

March 5, 2002 ^{APPROVED 4/16/02}
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Graham called the meeting to order at 7:15 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Merla, Ashmore, Hyer, Stalter. Absent: Councilman Bergen (arriving at 7:16 P.M.). Others present were Mr. Kain, Borough Attorney.

RESOLUTION

1. Resolution #90-02, 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. Senior Center
2. Police Department
3. Public Works Department

Litigation

1. Borough Insurance

Labor Relations

1. IUOE - Clerical
2. IUOE - Public Works/PSTO
3. PBA Contract
4. Administrative and Non Union Proposal

Contract Negotiations

1. St. Joseph Cemetery Expansion
2. Fire Museum
3. Engineering - Bulkhead
4. Water/Wastewater Facility
5. Ferry Service Lease

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 Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations 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 Mrs. Ashmore, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

Council went into closed session at 7:16 P.M. and this meeting was reconvened at 8:21 P.M.

Mayor Graham called the meeting to order at 8:27 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Merla, Ashmore, Hyer, Stalter. Others present: Mr.

Kain, Borough Attorney, Mr. Freda, Borough Engineer and Mr. Fallon Chief Financial Officer.

Mayor Graham made an announcement that if anyone was in attendance for the BID Ordinance, the consensus of the Council was to reschedule it to be heard on March 12th at 6:30 P.M. in the First Aid Building.

APPEARANCE AND DISCUSSION

1. **Mr. Medlin's Class/Adopt a Park.** The class was 7th grade gifted and talented students who worked together in groups regarding problems (graffiti). Interviews were conducted and they worked together with many departments; the children had fun with the project. They reviewed items that they ran across in the research such as lack of funding which results in damage to equipment, there needs to be patrol of the parks, encourage responsibility with the children who use the parks and have the senior citizens plant flowers, etc. An "Adopt a Park" program will keep the park clean and make the children safe. Businesses can take care of parks with sponsorships. Mr. Medlin said that it was an honor to appear before Mayor and Council. Mr. Medlin thanked the people who assisted the children, he thanked the children and said that he would leave the poster board and booklet with the Borough Administrator.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions pertaining to Agenda items at 8:35 P.M. Frank Grabowski, Atlantic Street asked about Ordinance #2, Weapons Discharge. Mayor Graham said that it will be introduced tonight and listed for Hearing and Adoption on March 19th. Mr. Kain read the Ordinance. Frank Grabowski said that some items are already State law or are already on the Ordinance books. Mr. Kain said that this is state law. Mr. Grabowski asked if the boat ramp would be closed. Mr. Kain said that it was not part of the Ordinance. The ramp is closed in November. Mr. Merla said that the ramp was opened up and there were some careless and reckless people shooting ducks and leaving them in the water. Mr. Grabowski said it was illegal. A resident of 67 East Front Street said that there were people walking with two shot guns down to the Aeromarine to shoot rabbits. The State Police said that a gun should not be loaded on land. There was a duck shot from the Boat Ramp. Mr. Grabowski said that the Hunting License number should be taken down. Mr. Merla said the Borough was advised by Green Acres not to close the ramp. Police Chief Gajewski said State statute should not be enforced; the State should prosecute. The Borough does not enforce State Statutes; the Borough should enforce its own Ordinances. Mr. Hyer said that ramp was opened and the barrels can be moved. Mr. Grabowski said there is no place to park at the Waterfront. Mayor Graham said Green Acres is not happy about it; the Ferry is using the parking (the lease must be conformed to). Mr. Merla said Mrs. Jean Reynolds, NJ AFLCIO, requested that the Borough adopt a supportive resolution to fix nursing homes. Ms. Reynolds said she works at a nursing home and they need safe staffing levels. There are more residents and staffing is short. Nurses start at \$8.00 per hour. Equipment and services are needed. It costs \$127 per day per bed (there is Federal and State reimbursement). Joseph Wedick, Theresa Street, asked if the Landlord Registration Ordinance contained restrictions on bulk items and did it have controls; Mayor Graham said no. Mr. Merla asked what Mr. Wedick heard; the Landlord Registration Act states that you can clean, but not put anything out at the curb. Joanne Staeger, Main Street, said she heard the same thing. Mr. Merla said that the Act gives municipalities the opportunity to register rental properties and requires certain information. Certificates of Occupancy will not be issued if the site is not cleared. The Certificate of Occupancy goes to the seller in a sale, not to the buyer and they are not aware. The last five weeks, the buyer/seller put something out at the curb and dumpsters were needed (exceeded limits). A new recycling pamphlet will go out. Comments were received from Public Works, Property Maintenance, Recycling, Borough Clerk and the Board of Health. Bulk items come under the Board of Health. Mr. Wedick asked if the three can limit will be enforced; Mr. Merla said no, some businesses put out 40 cans. Mr. Bergen said those businesses have been told that the Borough can enforce a three can limit. Mr. Merla said the Borough can do pick ups more than one time a week. Mr. Wedick asked where the controls for landlords are; controls are in the Board of Health and Recycling. Mr. Bergen said Property

Maintenance does not control what is put out. Mr. Merla said the BOCA code is cited in the Certificate of Occupancy. Mr. Wedick said people can put things out piece meal and have it picked up. Michael Palmisano, First Street, said if the 3 can limit is not enforced, you cannot use the Ordinance. It could be said that this is unfair. Mr. Merla said that the garbage contract states 3 cans per unit. Mr. Palmisano asked what happens if a resident puts out a sofa; this is permitted. Mayor Graham said that before you could put out any item with a sticker at any time; now, items will be picked up four times a year. Mr. Wedick asked what happens if an item collects water over a three month period. Mayor Graham requested that Mr. Merla address Mr. Wedick, accordingly, as a member of the public. Mrs. Staeger asked if bulk pick up will be done four times a year. Mrs. Staeger asked how Property Maintenance can issue summonses if items can only be put out four times a year. Mr. Merla said that the Ordinance is in a draft stage; recommendations were requested and will be distributed. Mrs. Staeger said she was advised to contact the Board of Health; she put out construction debris and the garbage company picked it up. Mrs. Ashmore said the Landlord Registration Ordinance is a safety issue as to who is living where. Mr. Bergen said the statutes require landlords to register with the Borough Clerk. Mr. Bergen voted to introduce the Ordinance and said Ordinances should be worked on at Agenda Meetings. Mr. Bergen took exception to the Ordinance referring to the 9-11 tragedy. The Ordinance should have been reviewed before introduction. The meeting was closed to the public at 9:15 P.M.

HEARING ON ORDINANCE

1. Ordinance #6-02, Amend BID Ordinance. Motion to rescheduled for March 12th at 6:30 P.M. First Aid Building, moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

Mayor Graham said that the five (5) Ordinances listed were received in the Council packet. In the past, matters were always discussed and then the Attorney was authorized to prepare an Ordinance. The Mayor was concerned that the Council is not acting as one; these Ordinances have taken him by surprise. He asked who directed the attorney to prepare these ordinances. Mr. Merla questioned that these matters were never discussed. The Mayor said that Council has discussed some matters, but the attorney is working without Council's authorization. Mrs. Ashmore said she asked the Ordinance be drafted, discussed and referred to the attorney; there was no motion made authorizing Mr. Kain to do anything. Mr. Bergen said this is not legislative. Mrs. Ashmore said everyone received their packet. Mr. Bergen said that matters are to be worked on at Agenda Meetings and then referred to the attorney. Mayor Graham said the items listed are a surprise. The Interlocal was discussed. Mr. Bergen said he will vote to introduce the Landlord Registration Ordinance, but the reference to 9-11 should be deleted. Mrs. Atkins said she did not have information she needed. Mr. Bergen said the Borough can set a fee on State Statute; he will vote to introduce the Ordinance. Mr. Merla said the Borough Ordinance states to register and provide information. Mr. Hyer said that the Landlord Registration Ordinance will assist the school in registration. Mr. Bergen said Certificates of Occupancy are required. Intent of the Ordinance was questioned. Mr. Kain said there were public agency problems when 9-11 happened; there was no information on rentals. If an emergency or disaster happened, information would be on record. Mr. Merla said this is not the first time the matter was brought up. Mr. Freda said the information would be helpful for GIS data. Mr. Bergen questioned the Site Plan Ordinance. Mrs. Ashmore said she asked that the weapons Ordinance be prepared. Chief Gajewski said that this is being coordinated with Aberdeen Township. Mr. Bergen said that he will vote to introduce this Ordinance. Chief Gajewski said that the Ferry has been hit and Fish & Game has been contacted. A copy of the Statute was requested. The State said they would write up the Borough; it should have its own ordinance. Mr. Kain said that Lt. Fittin (State Fish and Wildlife) will come and meet with the Borough regarding enforcement.

