

Approved
7/20/04

April 1, 2003, Page 1

April 1, 2003
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport First Aid Building, 1927 Atlantic 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 Merla called the meeting to order at 7:00 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle. Others present were Mr. Kain, Borough Attorney. Absent: Councilman Green (due to illness)

RESOLUTION

1. Resolution #144-03, 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. Inter-local with Union Beach
2. Public Works Department

Litigation

1. Schoor DePalma/Bulkhead Project
2. Magic Touch vs Borough of Keyport

Labor Relations

1. Grievance/Senior Permit Clerk

Contract Negotiations

1. Public Works Facility Lease
2. New Municipal Complex
3. Catamaran 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. Atkins, seconded by Mr. Stalter

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle,
Absent: Councilman Green

Council went into closed session at 7:00 P.M. and this meeting was reconvened at 8:20 P.M.

Mayor Merla called the meeting to order at 8:20 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle. Absent: Councilman Green. Others present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

PRESENTATION

3. Claude Solomon, Library Board of Trustees. Mrs. Solomon reported that the building is 90 years old and was built for the Raritan Guard and started operation in 1913 and has since been renovated. They have computers, audio visual and archives but the building is not ADA assessable. The Library is obligated to prepare plans and design access. After the Borough Hall, the Library is the only major public building not ADA accessible. There is no access from the outside, or between floors or inside on the main floor. A handicapped parking space is required, the grounds have to be regarded, the sidewalk has to be changed, the steps have to be removed on the Third Street side and an automatic door is needed. There are only stairs in the building and either an elevator or chair lift is needed. An interior wheelchair lift cost \$25,000. Access is needed between the children's floor and the main floor. There is old oak shelving, the main floor is not ADA compliant, there is a unisex bathroom. They need new shelving, the bathroom renovated and spaces moved around. They do have a removal of books policy and there is an increased demand on books. They will need more space in the future. A long range committee has been formed. Cost estimates - \$400,000 plus construction, not including design or lighting, not taking the books out and putting them back. The Library would have to be closed for 2-3 months. They have looked at financing options and asked if they could be put in the next Monmouth County Community Development Block Grant. They are looking for other funding sources and they need public support and assistance. Mayor Merla said he and Councilman Green sit on the Library Board. The Library Planning Committee should meet with the Borough's Buildings and Grounds Committee to review and discuss submittal for funding. The existing damage should be repaired and the budget includes extra money for repairs. Mrs. Solomon said they are willing to work with the Borough. Mayor Merla said he appreciated the time and effort of the Trustees, that the items should be prioritized and a meeting held. Mr. Bergen said submitting to MCCD is a good idea. Mr. Bergen asked if the Library comes under the State Bond Act for funding and Mrs. Solomon said the next round has not been announced yet. She said plans need to be in hand and a 3 to 1 commitment from the Borough.

Mayor Merla asked for a Moment of Silence in support of our troops.

PROCLAMATIONS

Mayor Merla read the following Proclamations:

1. Fibrodysplasia Ossificans Progressiva Awareness Year
2. April, 2003 Keyport High School State Championship Football Team Month. Mayor Merla attended the ring ceremony.

3. Crime Victims Rights Week, April 6 - 13, 2003

HEARING ON ORDINANCES

4. **Ordinance #5-03**, Amend Chapter XXV Land Use Regulations Section 25:1-9

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of February 27, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN
ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES
OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR
AND COUNCIL AND AMENDED FROM TIME TO TIME
THEREAFTER, CHAPTER XXV, LAND USE REGULATIONS,
SECTION 25:1-9, GENERAL COMMERCIAL DISTRICT (GC)
AND GENERAL MARINE COMMERCIAL (GMC) REGULATIONS**

Mayor Merla recommended that the Ordinance be held and carried over pending the Special Meeting of the Planning Board on April 10, 2003. Mayor Merla said there are several sub committees, that the Public Hearing should be held and a recommendation made. Mr. Bergen said he can't see the Ordinance passing as it is and asked about introduction of a new Ordinance. Mr. Kain said to wait on the Planning Board comments and if the changes are substantial then amend the Ordinance. Mayor Merla said the full Planning Board hasn't voted on the matter and allow a Hearing at the 4/10/03 Planning Board meeting. The minutes of the last Council meeting were given to the Planning Board. Mr. Bergen asked about the Public Hearing which was opened but not closed. Motion to close the Hearing, moved by Mr. Bergen. There was no second.

