

approved
7/10/07

March 6, 2007
Keyport, New Jersey

Mayor Bergen called the meeting to order at 7:42 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Hassmiller, Ortman, Walling, Bolte. Absent: Councilman Hill. Others present: John Wisniewski, Borough Attorney and Mr. Valesi, Borough Attorney.

RESOLUTION

Resolution #256-06, Closed Meeting - Personnel, Litigation

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, Mayor and Council of the Borough of Keyport are of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

A. Personnel

Police Department
NPP Coordinator

B. Litigation

Sandpiper v. Planning Board

C. PD Investigation of Liquor License Applicant

Trinity LLC

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 above-mentioned items.

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

Offered for adoption by Mr. Ortman, second by Mr. Bolte

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

Mayor Merla called the meeting to order at 8:18 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Hassmiller, Ortman, Walling, Bolte. Absent: Councilman Hill. Others present: John Wisniewski, Borough Attorney and Mr. Valesi, Borough Administrator.

APPROVAL OF MINUTES

1. Special Meeting - February 6, 2007

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

INTRODUCTION OF ORDINANCES

1. Ordinance #6-07 Control Soil Removal or Soil Fill

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER XVII,
SOIL AND SOIL REMOVAL, OF THE
ORDINANCES OF THE BOROUGH OF KEYPORT**

WHEREAS, the Mayor and Council of the Borough of Keyport finds that uncontrolled and unregulated excavation, filling and removal of soil has resulted and will result in conditions detrimental to the public safety, health and general welfare, deterring substantially the efforts of the Borough of Keyport to promote and effectuate the general purpose of Borough planning, and

WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is coterminous with the power of the legislature, and

WHEREAS, the Superintendent of Engineering of the Borough of Keyport has produced recommendations as to the appropriate regulations for soil removal and soil fill within the Borough of Keyport.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter XVII, of the Revised Ordinances of the Borough of Keyport is revised to amend Section 17-1.1 add Section 17-1.1(a), amend Section 17-1.4 and add Section 17-1.8 as follows;

17.1.1 Permit Required. No person shall excavate or otherwise remove soil for sale or for use other than on the premises from which the soil has been taken, except in connection with the construction or alteration of a building on such premise, and incidental excavation or grading, without first having procured a permit from the Construction Official. The fee for this permit shall be two hundred and fifty (\$250.00) dollars.

17.1.1(a) Transporting and Stockpiling. To the extent not otherwise prohibited by this Chapter, "Soil and Soil Removal," it shall not be permissible to transport and stockpile any dirt, soil, stone, sand, rock, crushed concrete, aggregate, asphalt, recycled material, construction debris and/or material, of any kind whatsoever, whether purchased new, or excavated or obtained from an off-site location, either within or beyond the boundaries of the Borough, and deposit the same on a site within the Borough; (a) for storage and/or disposal or any kind, whether temporary or permanent, except pursuant to a valid New Jersey Department of Environmental Protection permit and/or license authorizing such use on said site and which use has been approved in accordance with the Zoning Ordinance(s) of the Borough; or (b) otherwise for use as part of a permanent installation, and/or construction project, upon said site within the Borough unless the same has been authorized pursuant to a valid permit issued in accordance with the provisions of this Chapter and/or pursuant to a valid construction permit issued by the Borough's Construction Department, which is similarly issued in accordance with any and all applicable provisions of the Construction Code and this Chapter or; (c) except for temporary storage of such material for use by the Department of Public Works and/or pursuant to a municipal contract or improvement project.

17-1.4 Review. Prior to final action on any application, the Construction Official and/or Engineer shall consider soil erosion, soil fertility, drainage, lateral support, slopes, grades of adjoining lands and of streets, and other thoroughfares, land values and uses and such other factors as may bear upon or relate to the coordinated adjusted and harmonious development of the Borough. If the application is referred to the Engineer for review pursuant to 17-1.3 said Engineering review shall be funded by the applicant

with a minimum initial review fee of \$500.00, or greater as estimated by the Engineer.

17-1.8 Violations and Penalties. For any violation of any provision of this Chapter, the maximum penalty upon conviction shall be as set forth in General Penalty 1-5 et seq. of the Revised General Ordinances, Borough of Keyport.