INTRODUCTION OF ORDINANCE

1. Ordinance #7-02, Landlord Registration

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF

KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM
TIME TO TIME THEREAFTER

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The within Chapter shall be known and referred to as the Landlord Registration Chapter.

Section 2. Legislative Intent. The Mayor and Council of the Borough of Keyport declare that the tragic events of September 11, 2001 make it imperative that the Borough of Keyport maintain an up to date registry of all landlords, managing agents, managers and superintendents together with a current listing of all residential and commercial tenants residing within the Borough of Keyport so that municipal agencies, including, but not limited to the Borough Clerk, Police Department, Fire Department, Department of Public Works, Office of Emergency Management, Board of Health, Board of Education and other Borough, County or State agencies, may contact either the landlord, the landlord's agent or the tenant in the event such circumstances require contact concerning state of local emergencies and such other circumstances which the Borough deems necessary for the welfare of the Borough and its inhabitation, which shall be liberally construed to effectuate Borough purposes.

Section 3. Definitions. As used in this Chapter, the following terms shall have the following meanings:

- a. "Landlord" means the person or persons, partnership, limited liability corporation, corporation, estate or any other like entity which owns or purports to own or have an interest in any residential or commercial multiple dwelling as defined herein.
- b. "Multiple Dwelling" shall include any residential or commercial building or structure or mobile trailer or land used as trailer park, rented or offered for rent to one or more tenants, family units or business entity who in a business related activity within the Borough of Keyport including all Commercial properties.
- c. "Resident Residential Unit" shall include all rental apartments, condominiums, rental trailers or mobile home parks, single family and two or more family homes which are non-owner occupied housing units located within the Borough of Keyport. Single family homes or two-family homes which are owner occupied shall not be effected by the terms and conditions of this chapter.
- d. "Commercial Unit" shall include any rental unit of commercial or business property which shall engage in business or commercial activities with the Borough of Keyport.

Section 4. Registration. Every landlord within the Borough of Keyport shall within thirty (30) days of the final publication of this Ordinance, and thereafter by April 15th of each and every succeeding year, file a statement under oath with the Code Enforcement Officer, which statement shall contain the following information on forms provided by the borough and available at the office of the Borough Clerk, which forms shall be supplied to each landlord:

- a. The name and address of the registered owner of record of any multiple dwelling containing residential units.
- b. The name and address of the rental premises.
- c. The total amount of rental units located at the rental premises.
- d. The name, addresses and telephone number of the managing agent or superintendent responsible for the rental property.
- e. The name, addresses and telephone number of the onsite property manager or supervisor.
- f. The location at each multiple dwelling unit of any area

- designated for storage of hazardous materials and/or flammable
- g. items at the rental location.
 - h. The name and address of every tenant occupying each residential rental unit.
 - i. The unit designation that each tenant occupies.
 - j. The location of every fire alarm box, fire extinguisher, and fire fighting equipment at the residential multiple dwelling.
 - k. The location of all emergency exits (if applicable).
 - l. The total square footage of the entire rental premises.
 - m. The business and emergency telephone numbers of the owner or management agent.
 - n. The type of construction of the rental premises.
 - o. The name and address of all utility companies serving the within rental premises.
 - p. The location of any and all storage tanks and/or underground storage tanks at the rental premises.
 - q. The nature of the business or commercial activity performed.

Section 5. Modifications. The owner of the multiple dwelling containing commercial or residential units shall be responsible to notify the Code Enforcement Officer with regards to any of the following changes affecting the rental units within two (2) weeks of any change occurring, on forms prescribed by the Borough of Keyport:

- a. A change in ownership
- b. A change in management agent or supervisor
- c. A change in the resident manager
- d. A change in occupancy of any tenant occupying commercial or residential rental unit
- e. A change in any of the utility service companies serving a rental unit

Section 6. Maintenance of Registration Statements. The Code Enforcement Officer shall maintain all landlord registration statements at Borough Hall and shall provide access to the Borough Clerk, Police Department, Fire Department, Department of Public Works, Office of Emergency Management, Board of Health, Board of Education and other Borough County of State Agencies for purposes of the general welfare of the Borough of Keyport.

Section 7. Fees. Within thirty (30) days following the adoption of the within Ordinance and thereafter, on or before April 15th of each succeeding year, the owner or his designee upon filing of the landlord registration shall pay a fee, payable to the Borough of Keyport in the amount set forth hereunder:

For 1-3 rental units, a fee of	\$ 50.00
For 4-7 rental units, a fee of	\$100.00
For 8-10 rental units, a fee of	\$150.00
For 11-15 rental units, a fee of	\$200.00
For 16-25 rental units, a fee of	\$250.00
For 26-50 or more rental units a fee of	\$300.00 together with a fee of \$5.00 per each unit in excess of fifty (50) units

The within fees shall be aggregate and no per unit.

Section 8. Violations and Penalties. The failure of an owner to comply with the landlord registration within the time restraints set forth herein or to make any and all modifications as required under the within Ordinance shall subject the owner to a fine not less than one hundred dollars (\$100) and not more than five hundred dollars (\$500) for a first violation. Thereafter, for second and subsequent violations, the owner shall be subject to a fine of not less than two hundred dollars (\$200) and not more than one thousand dollars (\$1,000).

Section 9. If any section, subsection, part, clause or phrase

of this Ordinance shall be declared invalid by judgement of any Court or competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be several from the remainder of this Ordinance.

Section 10. The Ordinance shall take effect immediately upon final passage and publication as required by law.

Offered for adoption by Mr. Merla, seconded by Mr. Hyer

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of March 7, 2002 for a Hearing to be held on March 19, 2002 moved by Mrs. Atkins, seconded by Mr. Merla with Ayes by all present.
2. Ordinance #8-02, Weapons Discharge

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM
TIME TO TIME THEREAFTER TO ENACT AN ORDINANCE PROHIBITING
THE DISCHARGE OF WEAPONS**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey that Chapter IV, Police Regulations, is hereby amended and supplemented as follows:

Section 1. Title. This Ordinance shall be known as an ordinance to Prohibit Discharge of Weapons within the Borough of Keyport.

Section 2. Purpose. The Mayor and Council of the Borough of Keyport declare that the purpose of this Ordinance is to protect the health, safety and well being of the citizens of the Borough of Keyport by regulating the use of weapons within the Borough of Keyport. The Mayor and Council of the Borough of Keyport specifically find that the discharge of weapons on waterways abutting the Borough of Keyport pose a risk to pleasure boaters, ferry service and all those who use the waterways for passive recreational activities. The specific intention of this Ordinance is to regulate the discharge of weapons along the coast, beaches and waterways of the Borough of Keyport to protect those individuals passively using the waterways abutting the Borough of Keyport and those recreational water craft and commercial water craft that utilize the waters abutting the Borough of Keyport. The specific intention is to regulate and control the discharge of weapons by hunters who utilize the shores and waterways abutting the Borough of Keyport for the recreational activities.

Section 3. Prohibition Against Discharge of Weapons. It shall be unlawful for any person to negligently or purposely discharge any dart gun, b-b gun, gun or other similar firearm within the Borough of Keyport except:

1. A licensed law enforcement official in the performance of his official duties, or
2. In the case of self-defense as provided under applicable State law or
3. For recreational hunting by individuals duly licensed in accordance with applicable State Law provided that no hunting shall take place
 - a. Within 50 yards of any regularly occupied structure without the permission of its owner or occupant
 - b. On any public property, such as school, parks, beaches, piers or other public facilities
 - c. Within 50 yards of any water craft, pleasure boat, commercial fishing boat, jet ski, ferry or any other fishing or water craft utilizing the waters abutting the Borough of Keyport.

