annually
Water Plant Operator	\$ 3,000	\$ 7,000 annually
Recreation Director,	\$ 3,000	\$ 7,000 annually
Asst. Winter Director	\$ 500	\$ 1,500 annually
Asst. Director	\$ 1,500	\$ 3,000 annually
Supervisor	\$ 1,000	\$ 2,500 annually
Counselor	\$ 500	\$ 2,000 annually
Recreation Secretary	\$ 1,000	\$ 3,000 annually
Drug Alliance Coordinator	\$12,000	\$ 20,000 annually
Bloodborne Pathogen Officer	\$ 2,500	\$ 6,000 annually
Deputy Treasurer	\$ 5,000	\$ 15,000 annually
Deputy Tax Collector	\$20,000	\$ 40,000 annually
Recycling Coordinator	\$ 2,500	\$ 8,000 annually
Asst. Recycling Coordinator	\$ 2,000	\$ 6,000 annually
Property Maintenance Officer	\$ 5,000	\$ 15,000 annually
Asst. Property Maintenance Officer	\$ 3,500	\$ 7,000 annually
Clean Communities Coordinator	\$ 200	\$ 3,000 annually

Crossing Guard	\$ 6.00	\$ 10.00 per hour
Bldg Maintenance Worker	\$ 6.00	\$ 15.00 per hour
Deputy Registrar of Vital Statistics	\$ 6.00	\$ 15.00 per hour
Boat Ramp Employee	\$ 6.00	\$ 15.00 per hour
Clean Communities Employee	\$ 6.00	\$ 15.00 per hour
Communications Operator	\$ 6.00	\$ 15.00 per hour
Temporary Clerical	\$ 6.00	\$ 15.00 per hour
Outreach Worker	\$ 6.00	\$ 15.00 per hour
Special Police Officer	\$ 8.00	\$ 20.00 per hour
Police Matron	\$ 6.00	\$ 15.00 per hour
Senior Citizen Clerical	\$ 5.00	\$ 15.00 per hour
Laborer, Parks	\$ 6.00	\$ 15.00 per hour
Senior Citizen Clerical	\$ 5.00	\$ 10.00 per hour
Motor Vehicle Operator 1	\$ 10.00	\$ 20.00 per hour
Parking Enforcement Officer	\$ 8.00	\$ 20.00 per hour
Fire Inspector	\$ 10.00	\$ 20.00 per hour
Clerk of the Works	\$ 60.00	\$ 70.00 per hour

SECTION 4 Inconsistent Ordinances. All Ordinances are 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 the Ordinance shall be deemed valid and effective.

SECTION 6. 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, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 9a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Hassmiller, second by Mr. Doyle with Ayes by all present.
10. Ordinance No. 24-05, Amend Ordinance regarding the Exit and Entrance Doors to Liquor License establishments

The Clerk read the Ordinance by Title:

ORDINANCE NO. 24-05
AN ORDINANCE AMENDING AND SUPPLEMENTING THE
BOROUGH OF KEYPORT ORDINANCE 6-4.6 CLOSURE OF DOORS

WHEREAS, pursuant to NJSA 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, in Chapter 6 of the Borough Code was enacted to regulate the sale and transportation of alcoholic beverages in the Borough of Keyport in accordance with the provisions of an Act of the Legislature of the State of New Jersey entitled an Act Concerning Alcoholic Beverages, comprising Chapter 436 of the Laws of 1933, its supplements and amendments and also comprising NJSA 33:1-1 et seq., in accordance with the rules and regulations of the State Director of Alcohol Beverage Control (Ord #202, subsection 1; 1972 Code Subsection 8-1); and

WHEREAS, the Borough having provided for the renewal of liquor licenses within the Borough of Keyport for the 2005/2006 renewal term, the governing body wishes to amend Ordinance 6-4-4.6.

NOW, THEREFORE, BE IT ENACTED by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance 6-4.6 titled **Closure of Doors** is hereby amended and replaced as follows:

6-4.6 Closure of Doors

All licenses except package stores, but including retail consumption licenses retail plenary distribution licenses and club licenses shall have exit and entrance doors to the licensed premises closed from 9:00 P.M. until closing, absent noise complaints from residents residing in the immediate area of the licensed premises. The term "doors" as used herein refers to the permanent outer doors, i.e. those that are closed during off business hours and does not include screen or storm doors.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

- 10a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 6, 2005 for a Hearing to be held on October 18, 2005 moved by Mr. Doyle, second by Mr. Bergen with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Michael Cummins requesting the sewer portion of his water bill be waived for 44 Beers Street.