2. **Ordinance #6-03**, Repeal Ordinance 1-03 Zoning/Planning Boards

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of March 20, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk reads the Ordinance by Title:

**AN ORDINANCE REPEALING AN ORDINANCE ENTITLED
ZONING ORDINANCE OF THE BOROUGH OF KEYPORT
ADOPTED BY THE MAYOR AND COUNCIL ON
JANUARY 21, 2003 NUNC PRO TUNC**

Mr. Bergen was in agreement to repeal, that there should be a public referendum. Mayor Merla said it is not proper, that there is already one question on the ballot. The intent then is for the Planning Board to hold two meetings a month, splitting the projects, one meeting for development projects.

The Hearing was opened to the public for comments and questions at 9:00 P.M., there being none this portion of the meeting was closed at 9:00 P.M.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle,
Absent: Councilman Green

- 2a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of April 3, 2003, moved by Mr. Bergen, seconded by Mr. Doyle, with Ayes by all present.
3. **Ordinance #7-03**, To Establish Handicapped Parking Space on a Municipal Road/Williamson Street

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of March 20, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk reads the Ordinance by Title:

**TO ESTABLISH HANDICAPPED PARKING
SPACE ON A MUNICIPAL ROAD**

The Hearing was opened to the public for comments and questions at 9:03 P.M., there being none this portion of the meeting was closed at 9:03 P.M.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle,
Absent: Councilman Green

- 3a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of April 3, 2003 moved by Mr. Bergen, seconded by Mr. Doyle, with Ayes by all present.
4. **Ordinance #8-03**, Bond Ordinance/Reconstruction and Resurfacing of Therese Street

The Clerk reports that the Supplemental Debt Statement has been approved by the Division of Local Government Services.

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of March 20, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk reads the Ordinance by Title:

**BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION
AND RESURFACING OF THERESE STREET, BY AND IN
THE BOROUGH OF KEYPORT, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING
\$500,000 (INCLUDING A MONMOUTH COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT IN THE
AMOUNT OF \$199,635) THEREFOR AND AUTHORIZING
THE ISSUANCE OF \$286,000 BONDS OR NOTES OF THE
BOROUGH TO FINANCE PART OF THE COST THEREOF**

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

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of \$500,000, which sum includes the Monmouth County Community Development Block Grant to be received in the amount of \$199,635 (the "Grant") and \$14,365 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (The "Local Bond Law"). Said down payment is now available therefore by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said \$500,000 appropriation not provided by application hereunder of said Grant and down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of \$286,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding \$286,000 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 purpose for the financing of Therese Street, such reconstruction and resurfacing to include, but is not limited to, roadway excavation, milling, paving and resurfacing such roadway, and the repairing, replacement and/or installation, as applicable of curbs, curb ramps, sidewalks and driveway aprons, draining work, sewer main and lateral replacement and/or rehabilitation, water main and service replacement and/or rehabilitation, roadway painting, and also including all engineering and design work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is \$286,000.

(c) The estimated cost of said improvement or purpose is \$500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, being the amount of \$214,000, is the Grant and the down payment for said improvement purpose.

Section 4. Except for the Grant, in the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received

from the United States of America, the State of New Jersey, and/or the County of Monmouth. Except for the Grant, in the event, however, that any amount so contributed or granted to the United States of America, in the State of New Jersey and/or County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined in connection with the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

Section 6. The Capital Budget of the Borough of Keyport is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

Section 7. 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 and is an improvement which the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough of and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and 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 or notes provided for in this bond ordinance by \$286,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under Section 20 of the Local bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

Section 8. The full faith and credit of the Borough are hereby pledged to punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

Section 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used

directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds," within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed \$286,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