Section 4. Violation and Penalty. Any person that shall be convicted of a violation of a provision of this Section or who shall enter a plea of guilty to the offenses charged herein shall, upon conviction thereof by any Court authorized by law to hear and determine the matter, be subject to a fine or not less than \$200.00 no more than \$1,000.00 or imprisonment for a term not exceeding 90 days or both, as the Court in its discretion may impose for a first offense. For a second and subsequent offense, be subject to a fine of not less than \$500.00 no more than \$1,000.00 and may be imprisoned for a term not exceeding 90 days or both, as the Court in its discretion may impose. A person further convicted of a provision of this Section shall forfeit any license to hunt within the Borough of Keyport for a minimum period of 60 days to a maximum of 180 days.

Section 5. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any Court or competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 6. The Ordinance shall take effect immediately upon final passage and publication as required by law.

Section 7. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

Offered for adoption by Mrs. Ashmore, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

- 2a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of March 7, 2002 for a Hearing to be held on March 19, 2002 moved by Mr. Hyer, seconded by Mrs. Ashmore with Ayes by all present.

3. Ordinance #9-02, Extend Lease/Public Works Facility

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE OF
THE BOROUGH OF KEYPORT COUNTY OF MONMOUTH AND STATE OF NEW
JERSEY AUTHORIZING THE LEASING OF CERTAIN LANDS AND BUILDING
FROM EARL T. SWIFT**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport and County of Monmouth and the State of New Jersey that Ordinance #9-00 adopted by the Mayor and Council on August 1, 2000 is hereby amended in accordance with the following:

Section 1. The Mayor and Council make the following findings of fact relative to the within Ordinance:

- (a) The Borough of Keyport has previously entered into a lease agreement with Earl T. Swift for the lease of certain property and premises known as 120 Francis Street, Keyport, New Jersey (hereinafter referred to as the "premises"); and
- (b) Said Agreement provided a clause for the Borough of Keyport to exercise certain options to renew said lease agreement which had been extended through August 1, 1998.
- (c) The Borough of Keyport has subsequently exercise options to extend the lease for two (2) additional years; and
- (d) The Borough of Keyport did by Ordinance #9-00 authorize the Mayor and Borough Clerk to execute an extension of the aforementioned lease to provide for two (2) additional one (1) year options and to exercise the initial option to commence a one (1) year term as of August 1, 2000 with all other terms and conditions of the said exiting lease to remain in full force and effect; and
- (e) Earl T. Swift (hereinafter referred to as "Landlord") has

agreed to grant to the Borough of Keyport a further option to extend the lease for two (2) additional one year periods with all of the terms and conditions of the existing lease to remain in effect with the provision for the rent to continue at the rate of \$56,212.00 for each of said one (1) year period in the event the options are exercised; and

- (f) In the past, the Borough of Keyport has used the said premises for public purposes; to-wit, a public works facility for the benefit of the residents of the Borough of Keyport;
- (g) The Mayor and Council have determined it is in the best interest of the Borough of Keyport to continue in place the lease agreement and to utilize the property for public purposes; to-wit, a municipal Public Works facility.

Section 2. The Mayor and Council of the Borough of Keyport hereby authorize the Mayor and the Borough Clerk to execute an extension of the aforementioned lease to provide for two (2) additional one (1) year options and to exercise the initial option to commence a one (1) year term as of August 1, 2002 with all other terms and conditions of the existing lease to remain in effect and the rent to be at the rate of \$4,684.35 per month. Said agreement is approved by the Mayor and Council and directed to be placed on file with the Borough Clerk for inspection by the public.

Section 3. The Borough Attorney shall prepare all necessary documents to effectuate the extension of said lease as provided for herein.

Section 4. All subsequent proceedings hereunder by the Mayor and Council shall be by Resolution.

Section 5. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

Section 6. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any Court or competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 7. This Ordinance is not legislative and need not be codified in the revised Borough Ordinances of the Borough of Keyport.

Section 8. The Ordinance shall take effect immediately upon final passage and publication as required by law.

Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

- 3a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of March 7, 2002 for a Hearing to be held on March 19, 2002 moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.
- 4. Ordinance #10-02, Fee Schedule/Matawan Interlocal

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE "REVISED GENERAL ORDINANCES OF THE BOROUGH OF
KEYPORT", ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM
TIME TO TIME THEREAFTER AMENDING SECTION 12-1.6 TO AMEND
THE "CONSTRUCTION FEE PERMITS SCHEDULE"**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, County of Monmouth, and State of New Jersey that Chapter XII, Building and Housing, Section 12-1.6 is hereby amended and replaced in its entirety by the new Section 12-1.6 "Construction Fee Permits Schedule".

Section 1. Declaration. The Mayor and Council, adjoining hereby declare that in order to promote interlocal service agreements between joining municipalities, revisions to Chapter XII, Building and Housing, are necessary to establish certain uniform fees. Therefore, the Mayor and Council in furtherance of the within intent, hereby declare the following fees appropriate to the Borough of Keyport:

SCHEDULE A
BUILDING SUBCODE FEE SCHEDULE

Building Subcode minimum fee..... \$45.00

The fee to be charged for a construction permit will be the sum of the basic construction fee plus all applicable special fees, such as sign or elevator. This fee shall be paid before a permit is issued.

NO PERMIT WILL BE ISSUED IF ANY FEES ARE OWNED THE BOROUGH OF KEYPORT, SUCH AS TAXES, WATER AND SEWER FEES.

1. NEW CONSTRUCTION:

- a. Fees for new construction shall be based upon the volume of the structure. The new construction fee shall be in the amount of \$0.025 per cubic foot of structure volume for buildings and structures of all use groups and types of construction. **Minimum Fee - \$45.00**
- b. State training fees for new building, \$0.0016 per cubic foot of volume.
- c. C.O. fees 10% of total of permit fees. **Minimum Fee - \$25.00.**
- d. Prototype less 20% of all subcode fees.

2. ADDITIONS:

- a. Per cubic foot of volume:\$0.025 of structure volume (minimum fee \$45.00)
- b. Minimum fee.....\$45.00
- c. State Training fee.....\$0.0016
- d. C.O. fees 10% of the total of permit fees
Minimum fee.....\$25.00

3. RENOVATIONS, ALTERATIONS, REPAIRS, DECKS, PORCHES, FIREPLACES, ENCLOSURES

- a. Per \$1,000.00 of estimate cost (up to \$14,444.00)...\$25.00
Per \$1,000.00 of estimated costs (\$15,000.00 to 29,999.99)...\$20.00
Per \$1,000.00 of estimated costs (\$30,000 and up)...\$15.00
- b. Minimum fee.....\$45.00
- c. State Alteration fee (per \$1,000.00 of costs)....\$0.00008
- d. C.A.....No fee
- e. For a combination of renovation and additions to fees for each shall be added to total

4. POOLS

- a. \$0.004 times (X) gallons of water \$
- b. Minimum fee \$45.00
- c. State Alteration fee \$0.0008
- d. C.A. No fee

5. FENCES AND SHEDS

- a. Fee \$45.00 each
- b. State Alteration fee \$0.0008
- c. C.A. No fee

6. RE-ROOF, SIDING (Residential)

- a. Fee \$45.00
- b. State Alteration fee \$0.0008
- c. C.A. No fee

7. RE-ROOF, SIDING (Commercial)

- a. Fee \$15.00 each
- b. Minimum Fee \$15.00

- | | | |
|----|----------------------|----------|
| c. | State Alteration fee | \$0.0008 |
| d. | C.A. | No fee |
8. **SATELLITE DISH**
- | | | |
|----|----------------------------|----------|
| a. | Per \$1,000 estimated cost | \$15.00 |
| b. | Minimum fee | \$45.00 |
| c. | State Alteration fee | \$0.0008 |
| d. | C.A. | No fee |
9. **SIGNS**
- | | | |
|----|---|----------|
| a. | Per square foot surface area, computed
on one side only for double face sign | \$ 1.00 |
| b. | Minimum fee | \$45.00 |
| c. | State Alteration fee | \$0.0008 |
| d. | C.A. | No fee |
10. **DEMOLITION**
- | | | |
|----|--|---------|
| a. | Residential structure, farm structure
garage or accessory structure | \$50.00 |
| b. | For all other use groups | \$75.00 |
| c. | C.A. | No fee |
11. **RADON MITIGATION**
- | | | |
|----|-------------------------|----------|
| a. | Building fee, minimum | \$45.00 |
| b. | Electrical fee, minimum | \$45.00 |
| c. | State alteration fee | \$0.0008 |
12. **ASBESTOS REMOVAL**
- | | | |
|----|------------|---------|
| a. | Permit fee | \$78.00 |
|----|------------|---------|
13. **RELOCATION**