Motion to refer to the Department of Public Works and Keri Stencil, Water/Sewer Collector for review and recommendation moved by Mr. Bergen, second by Mr. Hassmiller with Ayes by all present.

2. Letter from Nicole and Doug Stout requesting Tax Sale Certificate 78-3 (Block 9, Lot 46.01) be assigned to them

Motion to refer to the Tax Collector moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

3. Request from Clean Ocean Action to hold their Fall Beach Sweeps on Saturday, October 22, 2005.

Motion to Approve and send this request to the Environmental and Harbor Commission and Department of Public Works moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

4. Resolution from Spring Lake regarding creating competition for Cable

Mr. Wisniewski said this basically deals with a video dial tone for movies and TV; similar to Cable Services. A Statewide Franchise is needed. Mr. Bergen asked Mr. Wisniewski if he could create a Resolution opposing Statewide Franchise fees.

Mr. Bergen made a motion to adopt a Resolution opposing Statewide Franchise fees, second by Mr. Hassmiller with Ayes by all present.

5. Resolution from South Brunswick Township urging the Federal Government to Raise the Federal Minimum Hourly Wage

Motion to list a supportive Resolution moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

6. Letter from the Board of Chosen Freeholders regarding meetings for modernizing the Flood Insurance Rate Maps

Engineer Norbut will look at the information and Mr. Hassmiller will attend the meeting that will be held on Tuesday, October 18th at 1:30 P.M. in Colts Neck.

Motion to refer this matter to Engineer Norbut and Councilman Hassmiller moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

7. Request for waiver of electrical permits from Paul and Alice Albrecht, 129 Church Street and Mrs. Fisler, 136 Church Street.

Motion to reimburse the permit fees (\$47) to both residents moved by Mr. Walling, second by Mr. Bergen with Ayes by all present.

8. Request for refund on water/sewer bill (second meter) from Thomas Rose, 158 Broadway

Motion to refer this matter to the Public Works Committee to review and make recommendation on October 18th moved by Mr. Bergen, second by Mr. Hassmiller with Ayes by all present.

9. Resolution from the Borough of Farmingdale regarding registration of sex offenders.

Motion to Receive and File moved by Mr. Walling, second by Mr. Hassmiller with Ayes by all present.

10. Letter from Wayne Peck regarding rezoning the property of 75 Manchester Avenue.

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

UNFINISHED BUSINESS

1. **Alleyway near Fabric Shop/Broad Street.** Mr. Walling said there is access in an alleyway that needs to be addressed. Joe Joe Merla said he would like to be responsible for this area and would like to install pavers from front to back with a gate (to clean it up a little). The Mayor said it would be similar to Adopting a Park. The Public Works Department is cleaning this area from bulk items once or twice a week. The alleyway cannot be closed off because it is access to the water. There is a light on the back of the building facing the waterfront; it should be reversed to shine on the alleyway. Dumping is happening from both side of the alleyway; the Police have been to the area and cited both property owners and fined them.

Mr. Bergen asked Joe Joe Merla if he wanted anything in exchange for this; no. Mr. Bergen asked that he get prices and the Borough would do this project as a joint effort.

2. **Dubleski Property/Church Street.** Mayor Merla said Mr. Alfano moved out of this property this past weekend. The Construction Code Official should be advised that no one is to move into the building. Mr. Bergen asked if they will go before the Planning Board? No, Mr. Dubleski is supposedly selling the building. Mr. Vecchio and Mr. Burlew should be put on notice by the Administrator that there is no tenant as of this past weekend. There are no more trailers or dumpsters. The Mayor said this location is on the Planning Board's agenda for October.

Mr. Dubleski was given 45 days to appeal the decision of the Planning Board; the appeal period ended on July 12, 2005. There was never an appeal and nothing was done. Mr. Dubleski was given a Temporary Certificate of Occupancy with no occupants. Mike Lane, First Street, asked if there were Engineer Fees? He recommended the Borough put a lien on the property if the professional fees were not paid. Mr. Alfano has 18 months to complete the project. Mr. Bergen said there is no Certificate of Occupancy on the building. A letter should be issued by the Administrator to Robert Burlew that no Certificates of Occupancy are to be issued.