Section 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

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

The Hearing was opened to the public for comments and questions at 9:05 P.M. Diane Patrick of Therese Street asked the purpose of the Ordinance, that she doesn't have rusty waster and doesn't need sidewalks. Mayor Merla said that Therese Street was picked because of the other streets that were already done in that area of town. He explained that the water pipes, which are 100 years old, would be taken care of first, (infrastructure) then the sidewalks and curbs would be replaced and the street paved, adding more strength. At present, you have to walk in the street to go to the Therese Street Park. This is a good project and it was ranked 7th and everyone was for the project. Frank Breese, 168 Therese Street noted that the streets were horrible and asked about storm drains: He said he would agree if the run off will go down the street. Borough Engineer Freda said that upgrades will be done. Inga Westphal of Therese Street agreed on the re-paving but not the sidewalks because she would lose part of her property and would have to park in the street. Joseph Wedick, Therese Street requested that a poll be taken of the residents and their feelings. He said that lives will be disrupted and residents don't understand the impact. Mayor Merla said a letter went out to the residents, the Borough applied for and received the grant, the Borough's Community Development Committee went out and decided on Therese Street. A letter can be sent regarding the preconstruction meeting when the matter of sidewalks and curbs can be discussed. Mr. Bergen asked about sidewalks on one side and 37 homes are involved. The hearing was closed at 9:17 P.M.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle,
Absent: Councilman Green

- 4a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of April 3, 2002 moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. **Ordinance #9-03**, Amend Chapter VII Traffic, Section 7.8 (Schedule XIV) Taxi Stands (Repeal taxi stands on West Front Street)

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING
AN ORDINANCE ENTITLED "REVISED GENERAL
ORDINANCE OF THE BOROUGH OF KEYPORT"
ADOPTED BY THE MAYOR AND COUNCIL AND
AMENDED FROM TIME TO TIME THEREAFTER,
CHAPTER VII, TRAFFIC, SECTION 7.8
(SCHEDULE XIV) TAXI STANDS**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, that the Revised General Ordinances of the Borough of Keyport, Chapter VII, Traffic, Section 7-8, Taxi Stands, (Schedule XIV) is hereby amended and supplemented as follows:

Section 1: Declaration: It has come to the attention of the Mayor and Council that the need for the placement of taxi stands situated along Front Street, in the Borough of Keyport is no longer necessary. Therefore, the Mayor and Council are resolved to repeal that portion of Borough Ordinance 7-8 taxi Stands (Schedule XIV) that permits the location of taxi stands on Front Street in the Borough of Keyport.

Section 2: Repealer: Borough Ordinances, Chapter 7, Traffic Section 7-8, Taxi Stands (Schedule XIV) is hereby amended and supplemented to provide for the repeal of taxi stands located on either the northerly side or southerly side of Front Street within the Borough of Keyport.

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

Section 4: If any section, sub-section, part, clause or phrase of this Ordinance shall be declared invalid by a judgment of any Court of competent jurisdiction, the section, sub-section, part, clause or phrase shall be deemed to be severable from the remainder of the Ordinance.

Section 5: All other provisions of the within Chapter not specifically effected by the within Ordinance are hereby confirmed.

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

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

Roll Call Vote: Ayes Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle
Absent: Councilman Green

- 1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of April 3, 2003 for a Hearing to be held on April 15, 2003 moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.
2. **Ordinance #10-03**, Amending and supplementing Chapter IV, Police Regulations, Section 4-17, Street Numbers

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING
AN ORDINANCE ENTITLED "REVISED GENERAL
ORDINANCES OF THE BOROUGH OF KEYPORT"
ADOPTED BY THE MAYOR AND COUNCIL AND
AMENDED FROM TIME TO TIME THEREAFTER,
CHAPTER IV, POLICE REGULATIONS,
SECTION 4-17 STREET NUMBERS**

BE IT ORDAINED the Mayor and Council of the Borough of Keyport, that the Revised General Ordinances of the Borough of Keyport, Chapter IV, Police Regulations, Section 4-17, Street Numbers, is hereby amended and supplemented as follows:

Section 1: 4-17.1 Purpose: In order to facilitate the swift response of police, fire, first aid, emergency management and other emergency workers to any house, apartment, condominium, commercial structure or building located within the Borough of Keyport, especially during times of emergency, the Mayor and Council declare that standards with respect to the size and location of visible street numbers on house, apartments, condominiums, commercial establishments and buildings must be mandated and enforced within the Borough of Keyport, to provide maximum benefit to the residents and visitors within the Borough of Keyport.

Section 2: 4-17.2 Display of Street Numbers: All houses, apartments, condominiums, commercial structures or buildings within the Borough of Keyport are hereby required to display street number assigned to the particular location in a manner so as to be visible and identifiable from the street upon which the house, apartment, condominium, commercial structure or building fronts. Said numerical street numbers shall be a minimum of five (5") inches in height.