The permit fee for the removal of a building or structure from one lot to another or to a new location on the same lot shall be ten dollars (\$10.00) per thousand dollars (\$1,000) of the sum of the estimated cost of moving, for new foundations and for the placement in a completed condition in the new location, provided that the minimum fee shall be forty five dollars (\$45.00)

14. **TANKS**

Removal/Fill-Building-No OCA Charge (U-649 Demo)
Install Tank - see Fire Section
Removal/Fill (each \$45.00

15. **ELEVATORS**

- | | |
|----|---|
| a. | The fee for plan review for elevator devices in structures in Use Groups R-3, R-4 and for elevator devices wholly within dwelling units in R-2 structures shall be \$50.00 for each device. |
| b. | The fee for plan review for elevator devices in structures other than R-3, R-4 and devices in R-2 exempted by (a) above shall be \$260.00 for each device. |

THE MINIMUM FOR ELECTRICAL INSPECTION FEE IS \$45.00

SERVICE EQUIPMENT:

TERMS INCLUDE: SERVICE PANEL, SERVICE ENTRANCE CONDUCTORS, SUBPANEL

GREATER THAN 0 AMP OR LESS THAN OR EQUAL TO 100 AMPS	\$ 45.00
GREATER THAN 100 AMP OR LESS THAN OR EQUAL TO 200 AMPS	\$ 75.00
GREATER THAN 200 AMP OR LESS THAN OR EQUAL TO 300 AMPS	\$ 92.00
GREATER THAN 300 AMP OR LESS THAN OR EQUAL TO 400 AMPS	\$125.00
GREATER THAN 400 AMP OR LESS THAN OR EQUAL TO 1000 AMPS	\$457.00
GREATER THAN 1000 AMP OR LESS THAN OR EQUAL TO 1500 AMPS	\$600.00
GREATER THAN 1500 AMPS, \$600.00 PLUS \$25.00 PER 100 AMPS	
TEMPORARY SERVICE: (POLE WITH ONE (1) RECEPTACLE	\$100.00
TEMPORARY SERVICE: (POLE) WITH MORE THAN ONE (1) TO SIX (6) RECEPTACLES OR DEVICES	\$130.00

TEMPORARY SERVICE: TO CONSTRUCTION ONE (1) TRAILER	\$135.00
EACH ADDITIONAL TRAILER OF SAME SERVICE	\$ 45.00

SCHEDULE B**ELECTRICAL SUBCODE FEES****THE FEES FOR A PERMIT TO INSTALL ELECTRICAL EQUIPMENT OR ELECTRICAL DEVICES UNDER U.C.C. ELECTRICAL SUBCODE**

Electrical Subcode minimum fee	\$ 45.00
FROM ONE (1) TO TWENTY FIVE (25) RECEPTACLES, SWITCHES OR FIXTURES	\$ 35.00
FOR EACH ADDITIONAL TWENTY-FIVE (25) RECEPTACLES, SWITCHES OR FIXTURES	\$15.00
26 to 50 Devices	\$ 50.00
51 to 75 Devices	\$ 65.00
76 to 100 Devices	\$ 80.00
101 to 125 Devices	\$ 95.00
126 to 150 Devices	\$110.00
151 to 175 Devices	\$457.00
176 to 200 Devices	\$600.00

MOTORS OR ELECTRICAL DEVICES

LESS THAN 1 HP	\$ 7.00
GREATER THAN 1 HP OR LESS THAN OR EQUAL TO 10 HP	\$ 10.00
GREATER THAN 10 HP OR LESS THAN OR EQUAL TO 50 HP	\$ 46.00
GREATER THAN 50 HP OR LESS THAN OR EQUAL TO 100 HP	\$ 92.00
GREATER THAN 100 HP OR LESS THAN OR EQUAL TO 150 HP	\$150.00
GREATER THAN 150 HP OR LESS THAN OR EQUAL TO 200 HP	\$457.00
GREATER THAN 200 HP OR LESS THAN OR EQUAL TO 250 HP	\$600.00
GREATER THAN 300 HP. \$600.00 PLUS \$25.00 PER 50 HP AMP MOTOR CONTROL CENTER: SAME AS SERVICE EQUIPMENT	

ELECTRICAL DEVICES INCLUDES TRANSFORMERS AND GENERATORS

LESS 1 KW	\$ 7.00
GREATER THAN 1 KW OR LESS THAN OR EQUAL TO 10 KW	\$ 10.00
GREATER THAN 10 KW OR LESS THAN OR EQUAL TO 45 KW	\$ 46.00
GREATER THAN 45 KW OR LESS THAN OR EQUAL TO 112.5 KW	\$ 92.00
GREATER THAN 112.5 KW OR LESS THAN OR EQUAL TO 150 KW	\$150.00
GREATER THAN 150 KW OR LESS THAN OR EQUAL TO 200 KW	\$457.00
GREATER THAN 200 KW OR LESS THAN OR EQUAL TO 300 KW	\$600.00
GREATER THAN 300 KW....\$600.00 PLUS \$25.00 PER 50 KW	

NOTES:

ACTUAL NAMEPLATE KILOWATT, HORSEPOWER RATING MUST BE NOTED
ON THE APPLICATION TO ASSURE NO DELAY IN PERMIT ISSUANCE.

NO PERMIT FOR A SERVICE CHANGE OR SERVICE UPGRADE WILL BE ISSUED
UNLESS GPU WORK REQUEST (WR) "R" NUMBER AS OUTLINED IN GPU
APPLICATION FOR SERVICE IS SUBMITTED WITH APPLICATION FOR PERMIT

ELECTRIC SUBCODE FEES

AIR CONDITION UNIT: EACH UNDER 3 TONS	\$ 25.00
AIR CONDITION UNIT: EACH, 3 TO 6 TONS	45.00
AIR CONDITION UNIT: EACH, OVER 6 TONS: \$45.00 PLUS 3.54 TIMES(X) TONS	
AIR CONDITIONER, REPLACEMENT FEED TO SUBPANEL	\$ 45.00
AIR CONDITIONER, REPLACEMENT FEED	\$ 45.00
ATTIC FAN	\$ 15.00
BONDING	\$ 20.00
BURGLAR ALARM PANEL	\$ 35.00
CABLE OUTLETS, 1 TO 5	\$ 10.00
CABLE OUTLETS, 6 PLUS (EACH)	\$ 3.00
CENTRAL HEAT, GAS AND OIL	\$ 35.00
COMBINATION BURGLAR/FIRE ALARM PANEL	\$ 35.00
COMMERCIAL EXHAUST, PLUS HP	\$ 25.00
COMMERCIAL SUPPRESSION SYSTEM	\$ 75.00
CONTROL PANEL, EACH	\$ 50.00
COOK TOP UNIT	\$ 25.00
DISHWASHER	\$ 25.00