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

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

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

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

1a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 8, 2007 issue, for a Hearing to be held on March 20, 2007 moved by Mr. Walling, second by Mr. Hassmiller with Ayes by all present.

2 Ordinance #7-07 Bond Ordinance for Improvement to Cedar Street

The Clerk reads the Ordinance by Title:

PROVIDING FOR IMPROVEMENTS TO CEDAR STREET IN AND BY

THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH,

NEW JERSEY, APPROPRIATING \$450,000 THEREFOR

AND AUTHORIZING THE ISSUANCE OF \$243,000 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 \$450,000, \$193,207 of which is expected to be received from a Community.

Development Block Grant, and including the sum of \$13,793 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 and in anticipation of the above referenced grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$243,000 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 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is improvements to Cedar Street, including, but not limited to, road improvements, new curbs and sidewalks as needed and the replacement of existing watermain and services within the roadway, 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 Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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 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 this ordinance, is 10 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 \$243,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 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. Walling, second by Mr. Hassmiller

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

- 2a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 8, 2007 issue, for a Hearing to be held on March 20, 2007 moved by Mr. Walling, second by Mr. Hassmiller with Ayes by all present.
3. Ordinance #8-07 Ordinance adding Alternate Members to Environmental Commission

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING ORDINANCE 2-7.7 OF THE BOROUGH OF
KEYPORT TITLED ENVIRONMENTAL COMMISSION**

WHEREAS, the Mayor and the Borough Council wish to amend Borough of Keyport Ordinance 2-7.7(b) Environmental Commission; Members, and

WHEREAS, the Mayor and the Borough Council believe that amending said Ordinance will improve the quality of life in the Borough of Keyport, and

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Borough Ordinance 2-7.7(b) is amended as follows;

- b. *Members.* A Commission shall consist of seven (7) members appointed by the Mayor, one (1) of whom shall also be a member of the Planning Board and all of whom shall be residents of the municipality of Keyport; the members shall serve without compensation except as hereinafter provided. The Mayor shall designate one of the members to serve as Chairman and presiding officer of the Commission. The terms of the two (2), or three (3) years, to be designated by the Mayor in making his appointments, and their successors shall be appointed for terms of three (3) years and until the appointment and qualification of their successors. The first members of the Commission shall be appointed for the following terms:

Two (2) members for the one (1) years term expiring December 31, 1993,

Two (2) members for the (2) year term expiring December 31, 1994,

Three (3) members for the three (3) year term expiring December 31, 1995.

The Mayor may appointment not more than two alternate members whom shall be residents of the municipality of Keyport; the members shall serve without compensation except as hereinafter provided. Alternate members shall be designated at the time of appointment as "Alternate No. 1" and "Alternate No. 2."

The terms of the alternate members shall be for two years, except that the terms of the alternate members first appointed shall be two years for Alternate No. 1 and one year for Alternate No. 2 so that the term of not more than one alternate member shall expire in any one year. A vacancy occurring otherwise than by expiration of term shall be filled by the Mayor for the unexpired term only.

The Mayor or governing body may remove any member of the Commission for cause, on written charges served upon the member and after a hearing thereon at which the member shall be entitled to be heard in person or by counsel. A vacancy on the Commission occurring otherwise than expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

- 3a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 8, 2007 issue, for a Hearing to be held on March 20, 2007 moved by Mr. Sheridan, second by Mr. Hassmiller with Ayes by all present.

4. Ordinance #9-07 Ordinance to Repeal/Vacate Handicapped Parking Space

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING ' 7-5 SCHEDULE XXI
(PARKING AREA FOR HANDICAPPED PERSONS) OF
TRAFFIC REGULATIONS OF THE BOROUGH OF KEYPORT**

WHEREAS, the Mayor and the Borough Council are aware that the present Traffic Ordinances allow for handicapped parking on certain streets at certain times in certain areas of the Borough, and

WHEREAS, the Borough Police Department has produced recommendations as to appropriate handicapped parking in the Borough of Keyport, and

WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is coterminous with the power of the legislature, now therefore

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that ' 7-5 Schedule XXI of the Revised Ordinances of the Borough of Keyport are amended by deleting the following;

Name of Street	Side	Location
Church Street	East	Beginning at a point 73 feet north of the northerly curblin of Warren Street and continuing 25 feet north therefrom.