In the event that a house, apartment, condominium, commercial structure or building does not front a public street, said street number shall be visibly displayed from the location of the street, drive, driveway or parking lot which provides the usual and customary point in ingress and egress.

The size and location of street numbers shall further comply with all regulations with respect to signs as contained in Borough Ordinance 25:1-17.

Section 3: 4-17.3 Apartments and Condominiums: In addition to the requirements of visible street numbers set forth herein, each apartment or condominium shall be required to visibly display the apartment number or unit number assigned to the dwelling unit in such apartment complex or condominium complex within the Borough of Keyport. Said numerical numbers identifying the dwelling unit in the apartment or condominium complex shall be a minimum of five (5") inches in height and shall be displayed on the front entrance door or alongside the front entrance door to each dwelling unit. With respect to apartment complexes, the complex owner shall be responsible for compliance with the terms of this ordinance.

Section 4: 4-17.4 Commercial Units. All commercial units, rentals offices or establishments located within a commercial structure or building shall be required to visibly display the unit, rental or office number assigned to the within commercial location within the Borough of Keyport. Said numerical number identifying the individual commercial unit, rental, office or establishment shall be a minimum of five (5") inches in height and shall be displayed on the front entrance door or along side the front entrance door to each commercial unit rental office or establishment. The owner of each commercial structure or building shall be responsible for compliance with the terms of this ordinance.

Section 5: 4-17.5 Enforcement, Violations and Penalties. All persons, corporations, business entities and property owners within the Borough of Keyport, shall be required to comply with the terms contained within this ordinance on or before July 1, 2004. Compliance with the within ordinance shall be enforced by the police department, construction department, including the zoning officer or property maintenance officer. Should compliance not be met by this date, the property owner shall be deemed in violation of the within ordinance and subject to penalties provided pursuant to Borough Ordinance 1-5.1.

Section 6: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed to the extent of such inconsistencies.

Section 7: If any section, sub-section, part, clause or phrase of this ordinance shall be declared invalid by a judgment of any Court of competent jurisdiction, the section, sub-section, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance.

Section 8: All other provisions of the within Chapter not specifically effected by the within ordinance are hereby confirmed.

Section 9: This ordinance shall take effect

immediately upon final passage and publication as required by law.

- 2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of April 3, 2003 for a Hearing to be held on April 15, 2003 moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

RESOLUTIONS

2. Resolution #145-03, Entering into an Interlocal Agreement for Construction Services with Borough of Union Beach.

(SEE FULL COPY OF RESOLUTION ATTACHED HERETO AND MADE PART OF THESE MINUTES.)

Offered by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter
Doyle

Nays: Councilman Bergen (he is not
comfortable with the Agreement but he
hopes it works out.)

Absent: Councilman Green

2003 BUDGET

1. Resolution #146-03, Authorizing the Budget Be Read By Title

(SEE FULL COPY OF RESOLUTION ATTACHED HERETO AND MADE PART OF THESE MINUTES.)

Offered by Councilman Doyle, seconded by Councilman Stalter

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer,
Stalter, Doyle

Absent: Councilman Green

Thomas Fallon, CFO reported that the State reviewed the Budget and the amendment and gave their approval. Mr. Fallon read the Amendment into the record. The down payment on Capital Improvement Projects was increased by \$50,000 and the Borough anticipates \$50,000 in revenue. He not aware of any change orders. Mr. Bergen said he does not belittle the work and has respect for Mr. Fallon. Policy decisions are not made by the CFO and this is a blue print for disaster. The surplus has been depleted and cannot be regenerated. One tax lien of \$150,000 is a one time revenue and will not be available next year. Mr. Hyer said he looked at the budget carefully, that there is slight increase of 3 cents. Mayor Merla thanked Mr. Fallon, the Council and Mrs. Poling for their efforts and the budget meets the necessary needs. Originally the increase was 17 cents and was brought down to 3.2 cents. Mayor Merla and Mr. Hyer met with the Division of Local Government Services and the Borough is looking for new items of revenue. The Court will be taking credit cards, there is the Union Beach Interlocal, licensing increases and the Cellular Tower Leases revenue. Every employer will face a 15% increase in health benefits, there is no increase in Keyport. There is the new Municipal Complex, a new Public Works facility (it will cost less to own then to lease), paving of streets, a new street sweeper. The Water/Sewer Budget - it has to be decided to keep or sell the water and sewer facilities; if it is decided to

keep them rates will be raised. The infrastructure is old and weak, there are BRSA charges (68% increase). In November a referendum question will be put on the ballot. In this area, Keyport has one of the lowest increases, there are no lay offs or cut backs in services. Mr. Bergen said you pay in the future for your borrowing. Regarding health benefits, one Union is suing the Borough and there may be a bill. Mr. Bergen said funds were authorized to build the new Municipal Complex, not to pay for computers or furniture.