DOOR BELL/CHIME & TRANSFORMER, EACH	\$ 5.00
DRYER	\$ 25.00
ELECTRICAL VALVES, EACH	\$ 5.00
FIRE ALARM PANEL	\$ 35.00
FLOOR CASE COOLER/FREEZER, SELF CONTAINED	.00
FLOOR CASE COOLER/FREEZER, SPLIT SYSTEM	\$ 45.00
GARBAGE DISPOSAL UNIT	\$ 7.00
HARD WIRED SMOKE DETECTORS, 1 TO 5	\$ 25.00
HARD WIRED SMOKE DETECTORS 6 PLUS (EACH)	\$ 3.00
HEAT PUMPS, PLUS HP & KW	\$ 25.00
HOT TUBS, PLUS HP & KW	\$ 25.00
HOT WATER HEATER	\$ 20.00
INTERCOM PANEL	\$ 35.00
INTERCOM/CRT DEVICES, 1 TO 25	\$ 10.00
INTERCOM/CRT DEVICES FOR EACH ADDITIONAL 25	\$ 10.00
JACUZZI, PLUS HP & KW	\$ 25.00
KITCHEN EXHAUST, COMMERCIAL, PLUS HP	\$ 25.00
LIGHT STANDARDS: 1 TO 5 PLUS TRENCH INSPECTION	\$ 55.00
LIGHT STANDARDS: 6 PLUS, (EACH) PLUS TRENCH INSPECTION	\$ 5.00
LOAD MANAGEMENT DEVICES: (EACH)	\$ 45.00
MAGNETIC STARTER/2 OF HP, WITH MOTORS	
MAGNETIC STARTER: SAME AS MOTOR HP	
MICROWAVE	\$ 20.00
NEW SUB PANEL, ONLY, SAME AS SERVICE SIZE	
OVEN	\$ 25.00
PADDLE FAN: (EACH)	\$ 25.00
PANEL CHANGE ONLY: SAME AS NEW SERVICE SIZE	
PUBLIC SWIMMING POOL ANNUAL INSPECTION	\$ 50.00
RADON EXHAUST	\$ 25.00
RANGE, RESIDENTIAL	\$ 25.00
RANGE, COMMERCIAL, PLUS KW	\$ 25.00
REFRIGERATION UNIT, (EACH) UNDER 3 TONS	\$ 25.00
REFRIGERATION UNIT, (EACH) 3 TO 6 TONS	\$ 45.00
REFRIGERATION UNIT, (EACH) OVER 6 TONS: \$45.00 PLUS 3.45 TIME (X) TONS	
RESIDENTIAL EXHAUST SYSTEM: (EACH)	\$ 5.00
SAUNA, PLUS HP & KW	\$ 25.00
SIGN, PLUS FEED TO SIGN AND AUTO CONTROL DEVICE	\$ 25.00
SURFACE COOKING UNIT	\$ 20.00
SWIMMING POOL AIR BLOWER MOTOR, PER HP	
SWIMMING POOL BONDING	\$ 20.00
SWIMMING POOL LIGHT (EACH)	\$ 5.00
SWIMMING POOL SUBPANEL WITH TIMER	\$ 35.00
SWIMMING POOL, ABOVE GROUND, HARD WIRED, TRENCH AND BONDING	\$ 55.00
SWIMMING POOL, COMMERCIAL ANNUAL INSPECTION	\$ 50.00
SWIMMING POOL, INGROUND (HARD WIRED, TRENCH BONDING)	\$100.00
SWIMMING POOL, INGROUND (20 AMP TWIST LOCK, GFCI, TRENCH AND BONDING)	\$100.00
SWIMMING POOL, INGROUND (HARDWIRED, TRENCH, BONDING, SUBPANEL WITH TIMER)	\$135.00
TELEPHONE OUTLETS: 1 TO 5	\$ 10.00
TELEPHONE OUTLETS: 6 PLUS (EACH)	\$ 3.00
THERMOSTATS: (EACH)	\$ 5.00
TIMER FOR ELECTRICAL HOT WATER HEATER	\$ 25.00
TIMER ON PHOTO CELL	\$ 35.00
TRENCH INSPECTION	\$ 5.00
WALK IN COOLER/FREEZER SELF CONTAINED	\$ 45.00
WALK IN COOLER/FREEZER SPLIT SYSTEM	\$ 50.00
WHIRLPOOL/SPA: PLUS HP & KW	\$ 45.00

1 (ONE) TON REFRIGERATOR=3.54 KW

Example: 12 Tons: 12X3.54=42.48 KW
\$46.00+\$46.00 for 10 to 45 KW=\$92.00

Example: 15 Tons: $15 \times 3 / 54 = 42.48$ KW
 $\$46.00 + \92.00 for 112.5 KW = $\$138.00$

SCHEDULE C
FIRE SUBCODE FEES

THE FEES FOR A PERMIT TO INSTALL ITEMS UNDER U.C.C. FIRE SUBCODE SHALL BE AS FOLLOWS:

Fire protection subcode minimum fee shall be	\$ 45.00
1. Commercial kitchen exhaust equipment, mechanical systems for all use groups the fee shall be computed at twenty-five dollars (\$25.00) per thousand dollars (\$1,000.00) construction cost. Minimum fee	\$ 45.00
2. Crematorium (Each)	\$350.00
3. Diesel Tanks and pumps same rate as gasoline	
4. Fire Alarm Device changes, per device	\$ 10.00
5. Fire Alarm Panel, commercial	\$ 45.00
6. Fire Alarm Panel, residential	\$ 25.00
7. Fire Pump Insulation (Each)	\$125.00
8. Flammable and Combustible Liquid Storage Tanks under 2000 gallons	\$ 45.00
9. Flammable and Combustible Liquid Storage Tanks, over 2000 gallons and less than 10,000 gallons	\$ 92.00
10. Flammable and Combustible Liquid Storage Tanks, 10,000 gallons and over: \$92.00 plus \$10.00 per thousand gallons or a fraction thereof	
11. Flow Valves, Flow Devices: (Each)	\$ 15.00
12. Gas or oil fired appliance that is not connected to the plumbing system: (Each)	\$ 45.00
13. Gasoline Service Station, 3 gasoline tanks to 10,000 each and 6 gasoline pumps	\$250.00
14. Each additional gas tank to 10,000 gallons installed at the same time	\$ 50.00
15. Each additional gasoline pump installed at same time	\$ 20.00
16. Horn/Horn Strobe/Strobe: (Each)	\$ 3.00
17. Incinerator: (Each)	\$350.00
18. Knob Box	\$ 20.00
19. L.N.G. Storage Tanks, under 2000 gallons	\$ 45.00
20. L.N.G. Storage Tanks, over 2000 gallons	\$ 92.00
21. L.N.G. Storage Tanks, under 2000 # liquid	\$ 45.00
22. L.N.G. Storage Tanks, over 2000 # liquid to 4000# liquid	\$ 92.00
23. Pull Station: (Each)	\$ 5.00
24. Smoke Control System: (Each)	\$150.00
25. Smoke Detectors in supply or return air ducts: (Each)	\$ 20.00
26. In computing fee for sprinkler and detector, the number of each shall be counted separately and two fees, one for sprinklers and one for detectors shall be charged.	
27. Independent pre-engineered sprinkler system: Carbon Dioxide, Halon, Foam Suppression, Dry Chemical, Wet Chemical (Each)	\$ 75.00
28. Sprinkler or detector 20 or fewer units	\$ 50.00
29. Sprinkler or detector 21-100 units	\$100.00
30. Sprinkler or detector 101-200 units	\$100.00
31. Sprinkler or detector 201-400 units	\$200.00
32. Sandpipes, fire suppression system or special fire suppression systems: \$25.00 per \$1,000.00 construction cost, Minimum fee	\$ 45.00
34. Tanks for gasoline, oil, fuel, liquefied petroleum gas, gas, chemical or miscellaneous storage tanks up to 550 US gallons	\$ 45.00
35. Tanks over 550 to 2500 US gallons	\$ 75.00
36. Tanks over 2500 US gallons, per 1000 US gallons	\$ 7.00
37. Trench or tank(s) opening inspection	\$ 45.00
38. Underground fire mains	\$ 50.00
39. Waste oil tanks, under 10,000 gallons	\$ 50.00
40. Wood stoves, prefabricated fireplaces, masonry fireplaces, gas fireplaces or alternative heating devices and components the fee shall be computed at twenty-five	

dollars (\$25.00) per thousand dollars (\$25.00) per
thousand dollars construction cost, Minimum fee \$ 45.00

RESIDENTIAL SPRINKLERS AND DETECTORS

41. Detector 1 to 5	\$ 25.00
42. Detector 6 plus (Each)	\$ 2.00
43. Sprinklers, limited area, 1-5	\$ 45.00
44. Sprinklers, not limited area, 6 PLUS (Each)	\$ 2.00
45. Sprinklers, not limited area, same as commercial	

SCHEDULE D
PLUMBING SUBCODE FEES

**THE FEES FOR A PERMIT TO INSTALL OR REPLACE PLUMBING
FIXTURES OR EQUIPMENT UNDER U.C.C. PLUMBING SUBCODE ARE AS
FOLLOWS:**