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

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

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

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

- a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 8, 2007 issue, for a Hearing to be held on March 20, 2007 moved by Mr. Walling, second by Mr. Ortman with Ayes by all present.

5. Ordinance #10-07 Storage Container Ordinance

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING CHAPTER XII, BUILDING AND
HOUSING, OF THE ORDINANCES OF THE BOROUGH OF
KEYPORT**

WHEREAS, The Mayor and Council of the Borough of Keyport finds that uncontrolled and unregulated storage containers has resulted and will result in conditions detrimental to the public safety, health and general welfare, deterring substantially the efforts of

the Borough of Keyport to promote and effectuate the general purpose of Borough planning, and

WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is coterminous with the power of the legislature.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter XII, of the Revised Ordinances of the Borough of Keyport is revised to add Sections 12-17 and 12-17.1 as follows;

12-17 STORAGE CONTAINERS.

12-17.1 Prohibited Uses. To the extent not otherwise prohibited by any other provision of this Code, it shall be unlawful to place a permanent and/or moveable storage or transportation trailer of any kind, or other such storage container, upon any site within the Borough, whether to be left and/or parked/stored in an empty state, or to be used for the storage of any construction materials, other materials or goods, equipment, tools, etc., of any kind or nature whatsoever, except to extent the said trailer, or container is being used temporarily in conjunction with an authorized and properly permitted active construction project on said site, or to the extent such storage use is authorized pursuant to the Borough's Zoning Ordinances.

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

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

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

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Ortman,
Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

- 5a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, March 8, 2007 issue, for a Hearing to be held on March 20, 2007 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Kevin O'Sullivan on behalf of Bayshore Bandits 12U to use the Cedar Street Field for softball games and practices

Motion to post in survey moved by Mr. Sheridan, second by Mr. Hassmiller with Ayes by all present.

2. Letter from Wayne Peck (Attorney representing the owners of Block 120, Lots 8 & 9, and Block 130 Lots 42, 48, 49, 50, 51, and 52) regarding zoning of the property in light of the area being designated as an area in need of "Redevelopment"

Motion to give the Redevelopment Committee moved by Mr. Sheridan, second by Mr. Hassmiller with Ayes by all present.

UNFINISHED BUSINESS

1. Status on initiatives to convert to energy efficient utility services for municipal facility.

Fuel costs and environmental needs; have someone look at the solar panels, not enough room found.

ADMINISTRATOR'S REPORT

Mr. Valesi reported on the following. Payment of Bills from February 27, 2007. The Menu item from the waterfront project is now on the website. Visual aids will be put up with some pictures from the DEP. The Budget will be introduced at next meeting. There will be a Special Preliminary meeting held before. Mr. Sheridan had a question on the Verizon Bill at the boat ramp, do we have any control over that? There is an issue on the cleaning status at the Senior Center. There will be a meeting with Wendy Tooker. Mr. Valesi feels it is a problem with communication. Regarding Unfinished Business, Mayor Bergen said an issue was raised on Hovnanian at First Street and Broadway. A new amended site plan application will be made before the Board.

ATTORNEY'S REPORT

The Attorney had no report.

NEW BUSINESS

1. St. Patrick's Day Parade. The St. Patrick's Day Parade will be on Sunday at 1 P.M.
2. Pop Warner. A plaque was received from the Keyport Indians Pop Warner.
3. Bike Rack and Osprey Nest. The people who moved the bike racks were thanked. Regarding the Osprey nest, there will be a status report on Thursday.
4. Step Up Program. There will be eight classes with the Step Up program at a minimal cost. Mayor Bergen asked if payments were worked out.