Mayor Merla asked if this property could be sold with the Planning Board's stipulations. Mr. Wisniewski said the owner must do the work with what has been approved. Mr. Wisniewski said he would have to see the Planning Board's resolution.

Andrew Willner said once the Borough passes on a Project and there is non-issuance of a Certificate of Occupancy, another project is magnified. He asked how the Borough can enforce what is in the resolution. It was asked if any feedback is given when a Certificate of Occupancy is issued? The Mayor asked Engineer Norbut if the Resolution from the Planning Board is given to the Building Department. The Engineer needs to get involved; especially with onsite improvements. Police Chief Gajewski said there is no way to find out if a Building permit is valid because the Police Department are not notified about these matters.

ADMINISTRATOR'S REPORT

Mr. Antonucci reported on the September 27th Payment of Bills; Current Account - \$120,691.99, Water and Sewer Account - \$16,898.39 and RBIT - \$688.96. He reported that he has had meetings with all department heads except the Construction Code Official. He has a meeting this Thursday with representatives from the Monmouth County GIS regarding the system. He was in constant contact with the Water Plant Operator regarding the Water situation; an advertisement was done and the Fire Department went around and made an announcement.

AJ Perri was in to look at the Air Conditioning Unit and made an inspection regarding the humidity in the office; they balanced the air flow and replaced filters. Mr. Antonucci said he met with the Board of Health Secretary to discuss how her office operates and what she is responsible for. He met with Edmunds to explore Human Resource Software which would eliminate paperwork; one person is needed to enter the data. The Requisition System will be done by computer. Mr. Antonucci said he would be meeting with Edmunds next week regarding computer security risks. A computer will be provided at Borough Hall for the Senior Center, DPW and Council to be able to review requisitions. He met with the Fire Marshall to ascertain any inefficiencies. He met with SPS regarding the telephone system and having it rebuilt; it is in disarray. He spoke with United Computer regarding computer support and to assess what they provide and having a back up system off site in case of a disaster scenario.

There will be software training for the Borough Employees to get better productivity from the departments. He has a meeting with the Board of Education Administrator regarding shared Janitorial Services.

Mr. Antonucci said the Broad Street Fire Hydrant near Kapushy's could be repaired by the Department of Public Works which would save the Borough \$10,000. The shut off is toward the Diner.

ENGINEER'S REPORT

Mr. Norbut reported on the following. He was notified, informally, that the Borough was awarded \$150,000 Grant for the reconstruction of Warren Street; the Borough will be officially notified. Mr. Bergen asked about improved drainage at Green Grove Avenue and Third Street and requested Mr. Norbut speak with the County. The Mayor said the County and the Mosquito Commission were advised about the drainage in this area. The DEP notified the Borough that it would be receiving an additional \$6,848 grant for Stormwater Management; the Borough should list a Resolution on the next Agenda (10/18).

With regard to the Woodmont Property Sanitary Sewer Replacement, Mr. Norbut had a report for Mayor and Council. According to an approving Resolution from the Planning Board, the property owner had been authorized to replace 150 feet of the sanitary sewer across the property and 150 feet needs replacement. Mr. Norbut said he spoke with the Developer to see if he would be willing to do the replacement and he has agreed. The cost proposal given was \$24,395.50 according to the Monmouth County Engineer and the construction cost. The improvements to Beach Park would be \$25,000 and would not be done to offset the project. Mr. Norbut said he spoke with Mr. Wisniewski about this matter. Mayor Merla asked what the timeframe for this would be; yesterday. Mr. Norbut said he told the Developer he would need to speak with Mayor and Council about this. Mr. Bergen recommended the Developer be approved to replace the sanitary sewer and the Borough could improve Beach Park itself. Streetscape improvements are needed. A private company could do the sanitary sewer work at less of a cost than the Borough. Mr. Norbut said he figured the project (sanitary sewer) would cost \$40,000 and the proposal came in \$15,000 less than what was figured. Mayor Merla requested the Planning Board be advised of what is being done (we are swapping one project for the other). Mr. Norbut said he spotted the break in the sanitary sewer line.

ATTORNEY'S REPORT

Mr. Wisniewski did not have a report.