1. For the installation, including replacement of plumbing fixtures, the fee shall be a minimum of forty five (\$45.00) dollars	
2. Each plumbing fixture shall be computed at the rate of	\$ 9.00
3. Air Conditioning, refrigeration, freezer system unit: (HVAC) (Each)	\$ 60.00
4. Backflow device (Each)	\$ 9.00
5. Backflow device over 1" (Each)	\$ 60.00
6. Bathtub: (Each)	\$ 9.00
7. Commercial boiler/furnace (Each)	\$ 60.00
8. Commercial dishwasher: (Each)	\$ 60.00
9. Commercial washing machine (Each)	\$ 60.00
10. Condensate drain, per unit or item	\$ 15.00
11. Direct Connection (Each)	\$ 9.00
12. Domestic Boiler/furnace (Each)	\$ 45.00
13. Domestic Dishwasher (Each)	\$ 15.00
14. Domestic Washing machine outlet	\$ 10.00
15. Drinking Fountain (Each)	\$ 15.00
16. Floor Drain (Each)	\$ 9.00
17. Fuel Oil piping system for heating system	\$ 60.00
18. Fuel Oil piping system	\$ 60.00
19. Garbage disposal unit	\$ 9.00
20. Gas appliance (each)	\$ 9.00
21. Gas piping systems	\$ 60.00
22. Gas piping system for heating system	\$ 60.00
23. Grease trap (each)	\$ 60.00
24. Hose bibs (each)	\$ 9.00
25. Hot tubs, drain to city sewer	\$ 60.00
26. Hot tubs, without drain to city sewer	\$ 25.00
27. Hot water heater (Each)	\$ 20.00
28. Hot water heater - Replacement only	\$ 15.00
29. Interceptor (Each)	\$ 60.00
30. Jacuzzi	\$ 25.00
31. Lawn sprinkler system (Each)	\$ 45.00
32. Oil separators (each)	\$ 60.00
33. Reduced pressure backflow device (each)	\$ 9.00
34. Replacement heating unit, different fuel	\$ 90.00
35. Replacement heating unit, same fuel	\$ 45.00
36. Radon piping	\$ 45.00
37. Sewer connection (each)	\$ 25.00
38. Sewer ejector (each)	\$ 45.00
39. Sewer pump (each)	\$ 60.00
40. Shower (each)	\$ 9.00
41. Sink (each)	\$ 9.00
42. Steam Boiler, over 50 HP	\$ 75.00
43. Steam Boiler, under 50 HP	\$ 50.00
44. Sump Pump connection (Each)	\$ 15.00
45. Trench inspection only	\$ 45.00
46. Urinal/Bidet (each)	\$ 9.00
47. Vent stack (each)	\$ 9.00
48. Water closet (each)	\$ 9.00
49. Water filter system (each)	\$ 35.00
50. Water service connection from curb box to water meter	\$ 50.00
51. Water utility septic connection (each)	\$ 20.00

SCHEDULE E
MECHANICAL SUBCODE FEES

THE FEES FOR A PERMIT RELATIVE TO THE INSPECTION OF

MECHANICAL EQUIPMENT UNDER U.C.C SHALL BE AS FOLLOWS:

The minimum fee \$ 45.00

The fee for inspection of mechanical equipment in use groups R-3 and R-4 shall be \$40.00 for the first appliance and \$35.00 for each additional appliance.

NOTE: This flat fee includes all costs associated with the incidental connections and extensions of associated gas, fuel oil and/or domestic water relating to specific appliance.

This does not exclude the requirement for an electrical permit, if needed.

Plus, all State of New Jersey fees:

SECTION 3. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

SECTION 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Offered for adoption by Mr. Merla, seconded by Mrs. Ashmore

Roll Call Vote: Ayes: Councilmembers Atkins, Merla, Ashmore
Hyer, Stalter

Abstain: Councilman Bergen

- 4a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of March 7, 2002 for a Hearing to be held on March 19, 2002 moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

5. Ordinance #11-02, Amending Site Plan Ordinance

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
ENTITLED THE REVISED GENERAL ORDINANCES OF THE BOROUGH
OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED
FROM TIME TO TIME THEREAFTER TO AMEND THE SITE PLAN/
SUBDIVISION ORDINANCE**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, that the Land Subdivision and Site Plan Ordinance of the Borough of Keyport adopted August 3, 1979 and amended from time to time thereafter is hereby amended as follows:

SECTION 1. Legislative Intent. The Mayor and Council have considered the recommendation of the Planning Board of the Borough of Keyport as well as the recommendation of the Construction Code Office of the Borough of Keyport and have determined that it is in the best interest of the Borough of Keyport to raise the minimal construction cost which would require site plan approval by the Planning Board of the borough of Keyport. The Mayor and Council further declare that an increase will relieve citizens of the Borough of Keyport from seeking site plan approval for minimal change in their buildings or structures within the borough of Keyport which, in turn, will result in sufficient cost savings to the to the resident/applicant.

SECTION 2. Section 8. Of the "Site Plan Review and Approval Procedure and Requirement" is hereby amended as follows:

- A. When site plan approval is required:

Site plan approval shall be required in the following cases:

1. Whenever there is any new construction, regardless of

cost, of a commercial, industrial, multi-family or professional building or structure; or

2. Whenever there is an alteration of any existing commercial, industrial, multi-family or professional building structure or site which alteration extends the physical site of the building, structure or other site improvement, and exceeds in costs the sum of \$50,000.00; or
3. Whenever there is a change in use, regardless of costs, of any site building, or structure, from any of the following zoning uses to any other of said uses, namely industrial, commercial, professional or residential; or
4. Whenever there is an alteration of any existing commercial, industrial, multi-family or professional building, structure or site, the cost of which is \$100,000 or less, but which results in one or more of the following:
 - (a) the installation of additional exterior lighting exceeding 500 watts; or
 - (b) the creation of five (5) or more additional parking area spaces (size 10' X 20') or the paving for any purpose of an area equivalent to 5 or more parking spaces.

SECTION 3. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

SECTION 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgement of any Court or competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

SECTION 5. The Ordinance shall take effect immediately upon final passage and publication as required by law.

Mayor Graham said that in the Master Plan, the Planning Board recommended \$50,000.00 (from \$15,000) and asked why the amount in the Ordinance is \$100,000.00. Mr. Merla asked if there was a formal recommendation. Mayor Graham said that there was a joint meeting of Council and the Planning Board on the Master Plan. Mr. Kain spoke with Tony Vecchio who recommended \$100,000.00. Mr. Bergen asked how the matter came before Mr. Kain; in closed session, it was Mr. Kain's understanding to draft the Ordinance. Mr. Merla said Tony Vecchio wrote a letter; the Mayor said he never got the letter. Mr. Bergen said that restrictions should be imposed that can be controlled. Mr. Merla asked why the threshold was being raised from \$15,000 to \$50,000. Mayor Graham said that \$15,000 could be reached by an individual and the threshold should be raised (inflation). Mr. Merla asked Mr. Freda if this was the norm; \$100,000 is not high, but \$50,000 is good. Mayor Graham said that the Planning Board recommended \$50,000. Motion to amend the Ordinance to read \$50,000 moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

- 5a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of March 7, 2002 for a Hearing to be held on March 19, 2002 moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

2002 BUDGET

Thomas Fallon, Chief Financial Officer, said that the budget was constructed from the efforts of the Finance Department, Clerk/Administrator, Finance Committee, all Departments and the Council. We are under State Cap by \$25,000. The amount to be raised is up \$270,000 = 88.1 in 2001 vs. 96.2 cents (we are up 8 cents over 2001). There were good conditions in 2001; there was