RESOLUTIONS

2. Resolution #108-07, Payment of Bills

(see full copy of this Resolution attached hereto and made apart hereof)
Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller,
Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: Councilman Hill
3. Resolution #109-07, Department of Environmental Protection Green Acres Enabling Resolution

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Borough of Keyport desires to further the public interest by obtaining a loan of \$639,375.00 and/or a grant of \$213,125.00 from the State to fund the following project(s): William Ralph Pier Replacement and Appurtenances

NOW, THEREFORE, the Governing Body resolves that Robert J. Bergen, or the successor to the office of Mayor is hereby authorized to:

- (a) make application for such a loan and/or such a grant
- (b) provide additional application information and furnish

such documents as may be required

(c) act as the authorized correspondent of the above named applicant, and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE IT RESOLVED by the Keyport Borough Council

1. That the Mayor of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as the William Ralph Pier Replacement Project, and;

2 That the applicant has its matching share of the project, if a match is required, in the amount of -0-

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project , and;

4. The applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project.

5. That this resolution shall take effect immediately.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller,
Ortman, Walling, Bolte

Nays: None

Abstain: None

Absent: Councilman Hill

4. Resolution #110-07, Appointing Neighborhood Preservation Program Coordinator
- Carla Cefalo

WHEREAS, pursuant to N.J.S.A. 40A:60-6 the Borough Council may create such offices and positions as it may deem necessary, and

WHEREAS, the Mayor and Council of the Borough of Keyport wish to create and fill the position of Neighborhood Preservation Program Coordinator; and

WHEREAS, the Neighborhood Preservation Program provides State grant funding to establish partnerships with residents and businesses for the preservation and revitalization of neighborhoods within the Borough of Keyport, and

WHEREAS, The Mayor and Borough Council recognize that the aforementioned program will enhance the quality of life and is in the best interests of the citizens of the Borough of Keyport, and

WHEREAS, the Borough of Keyport has conducted a search for a qualified applicant and the Borough Administrator recommends Carla Cefalo of 62 Gravelly Point Road, Highlands, NJ 07732, for the position of Neighborhood Preservation Program Coordinator; and

WHEREAS, the Neighborhood Preservation Program Coordinator is an unclassified position serving at the pleasure of the Mayor and Council and is terminable at will, and

WHEREAS, the State, as part of the grant program, will pay twenty-thousand dollars (\$20,000.00), each year, towards the salary of the Neighborhood Preservation Program Coordinator.

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

1. The position of Neighborhood Preservation Program Coordinator is hereby created.
2. Carla Cefalo, is hereby appointed as the Neighborhood Preservation Program Coordinator of the Borough of Keyport, effective March 6, 2007, at an annual salary of thirty thousand dollars (\$30,000.00) per annum, to be pro-rated.
3. The two-month waiting period for health benefits will be waived.
4. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and the Borough Clerk, who shall retain a copy for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller,
Ortman, Walling, Bolte

Nays: None
Abstain: None
Absent: Councilman Hill

5. Resolution #111-07, Authorizing Funding for a Pump Out Boat for Raritan and Sandy Hook Bays

WHEREAS, the Bayshore Pump Out Boat Committee has requested funding for a pump out boat for Raritan and Sandy Hook Bays; and

WHEREAS, the Bayshore Pump Out Boat Committee is seeking annual funding to match the State of New Jersey's Clean Vessel Act program commitment of Two-Thousand Five-Hundred Dollars (\$2500) annually for five years; and

WHEREAS, the committee is asking the eight municipalities along the Bayshore to pledge a one-eighth (1/8) share of the matching funds or Three-Hundred Twelve Dollars and 50 cents (\$312.50) annually for the five year life of the program.

NOW THEREFORE BE IT RESOLVED, that the Mayor and Council of the Borough of Keyport hereby authorizes annual payments to the Bayshore Pump Out Boat Committee in the amount \$312.50 annually for the five year life of the program.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller,
Ortman, Walling, Bolte

Nays: None
Abstain: None
Absent: Councilman Hill

6. Resolution #112-07, Authorizing \$5,000.00 for Planning Board Attorney

WHEREAS, the Borough of Keyport has been named a defendant in litigation entitled *The Sandpiper Homeowner's Association v. Planning Board for the Borough of Keyport, et al.* and

WHEREAS, Pasquale Menna, Esq., is a member of the Bar of the State of New Jersey and is familiar with the underlying facts of this litigation, and

WHEREAS, on February 7, 2007 Pasquale Menna, Esq., was appointed as the Planning Board Attorney for the Borough of Keyport under a Fair and Open process pursuant to N.J.S.A.19:44A-20.5, and