NEW BUSINESS

1. **2006 Smart Growth Grant Application.** The deadline for this grant is October 15th. This could be a supplemental grant for the Aeromarine property. The next funding round for this grant will be February 2006. Dave Roberts, Schoor DePalma, submitted the information and said he could submit an application and the services would not exceed \$3,500. A resolution should be listed authorizing Schoor DePalma to submit the application at a cost not to exceed \$4,000. Mr. Roberts will meet with Kathy Shaw.
2. **Mayor Merla.** Mr. Walling requested Mayor Merla step down from his position as Mayor and remove the "dark cloud" from the Borough. The Mayor said a tape was illegally forwarded to a newspaper and the situation is being investigated. The Mayor said he appreciated Mr. Walling's concern and declined to step down; he said there is a comparison of apples to oranges. The Mayor said the tape was not a KBA tape; an individual taped it and released the tape. It is allegations. There are 2 different people: one person from the KBA and one person from the newspaper.

Mr. Bergen clarified that the Mayor does not have any intention to resign. Mr. Bergen asked the Mayor if he had evaluated the situation? The Mayor said he did and he would not hurt the public or community; they are allegations that are being handled by his attorney. Mr. Walling asked that the Mayor put Keyport first.

3. **Gas Pricing.** Mayor Merla asked Mr. Wisniewski about the State regulating gas pricing and if the Borough could adopt guidelines for fuel rates being raised once a week through a Resolution or Ordinance. Mr. Wisniewski said there are Federal regulations that prevent us from doing anything. The Mayor asked if the Borough could regulate raising rates to once a week? Mr. Wisniewski said NJ law states that municipalities are subdivisions of the State. Municipalities under the State of New Jersey can make acts that legislation gives authority to regulate. Mr. Wisniewski said the Borough could proceed upon the provision of affecting the health, safety and welfare of the residents. The State has an 800 number to report price gauging. Gasoline is an interstate commerce; it is difficult and competitive and you must proceed with caution. Mr. Wisniewski said he would research this matter and report back to Council.

Mayor Merla said one of the gas stations in Keyport changed its pricing two times in one day and advised its customers that it was out of regular gas. The Division of Weights and Measures should be contacted. The Mayor said a letter was sent to the service stations in town requesting they not raise the pricing more than once a week.

An audience member advised that on MSNBC's website, you can pull up what the current gas prices are in any area of Keyport or New Jersey.

RESOLUTIONS

2. Resolution No. 309-05, Payment of Bills

See full copy of Resolution as pages - of these minutes

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

3. Resolution No. 310-05, Appointment of Laborer, First Class

WHEREAS, there exists a vacancy in the position of Public Works Laborer; and

WHEREAS, advertisements were placed in the newspapers, applications submitted and interviews held; and

WHEREAS, funds are available in the 2005 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Brian Milosky is hereby appointed Laborer, First Year, in the Public Works Department, effective October 5, 2005 at an hourly rate of 17.16 in effect for this position as per Salary Ordinance and Salary Resolution.

BE IT FURTHER RESOLVED that there is a 90 day probationary period commencing on October 5, 2005 and ending on January 3, 2006.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

Mayor Merla said Brian Mislosky has been a part time employee with the Public Works Department for the past 2 years, he obtained his CDL license and has not missed a day of work since he started. The Mayor congratulated Mr. Mislosky.

4. Resolution No. 311-05, Urge Federal Government to Raise the Federal Hourly Minimum Wage

WHEREAS, the recent devastation imposed by Hurricane Katrina along the Gulf Coast region of the United States has focused the world's attention on that portion of Americans hardest hit by the tragedy; and

WHEREAS, it has become painfully clear to the world that a large portion of Americans live below the poverty line and are unable to afford even the basic necessities of life, including, decent housing, food, clothing and means of transportation; and

WHEREAS, as a result of the poverty felt by scores of Americans in the Gulf Coast region, Hurricane Katrina left their families devastated, homeless, lost, alone and helpless because of insufficient resources while others who enjoy economic success were able to escape the wrath of Hurricane Katrina; and

WHEREAS, the poverty felt by Americans in the Gulf Coast region resulted in the death of thousands of fellow Americans simply because they could not afford to escape from the path of destruction; and

WHEREAS, it is clear that the economic state of these fellow Americans could have easily been improved if the federal hourly minimum wage had been raised above \$5.15, where it has been since at least 1999; and