\$950,000 surplus (up \$120,000), but the Borough has to deal with increases. There is \$50,000 insurance liability (\$35,000 increase in premiums and a \$15,000 effort to allocate). Worker compensation up \$12,000. Employee Group Insurance is up \$170,000 (\$80,000 flat premium increase; \$65,000 [there is no reinsurance refund this year]) - the Borough can roll out for three months to fund, there is \$25,000 water/sewer vs. the current account balance (20/80 split). There are contract increases - the Police are up \$80,000, there are Debt Service notes, the New Municipal Building and interest earned outweighed the interest on notes (\$3.9 million in notes). The water/sewer budget balanced; all of the surplus (\$173,500) was used. Rents are anticipated up to the maximum and anticipation of Miscellaneous Revenues - diversion rights. BRSA costs are \$1,404,000 (1/2 of the water/sewer budget); in 1994, the cost was \$600,000. Mr. Fallon said that the Borough is addressing this through Request For Proposals. He will apply for \$250,000 Extraordinary Aid; the deadline is March 15th. Mr. Bergen said that the costs for Health insurance 2000 vs. 2001 should be looked at. Mr. Bergen asked Mr. Fallon if there was any money left; \$180,000 surplus - all of the surplus can be used. Mr. Merla thanked all of the department heads, Mrs. Poling and Mr. Fallon. Mr. Merla said he sat in on most of the budget meetings. When he and Mr. Fallon first sat down the increase was 18 cents, then they got it down to 10 cents and the Finance Committee worked with some numbers and the increase to the residents will be 8 cents. There are Health Benefits, Police salaries, garbage pick up for apartment complexes, an increase in landfill fees. The Borough is producing revenue to offset costs and it will be banked as surplus for next year. There will be sale of notes to reflect in next year's budget. There was a 1.74% Note Sale and rates will be cut in half from last year. There is an \$86,000 debt service payment due next year; cuts were made in the budget. The State will be asked for \$250,000 in extraordinary aid. There was an insurance premium increase. If aid is received, surplus cannot be used, but if the request for aid is denied, the Borough can use surplus. The Borough should implement new sources of revenue. The Borough should fire up its well, the reservoirs are down. Monmouth County is not in as bad shape as other counties. There will be cuts in Legal, Engineering, Buildings and Grounds O/E, fuel, electric, etc. The collection rate for taxes was 96%. The Budget will be introduced with an 8 cent increase. Mr. Fallon said if no aid is received, then the Borough should go back and make cuts and use surplus, but if \$250,000 were received, there would be no increase. Mr. Merla said he is looking into Health Insurance savings (\$10,000 per employee). Mr. Bergen asked if there were penalties on Insurance; Mr. Fallon said \$12,000. Mr. Merla said there could be nothing. Mr. Fallon said the Borough started at \$23,500 - 25% less. Mr. Merla said that there is a spread sheet on the garbage over the last four years and in 2002 there will be more units. In 1998/1999 costs were up \$16,000; in 1999/2000 costs were up \$16,000; in 2000/2001 costs were up \$19,000 (3,250 assessment to hauler). In 2002, there will be Apartment complex pick ups; the Borough will pay 20%. The Borough decided to let the contracts stay in place; there was \$22,000 budgeted. The Kelly Bill is a State Mandate for the Borough to pick up Condominium garbage and now the apartments are included. Mr. Merla thanked the Departments on their budgets and those who submitted recommendations. Mr. Bergen asked about Uniform Construction fees; Mr. Fallon said there is an anticipated figure (last year was \$67,000 and this year \$57,000 anticipated). The surplus used from the water/sewer budget in 2001 was \$243,000 and this year will be \$173,000. Mr. Bergen said the sale of water generated revenues. Mr. Merla made a motion to submit an Extraordinary Aid application.

RESOLUTIONS

2. Resolution #91-02, Budget Introduction

See full copy of Resolution as page 23 of these minutes

Offered for adoption by Mr. Merla, seconded by Mr. Hyer

Roll Call Vote: Ayes: Councilmembers Atkins, Merla
Nays: Councilman Bergen

Mr. Bergen said that he was not in favor of an 8 cent tax increase; he will not support it. He said he only received the budget tonight. School taxes are going up and the CAP on the Business Improvement District is being raised. These matters could be combined and the increase could be over 20 cents. The Borough

should be careful with an 8 cent increase in one year. Mrs. Atkins said that items needed to be addressed and the Borough has to pay for improvements. Mr. Merla asked Mr. Fallon if prior to tonight anyone received the budget; no. Mr. Fallon said that the Council can introduce the Budget prior to March 15th. Mr. Merla said that the Borough could do a lay off. He asked Mr. Bergen if he could review the budget and make cuts in one week; Mr. Bergen said he would be glad to do that. Mr. Fallon said he could prepare 90% of the Extraordinary Aid Application and it should be fine to introduce the Budget on March 12th. Mr. Merla made a motion to withdraw his original motion and offer and table introduction of the budget until March 12th, 6:30 P.M. in the Keyport First Aid Building seconded by Mr. Hyer with Ayes by all present.

3. Set Forth Reason for Delay. Motion to table the matter until March 12th moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Keyport Kiwanis to hang annual Chicken Fry banners.

Motion to Approve moved by Mr , seconded by Mr with Ayes by all present.

2. Request from Keyport-Aberdeen Womens Softball League to use Cedar Street field/August-mid November (Tuesdays and Friday evenings).

Mrs. Atkins said Pop Warner needs a practice field while the school is resurfacing their fields. It was requested a letter be written to Pop Warner asking if they have found a place or do they want to use Cedar Street. Mr. Bergen said the Borough should stick to the 10 PM closing in the parks and a fee should be charged for outside organizations using the field to cover the cost of electric.

Motion to put on hold and relist March 19th moved by Mr. Merla, seconded by Mr. Stalter with Ayes by all present.

3. Copy of letter from Broadway residents to Monmouth County Division of Engineering requesting a survey of the traffic light at West Front Street and Broadway.

Mr. Merla asked why won't the County allow a right on red to go over the ramp; the Borough was told no because of the line of sight.

Motion to Receive and File moved by Mr. Merla, seconded by Mrs. Atkins with Ayes by all present.

4. Request letter from Cingular Wireless to lease Cellular Space on the Cass Street Water Tower.

Motion to send a letter requesting a presentation be made moved by Mr. Bergen, seconded by Mr. Merla with Ayes by all present.

5. Resolution from Wall Township opposing Ocean Dumping of Tainted Dredge spoils.

Motion to list a resolution of support moved by Mrs Atkins, seconded by Mr. Hyer with Ayes by all present.

6. Letter requesting permission to run a sailing catamaran charter service using the Fishing Pier.

Motion to refer to the next meeting moved by Mrs. Atkins, seconded by Mr. Stalter with Ayes by all present.

7. Letter from VFW Ladies Auxiliary advising they will be unable to sponsor the Annual Easter Egg Hunt.

Motion to refer to Recreation, ask the Key Club and send a letter to Mrs. Van Pelt moved by Mr. Stalter, seconded by Mr. Hyer with Ayes by all present:

UNFINISHED BUSINESS

1. **Tax Foreclosures.** Mr. Bergen said that the Borough authorized the initial search costs and are to decide which ones. Trident Abstract should be authorized. Motion to refer the matter to Mr.

Merla, Finance Chairman moved by Mr. Bergen, seconded by Mr. Hyer with Ayes by all present.

2. **Permit Parking/Broad Street.** The DOT has advised that the original Ordinance was incorrect. A new Ordinance will be reintroduced on March 19, 2002.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. Dr. John Dumford advised the Borough on February 28th, that the Board of Education hired Charlie Burke, Consultant, who conducted and completed a survey of the TV station. A schematic was sent to Cablevision and a connection was ordered. It will take 6 weeks for access of cable; they will process a character generator, a selection will be made and they will assign the access channel.

UNFINISHED BUSINESS

3. **Raritan Street.** Mr. Merla said that a resident had safety concerns regarding Raritan Street; he went out with Mr. Freda. If you go down the sidewalk on the right hand side, down a depressed curb; there is a problem and the dumpsters are not fenced in. The Keyport Plaza Associate file should be pulled. There is a curb cut and a depressed curb; the sidewalk should be extended up into the curb. Mr. Freda or Mr. Kriskowski should check the plans. There are caps missing off the hydrants. The Board of Health went out regarding the dumpsters.

ENGINEER'S REPORT

Mr. Freda reported on the following. The Washington Street Phase III design has been completed and is ready to go to bid. Phase III and IV should be included together. Mr. Merla asked if this was to save money. Mr. Freda said it's a wash and he recommended that a proposal be prepared for inspection. Motion to pull Schoor's proposal moved by Mr. Merla, seconded by Mrs. Ashmore with Ayes by all present.

ATTORNEY'S REPORT

Mr. Kain did not have a report.