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

WHEREAS, Pasquale Menna, Esq. has submitted a proposal to perform services as Special Litigation Counsel for the Borough of Keyport which is appended hereto and made a part hereof, and

WHEREAS, 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:

1. Pasquale Menna, Esq., is appointed Special Litigation Counsel and is authorized to defend the Planning Board of the Borough of Keyport in the above referenced matter.
 2. The hourly rate for Mr. Menna's services shall be the same as contracted for his services as Planning Board Attorney for 2007.
 3. A budget of five thousand dollars (\$5,000.00) is authorized for legal fees and costs in the above referenced matter.
7. Copies of the within Resolution shall be forwarded to Pasquale Menna, Esq., the Municipal Finance Officer and the Borough Clerk, who shall retain a copy for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller,
Ortman, Walling, Bolte

Nays: None
Abstain: None
Absent: Councilman Hill

8. Resolution #113-07, Authorizing Monmouth County Mosquito Extermination Commission Aerial Surveillance and Treatment Program for the Year 2007

WHEREAS, the Monmouth County Mosquito extermination Commission has requested written approval to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Keyport; and

WHEREAS, the Borough of Keyport understands that all pesticides used are registered with the NJDEP for aerial application by the State and the USEPA; and

WHEREAS, it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Monmouth County Mosquito Extermination Commission is hereby authorized to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Keyport subject to the Monmouth County Mosquito Extermination Commission notifying the Keyport Police Department prior to each and every application.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Ortman, Walling,
Bolte

Nays: Councilman Sheridan

Abstain: None

Absent: Councilman Hill

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 8:41 P.M. Bob Ludwig, 50 Beers Street, spoke regarding the soil storage ordinance. This duplicates the public health ordinance to prohibit transport stations. Wants to make sure both ordinances are consistent. Regarding the storage ordinance, Mr. Ludwig is concerned that the ordinance prohibits boat trailers. Consider the way the ordinances are phrased, it should be more definitive. Mr. Ludwig had a question about the NPP appointment. Was it advertised; yes.

Todd Smith, 119 Broad Street, spoke regarding loitering on W. Front Street. He feels people are stopping people on the street. Mr. Hassmiller asked Captain Mitchell if Mr. Smith had complained; Captain Mitchell said one can be ticketed. Mr. Ortman asked Captain Mitchell if he has a comment on the situation. Captain Mitchell said he does not see this panhandling. Mayor Bergen asked for more Police presence downtown during the day; only two Police Officers are on the road during the day.

Frank Mungello, Main Street, is following up on the water issue. Mr. Valesi said the bond has not been released yet. Regarding the parking situation at the High School, the signs keep Frank from parking on the street during school hours. Mayor Bergen said part of the problem is a lot of places have no off-street parking. Look into having permit parking. The sign about "No trucks" is working well but there is still speeding on Jackson Street. Mr. Mungello would like to see some kind of speed bumps. Mayor Bergen said maybe they can put children at play signs up. Mayor Bergen asked Mr. Valesi to look into the signs for Jackson Street in between Main and Broad Street.

Cheryl Lester, 201 7th Street, regarding parking on 7th Street. She is in agreement with permit parking. Mrs. Lester had a sign in front of her house for permit parking which was removed; wants to know why sign was removed. Captain Mitchell was told there were not enough signs. Mayor Bergen said people came in and asked for parking on both sides of the street. Mayor Bergen asked Mr. Valesi to see if there could be another sign. There will be a meeting with the Apartment Complex on Friday morning March 9th.

Mike Lane, 51 First Street, thinks pump out boat is a good extension on the storm-water plan. The Yacht Club is putting up \$50,000 to pay for the loan and they are trying to improve Keyport. Regarding the Hovnanian Project, Mr. Lane is glad they are coming back before the Planning Board. He feels future issues of the condo association are critical. Mayor Bergen said there are certain laws about making one have a condo association. Councilwoman Bolte invited him to go to the Code Enforcement Construction Officer. She would like him to participate in the Planning Board more. There being no further comments or questions from the audience the meeting was closed to the public at 9:16 P.M.

ADJOURNMENT

A motion to adjourn the meeting was made and moved with Ayes by all present.

Time of Adjournment: 9:21 P.M.