WHEREAS, the current federal poverty guideline for a family of four is \$18,850, meaning that a hard working American who works full time earning a minimum wage of \$5.15 an hour makes approximately \$10,300 a year or roughly \$8,550 below the federal poverty guideline; and

WHEREAS, rapid inflation, increases in the cost of living and a decrease in the dollars buying power has made it increasingly difficult for low wage earners to provide even the most basic necessities for their families, including the ability to escape from natural disasters such as Hurricane Katrina; and

WHEREAS, the State of New Jersey and several other states have recognized this inequity and have adopted legislation to raise the minimum hourly rate to \$7.15 over the next two years; and

WHEREAS, the federal government should take steps to enact federal legislation to raise the federal hourly minimum wage so that all Americans can afford at least the basic necessities of life and perhaps avoid the next natural disaster by being able to leave the affected area.

NOW, THEREFORE, BE IT RESOLVED on this 4th day of October 2005 by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey, that:

1. The Mayor and Borough Council of the borough of Keyport hereby strenuously urge President George W. Bush, Senator Frank Lautenberg, Senator Jon Corzine and Congressman Frank Pallone, Jr. to take immediate steps to introduced, adopt and sign into law a bill raising the federal hourly minimum wage to \$7.15 so that all Americans economically well-off, can afford to avoid and/or escape from future disasters like Hurricane Katrina.
2. The federal government should also establish a method to annually evaluate the federal hourly minimum wage to ensure that it keeps pace with the economic conditions of the time, making adjustments to the federal hourly minimum wage as appropriate thereafter.
3. A certified copy of this Resolution be sent to President George W. Bush, Senator Frank Lautenberg, Senator Jon Corzine, Congressman Frank Pallone, Jr., the US Department of Labor, the New Jersey State League of Municipalities and all municipalities with the County of Monmouth.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

5. Resolution No. 312-05, Authorize execution of 2006 SCAT Agreement

WHEREAS, the Borough of Keyport has heretofore entered into an Agreement with the Monmouth County Board of Chosen Freeholders, specifically the Office of Special Citizens Area Transportation (SCAT) to provide certain services to senior citizens and handicapped individuals among others, residing within the Borough of Keyport for the year 2005 pursuant to an agreement between the Borough of Keyport and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Governing Body of the Borough of Keyport wishes to continue said services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the aforesaid agreement be extended upon its same terms for calendar year 2006 as if the same has been set forth at length herein.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute this Agreement.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

6. Resolution No. 313-05, Approve Deed of Dedication and Perpetual Shore Protection Easement and Authorize Mayor to execute.

WHEREAS, the Mayor and Council of the Borough of Keyport desire for the New Jersey Department of Environmental Protection ("DEP") to fund, supervise and coordinate the "American Legion Drive Bulkhead Replacement, Project No 4117" ("the Project") in the Borough of Keyport which includes, without limitation, the reconstruction of an existing bulkhead; and

WHEREAS, the DEP requires that the Borough grant to the DEP a perpetual easement to the lands comprising the Project, in the form of the attached Deed of Dedication and Perpetual Shore Protection Easement ("the Deed of Easement"); and

WHEREAS, the Mayor and Council agree to grant the requested easement over the Project area on the terms and conditions set forth in the attached Deed of Easement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport as follows:

- 1. The Mayor is hereby authorized to enter into the attached Deed of Easement on behalf of the Borough of Keyport.
- 2. The appropriate Borough officials are hereby authorized and instructed to undertake such other action as may be necessary to effectuate the attached Deed of Easement.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilmembers Atkins and Wedick

- 7. Resolution No. 314-05, Amend Capital Budget by adding Water Treatment Plant Upgrade and Reconstruction of American Legion Drive Bulkhead

WHEREAS, the Borough of Keyport, New Jersey desires to amend the 2005 Capital Budget by inserting thereon or correcting the items therein as shown in the budget for the following reason:

Additional costs not originally anticipated in the Capital Budget

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport as follows:

**AMENDMENT NO. 05-01
CAPITAL BUDGET OF THE
BOROUGH OF KEYPORT, NEW JERSEY
Projects Scheduled for 2005
Method of Financing**

Project	Est. Cost	Capital Imp. Fund	Bonds & Notes
Upgrade of the Perry Street Water Treatment Facility & Related Costs	1,100,000	52,400	1,047,600
Supplemental Appropriation – Reconstruction of American Legion Drive Bulkhead	400,000	20,000	380,000