NEW BUSINESS

1. **Hepatitis B Shots/First Aid Cadets.** This matter was referred to Mr. Kain to prepare a parental consent form; there is money provided in the budget.
2. **First Aid 75th Anniversary.** Mrs. Atkins said that the First Aid will celebrate its 75th Anniversary on April 6, 2002. She requested a proclamation be prepared.
3. **GSP and Highway 35 South.** Mr. Merla spoke with Police Captain John Dayback regarding reconfiguring this area; there are many accidents that have occurred. Mr. Merla said he has seen plans; cars would go to a light. The State has worked with the Police Chief and Captain.
4. **Major's Lounge.** The Planning Board Resolution said try to save trees. There is a big tree on Hurley Street that is causing a water/sewer problem. GPU cut parts of the tree. They have asked if they would be allowed to take the tree down and would put 10 trees anywhere. There is a water main along the sidewalk and the sewer runs parallel. Hurley Street would be paved from Atlantic Street to Van Dorn Street. It was asked if the applicant would have to go back to the Planning Board. Mr. Freda will advise them.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 11:20 P.M. for comments or questions. Joanne Reardon, KYAL Board of Directors, asked how volunteer groups were picked regarding waiving of fees. Members of KYAL are not appointed and asked about the Recreation Commission. Mr. Merla said that he would look into the matter since he proposed the original Ordinance. Daniel Bach, Harborview Condo, said the garbage hauler damaged their fence (\$782) and a claim was submitted to the Administrator. There are also oil stains from the truck. Mr. Merla said there is a degreaser that can be put down. There is glass on Washington Street, the drain plugs on the back of the truck need to be repaired (welded). Mr. Bergen said that a letter should be sent and Marrone be given 10 days to respond back or money will be deducted from their payment. Motion to send Mr. Messler a letter moved by Mr. Bergen, seconded

by Mr. Merla with Ayes by all present. Mr. Merla told Mr. Bach the Budget allows the Borough to waive the fire hydrant fee; Mrs. Ashmore is the Condominium Liaison. Mr. Bach said that there is a sidewalk on Atlantic Street that needs to be repaired. Joanne Staeger, Main Street, asked about a donation to the First Aid Cadets; there are 75 kids; the first EMT Program (May-June) had 13 kids. Mr. Merla said there is money in the budget. Police Chief Gajewski requested approval for a Parking Ordinance on American Legion Drive, the Parking Lot and Fireman's Lot. Mr. Merla said a second letter was received from Mrs. Hassmiller, Green Grove Avenue, regarding rodents. Mr. Bergen said he did not have any in his cans. Mr. Bergen said residents should be educated on junk mail. Mr. Merla said the matter was addressed in the Recycling Brochure; the Board of Health, Recycling, etc. Mr. Bergen said that if the Board of Health and Recycling approve, then the Borough could look at it. Mr. Merla asked the Mayor for his comments. The meeting was closed to the public at 11:40 P.M.

RESOLUTIONS

4. Resolution #92-02, Special Meeting - March 12, 2002, 6:30 P.M./First Aid Building

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the Governing Body on the following dates and times:

Tuesday, March 12, 2002, 6:30 P.M. in the Keyport First Aid Building, 1927 Atlantic Street, Keyport, New Jersey for the purpose of discussing the following matters:

Hearing and Adoption of Ordinance #6-02 amending the Business Improvement District Ordinance, Introduction of 2002 Business Improvement District Budget, Introduction of the 2002 Municipal Budget and any other business which may come before the Governing Body; and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by said law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold Special Meetings as stated in the Keyport First Aid Building, 1927 Atlantic Street, Keyport, N.J.

BE IT FURTHER RESOLVED that notification of said meetings be mailed forthwith to the Asbury Park Press, the Courier, and the Two River Times.

BE IT FURTHER RESOLVED that notice of said meetings be posted on the bulletin board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings scheduled or revisions thereof, and any advanced written notice of any regular, special or rescheduled meetings of the Governing Body as required by law.

The Municipal Budget should be added to this agenda.

Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

5. Resolution #93-02, Payment of Bills

See full copy of Resolution as pages 24-27 of these minutes.

Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

6. Resolution #94-02, Authorize Mayor to execute Cedar Street Light Contract

WHEREAS, the Borough of Keyport did advertise for bids for the replacement of sport and site lighting at Cedar Street Park in the Borough of Keyport, County of Monmouth and State of New Jersey; and

WHEREAS, Lucas Electric Company, Inc, Windsor, New Jersey, was the sole bidder pursuant to the specifications of the Borough of Keyport; and

WHEREAS, the Mayor and Council of the Borough of Keyport did award the bid to Lucas Electric pursuant to Resolution #376-01; and

WHEREAS, the successful bidder, Lucas Electric Company, Inc. in accordance with Resolution #376-01 has supplied the required Certificate of Insurance and Bond consistent with the terms of the bid specifications, which documents have been reviewed as to form by the Borough Attorney; and

WHEREAS, it is the intention of the Mayor and Council of the Borough of Keyport to authorize the Mayor of the Borough of Keyport to execute the contract with Lucas Electric Company Inc., for the replacement of sport and site lighting at Cedar Street Park in accordance with the bid previously awarded.

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

1. The Mayor and Borough Clerk are hereby authorized to enter into a contract consistent with the bid specifications between the Borough of Keyport and Lucas Electric Company, Inc., Windsor, New Jersey, for the replacement of sport and site lighting at Cedar Street Park, in the Borough of Keyport, County of Monmouth and State of New Jersey.
2. Upon execution, the Borough Clerk is authorized to forward a copy of the completed executed contract to the successful bidder, Lucas Electric Company, Inc., Windsor, New Jersey.
3. The Borough Clerk shall retain the original and fully executed copy of the contract and supporting application on file in the office of the borough Clerk.

Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

7. Resolution #95-02, Appoint Public Works Repairer, Scott Hicks

WHEREAS, the position of Public Works Repairer has been established; and

WHEREAS, there is a vacancy in the position of Public Works Repairer and it is the desire of the Mayor and Council to fill this position; and

WHEREAS, funds have been provided for this position in the budget; and

WHEREAS, George Sappah, Superintendent of Public Works, has submitted a recommendation for appointment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Scott Hicks is hereby appointed Public Works Repairer provisionally, pending Department of Personnel testing and certification, effective March 6, 2002 at the salary now in effect for this position.

Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

8. Resolution #96-02, Support and Endorse the Campaign to fix New Jersey Nursing Home

WHEREAS, safe staffing levels are the key to ensuring that all nursing home residents receive the attention they need to live in dignity; and

WHEREAS, nursing home staffing levels currently required in New Jersey are nearly 40% lower than the levels experts recommend; and

WHEREAS, adequate staff to resident ratios that are easy to understand and enforce must be established, and information about nursing home staffing levels should be available to consumers and resident family members; and

WHEREAS, poverty wages and inadequate benefits have created high employee turnover and undermined nursing home quality of care; and

WHEREAS, nursing home must provide decent jobs to help attract and keep qualified staff; and

WHEREAS, we must reform the Medicaid reimbursement system for nursing home care so that it provides for and guarantees quality care, higher staffing ratios, good careers for workers and adequate funding; and

WHEREAS, nursing home workers and residents, family members, senior, people with disabilities, religious and political leaders, and advocates are joining together to promote quality, long term care in New Jersey in order to ensure that all New Jersey nursing home residents receive the care they deserve.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport endorse and support the Campaign to Fix New Jersey Nursing Homes!

Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Merla
Ashmore, Hyer, Stalter

ADJOURNMENT

Motion to Adjourn moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present.

Time of Adjournment: 11:40 P.M.

Respectfully submitted,

Judith L. Poling
Judith L. Poling, RMC/CMC
Borough Clerk/Administrator

Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

MUNICIPAL BUDGET NOTICE

91-02

Section 1.

Municipal Budget of the _____ Borough _____ of _____ Keyport _____, County of _____ Monmouth _____ for the Year 2002
Be It Resolved, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the Year 2002;
Be It Further Resolved, that said Budget be published in the _____ Courier _____
in the Issue of _____ March 21 _____, 2002

The Governing Body of the _____ Borough _____ of _____ Keyport _____ does hereby approve the following as the Budget for the year 2002:

Offered by: Mr. Merla
Seconded by: Mr. Hyer

Abstained {

RECORDED VOTE
(Insert last name)

Ayes { Councilmembers Atkins, Merla Nays { Councilman Bergen ***

Absent {

Notice is hereby given that the Budget and Tax Resolution was approved by the Governing Body of the _____ Borough _____
of _____ Keyport _____, County of _____ Monmouth _____, on _____ March 5, _____, 2002.

A Hearing on the Budget and Tax Resolution will be held at The Senior Center, 110 Second Street, on _____ April _____ 2 _____, 2002 at
(A.M.) _____

_____ 8:00 _____ o'clock (P.M.) at which time and place objections to said Budget and Tax Resolution for the year 2002 may be presented by taxpayers or other
(Cross out One)
interested persons.

*** Motion to withdraw original motion and second offered by Mr. Merla, seconded by Mr. Hyer with Ayes by all present
Motion to table Introduction to March 12, 2002 offered by Mr. Merla, seconded by Mr. Hyer with Ayes by all present