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilmembers Atkins and Wedick

- 8. Resolution No. 315-05, Authorize 120 day suspension of a Fireman

WHEREAS, It has come to the Mayor and Borough Council=s attention by way of Fire Chief Walling that firefighter Daniel Fox was operating a fire truck in an unacceptable manner, and

WHEREAS, the Mayor and Borough Council are concerned for the welfare of the general public and fellow firefighters, and

WHEREAS, The Mayor and Borough Council recognize that in order to maintain the professional standards of the Keyport Fire Department and to protect the general public and fellow fire fighters, disciplinary action should be taken against Daniel Fox.

NOW, THEREFORE BE IT RESOLVED, BY The Mayor and Council of the Borough of Keyport as follows:

That firefighter Daniel Fox be suspended from the Keyport Fire Department for one hundred and twenty days, and a copy of the within Resolution be placed in the permanent file of Daniel Fox and that a copy be supplied to Daniel Fox, the Borough Attorney and Business Administrator and that a copy of the within resolution shall be retained by the Borough Clerk for public inspection.

OFFERED for adoption by Mr. Walling, second Mr. Hassmiller

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins, Wedick

9. Resolution No. 316-05, Authorize Public Access/American Legion Bulkhead

It was determined that this was a duplicated Resolution and was not required.

10. Resolution No. 317-05, Authorize Woodmont Developers Agreement Amendment for Sanitary Sewer Work not to exceed \$25,000

WHEREAS, the Mayor and Borough Council recognize that the sewer main under Woodmont at Harbor Pointe townhome development at First and Broad Streets, is in need of replacement as determined by an internal sewer inspection performed by the Borough as part of its sanitary sewer evaluation study, and

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-5(gg) permits the Borough of Keyport to award a contract for professional services for designing, financing, construction, operation, or maintenance, or any combination thereof, of a wastewater treatment system without public advertising for bids and bidding, and

NOW, THEREFORE BE IT RESOLVED, BY The Mayor and Council of the Borough of Keyport as follows:

Woodmont Properties is authorized to conduct the sewer main replacement, consisting of 150 feet of 12 inch sanitary sewer, beginning approximately in the middle of the site of Woodmont at Harbor Pointe townhome development and heading in a southerly direction towards Front Street, at a cost not to exceed twenty five thousand dollars (\$25,000). Woodmont shall perform said work at no cost to the Borough. This is in addition to the approximately 150 feet of 12 inch sanitary sewer replacement proposed by Woodmont in its Site Plan. As Woodmont Properties has agreed to the aforesaid additional sewer main replacement, they shall have no further obligation to contribute twenty five thousand dollars (\$25,000) in park improvements as previously agreed. This will not impact on the ongoing negotiations with regard to the streetscape improvements or the elevation of First Street in connection with the townhome development.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

11. Resolution No. 318-05, Authorize Dave Roberts, Schoor DePalma, to submit a 2006 Smart Growth Application (not to exceed \$4,000 for Engineering)

WHEREAS, the Mayor and Borough Council recognize the need to submit a 2006 NJDCA Smart Future Planning Grant Application for the Rehabilitation Area Feasibility and Redevelopment Plan(s) for Historic Preservation and Economic Development, and

WHEREAS, the Mayor and Borough Council seek the grant to conduct a redevelopment area investigation and formulate a redevelopment plan for the former landfill area outside of the downtown area as well as two other areas: the waterfront and downtown, as specified in the grant application which is appended hereto and made a part hereof, and

WHEREAS, The Mayor and Borough Council recognize that the aforementioned proposed redevelopment area investigation and plan are in the best interests of the Borough of Keyport, and

WHEREAS, the Local Public Contracts Law, *NJS4 40A:11-5(a)* permits the Borough of Keyport to award a contract for professional services without public advertising for bids and bidding, and

WHEREAS, the sufficient funds are available and have been or will be appropriated for this specific purpose,

NOW, THEREFORE BE IT RESOLVED, BY The Mayor and Council of the Borough of Keyport as follows:

Authorize the Engineering firm of Schoor DePalma to prepare and submit the 2006 Smart Growth Application for an amount not to exceed four thousand dollars (\$4,000). A copy of Schoor DePalma's list of services for said application is appended hereto and made a part hereof.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilmembers Atkins and Wedick

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:45 P.M. Rowland Seckinger, Environmental Commission said he gave Mayor and Council a report. The Environmental Commission has met their obligation for public information for stormwater management for this year. There is a display in the vestibule and there was one at the Country Jamboree this past weekend. With regard to the Fire Museum, there is an outside display of the History of Fire Hydrants.

Paul McKeefer, Maple Place, addressed the Mayor requesting he consider resigning as the Mayor of Keyport because it is not good for the town or Republican Party. Mayor Merla advised Mr. McKeefer that he declared himself as an Independent on June 8, 2005.

Mike Lane, First Street, said the FBI has been investigating the Mayor and asked if there were any legal fees for the Borough? Mr. Lane asked if there were any subpoenas being answered by the Borough Employees? Mr. Bergen said no, there are not costs at this time. The Borough Attorney has been subpoenaed and will bill for the time he spends on the matter. The Borough Clerk will not receive overtime. Mr. Lane asked if any money has been expended toward legal representation? There is nothing at this time, but there may be in the future. Mr. Lane requested the Mayor rethink not resigning because he is hurting the Borough's image whether it was corruption or poor judgment; he requested the Mayor step aside.

Mr. Lane asked who owns the Liquor License for Keyport Liquors, LLC? He said he understood by someone that the Mayor had a problem with him and made some sort of remarks about him. Mayor Merla reiterated a conversation that took place between himself and Ed Burlew. The Mayor said if he had a problem with Mr. Lane he would speak with him directly not through someone else.

Live Entertainment in town is not being enforced. There was a disruption two months ago and the Police were called. There was a mutual aid call last week for a Liquor License

Establishment on Broad Street; Chief Gajewski confirmed the information. Mr. Lane said he heard it was a serious incident and a Police Officer was hurt. Chief Gajewski said Borough Attorney Wisniewski is aware of the situation and it is under investigation. The Chief said the Patrolwoman's injury was not at the scene, but she is out due to an injury. Mr. Bergen asked Mr. Lane if he felt the situation on Broad Street was a result of Live Entertainment; no. Mr. Lane requested Mayor and Council review the Ordinance on live entertainment. The Mayor asked the Chief if arrests were made as a result of the incident; yes. Mr. Bergen said Council needs to be aware of and address problems because the Governing Body only finds out about things when it is time to renew the licenses.

Borough Attorney Wisniewski addressed Mr. Lane's question about subpoenas being issued. He said the Borough received a Document Subpoena from an FBI Investigator for information and the Borough Clerk sent the subpoena to his office and she will be advised on how to proceed.

Robert Ludwig, Beers Street, clarified for everyone that the Mayor was indicted. He said there is an immunity of making false statements for the Mayor and Council. Mr. Ludwig said he has been told that if Mayor or Councilmembers perjure themselves on the podium, it is equivalent to being under oath. There was a pattern of events and the Mayor was indicted. Perjury equals false statements under oath. Mr. Ludwig said there should be a process where if there is a sensitive matter on the agenda, the Mayor should take an oath before speaking on that matter. Mr. Bergen said the publicity of the matter concerning the Mayor is hurting the town and he said he asked the Mayor some questions earlier in the meeting and the Mayor answered that he has no intention of resigning. Mr. Bergen said all of this talk is not accomplishing anything but negative. Mr. Ludwig said he wants public protection from Mayor and Council statements. Attorney Wisniewski said there is a voting process in the United States and the voters have the authority to vote out an incumbent if they are not happy. There is no procedure for oath taking every time a sensitive issue comes up. Mr. Ludwig asked if he, as a citizen, could have something implemented? Attorney Wisniewski said there are rules and regulations that are followed and they do not call for the swearing of oaths. Mr. Bergen said the public does not have the right to call Mayor or Council criminals or accuse anyone of anything. Mr. Bergen said Council works hard for this town.

Mr. Bergen said he would like to have a policy which limits the audience members to speak for 5 minutes each.

Mr. Ludwig said there are problems with some of the liquor licenses and he requested the Mayor recuse himself from voting on liquor license renewals. Mayor Merla said he always abstains when it comes to liquor license and always has, even as a Councilmember. Mr. Ludwig requested the Governing Body look for recourse regarding live entertainment before the Borough runs up costs to the town. The Mayor gave an example of a scenario that happened in 1988 with a liquor licensee and how he spoke with them about what happened so the incident would not happen again. Mr. Ludwig said the incident that took place last week was videotaped by a good samaritan. Mr. Ludwig gave accolades to the Police Department on how they handled the situation.

Mr. Walling addressed Mr. Ludwig's comment about taking an oath prior to certain matters. He said he was sworn in on January 1, 2005 to uphold the Constitution by putting his hand on the Bible and taking the oath.

Peter Massas thanked Mayor and Council for what they do and said the Council Meeting was not the time or place to "nit pick" and asked that it please stop. Mr. Massas said he runs an entertainment business (Espresso Joes) and asked if it was illegal for him to have live entertainment in his establishment. He requested Mayor and Council address and clarify matter regarding adult entertainment.

A resident asked how long it would take for the Mayor to clear his name from the allegations? It is not known.

Ed Burlew, 59 West Front Street, said what Mike Lane heard in his office was true.

Glenn Eastmond addressed Council and said his comments also apply to the Planning Board. He does not like Keyport's image; the Borough is not in the news in a good way. Mr. Eastmond said individuals are innocent until proven guilty. The Mayor and Council make a lot of decisions. Mr. Eastmond asked that the bad be corrected

which also applies to the Planning Board; it is costly for the applicants to keep coming back and the issues should be corrected. The Planning Board Meetings should be from 7-11 P.M. and there should be four applicants per Planning Board Agenda and each applicant should be given one hour to present their application.

Joseph Vecchio, Planning Board Member, recommended the Board meet two times per month or have a Planning Board Meeting and a Zoning Board meeting again. There is just too much work before the Board. Mr. Bergen suggested Council look at the Planning Board.

Mr. Ludwig said the Planning Board addressed Mayor and Council regarding the rates that are being charged for Planning matters and nothing is happening. Keyport needs an updated fee structure adopted by Mayor and Council. It was said that Mayor and Council should require the Planning Board to meet two times per month.

It was suggested that there be a 5 minute time limit per audience participant.

A Maple Place resident said Mayor Merla has shown strong leadership and is under a lot of pressure and is watched constantly. The water situation experienced this month was a serious problem that affected the whole town. Several residents received rust out for their laundry and their clothes were still damaged. Mr. Bergen said the water situation cost the Borough money to bring professionals in and not everyone can receive a refund of money. The Borough just borrowed \$1 million this evening for improvements to the Water Plant. The Lockport section of town did not experience brown water. The system is being looked at; Keyport is an operating utility and it is the taxpayers money being invested. The Mayor said the Borough draws from Shorelands Water; we have a single infiltration system. Mr. Bergen said the problem with the water plant was a check valve problem, not the filter beds. A different chemical treatment was used which created this problem.

Larry Selstack, Maple Place, said the Borough has had mud wrestling and the Adult Bookstore application was defeated. Live Entertainment in the Borough Ordinance Book is not defined. There was liquor and entertainment at the Country Jamboree. Mayor and Council need to update the Live Entertainment Ordinance. Mr. Selstack said music adds to the ambiance and should not be banned. Borough Attorney Wisniewski said he would look into this.

Jay Gordon said that Fiber Optic is by Verizon and the Borough should support their cause. The Borough would get fiber faster and cheaper if support was shown. Mayor Merla said the Borough goes through a lot with the Cable Franchise renewal; the Cable company does not give back (Cablevision picks and chooses and usually cater to the municipality where money can be made). Borough Attorney Wisniewski said the cable company does not want to negotiate with 565 municipalities. There is a concern if cable is not regulated; the highest return area will be addressed first. He said nothing has advanced since the beginning of the Legislative year and nothing will be resolved until the end of the Legislative year.

The meeting was closed to the public at 10:35 P.M.

Mayor Merla said the Planning Board received two resignations. He said he would like to move Joseph Vecchio to regular status replacing Donald Rumsey for an unexpired term which will expire on December 31, 2006. He appointed Roy Cadoo, Sr. as an Alternate member for an unexpired term which will expire on December 31, 2005.

ADJOURNMENT

Motion to Adjourn moved by Mr. Hassmiller, second by Mr. Bergen with Ayes by all present.

Time of Adjournment: 10:36 P.M.

Respectfully submitted,


Allyson M. Cinquegrana, RMC
Deputy Borough Clerk