HEARING ON 2003 BUDGET

The Hearing was opened to the public for comments or questions. There being none, the Hearing was closed at 9:25 PM.

RESOLUTIONS

4. Resolution #147-03, Amend 2003 Budget

(SEE FULL COPY OF RESOLUTION ATTACHED HERETO AND MADE PART OF THESE MINUTES.)

Offered by Councilman Stalter, seconded by Mr. Doyle

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter,
Doyle
Nays: Councilman Bergen
Absent: Councilman Green

5. Resolution #148-03, Adoption of the 2003 Budget

(SEE FULL COPY OF RESOLUTION ATTACHED HERETO AND MADE PART OF THESE MINUTES.)

Offered by Mr. Doyle, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter,
Doyle
Nays: Councilman Bergen
Absent: Councilman Green

COMMUNICATIONS AND PETITIONS

1. Requests for Keyport Firemen's Fair:

- a. Use of American Legion Drive Parking Lot, June 25, 2003
- b. Suspension of two hour parking in the center of the business district June 19 - June 30, 2003 (to advise days needed)
- c. Use of Borough picnic tables June 19 - June 30, 2003
- d. Use of Public Works equipment June 19 - June 30, 2003
- e. Use of Firemen's parking lot June 19 - June 30, 2003 from 6:00 P.M. to Midnight and closure of American Legion Drive

Motion to approve moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present. Motion to approve as amended, moved by Mr. Bergen, seconded by Mr. Stalter, with Ayes by all present.

2. Request from Raritan Post No. 23 American Legion for funds for Memorial Day activities, Keyport Public Library 11:00 A.M.

Monday, May 26th (see resolutions).

Motion to approve moved by Mr. June Atkins, seconded by Mr. Stalter, with Ayes by all present.

3. Request from Clean Ocean Action to conduct 18th Annual Spring Beach Sweeps on Saturday, April 26, 2003, 9:30 A.M. to 12:30 P.M.

Motion to approve and refer to Harbor Commission, moved by Mr. Bergen, seconded by Mrs. Atkins with Ayes by all present.

4. Letter from Pastor Michael Shadhid of Bayshore Christian Fellowship regarding service to honor Police, Fire and First Aid members

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

5. Request from Fortunato Sanchez for taxi owner and taxi driver licenses (Recommendation from Lt. Thomas D. Mitchell attached)

Motion to deny, moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present.

6. Request from Raritan Post to hold Rally on Saturday, April 12, 2003 at 1:00 P.M. to support troops using Municipal Mini Park and American Legion Drive Parking Lot

Motion to approve moved by Mr. Hyer, seconded by Mr. Bergen with Ayes by all present. Borough will provide one table, chairs and banners, etc.

7. Request from Keyport-Aberdeen Women's Softball League to use Cedar Street fields

Council discussed reimbursement.

Motion to approve moved by Mrs. Atkins, seconded by Mr. Stalter with Ayes by all present.

8. Request from Keyport/Union Beach Girls Softball (KUBS) to use Main Street and Cedar Street fields on Mondays, Wednesdays, Thursdays, Fridays and Saturdays from 6:00 P.M. to 10:00 P.M.

Council discussed a fee ordinance and time change for park usage.

Motion to approve moved by Mr. Stalter, seconded by Mrs. Atkins with Ayes by all present.

9. Request from Union Beach/Keyport Little League to use Main Street and Cedar Street fields on Tuesdays only

Motion to approve moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present. April 12th is opening day for the Little League and St. Joseph.

10. Request from Keyport/Aberdeen Women's Softball League to use Cedar Street Field for Practice

Motion to approve moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

11. DOT 2004 Municipal Aid Program

Motion to refer to the appropriate committee, moved by Mr. Hyer, seconded by Mr. Doyle, with Ayes by all present.

12. Request from Mr. Mackerson to waive sewer portion of water/sewer bill

Motion to refer to Public Works, moved by Mr. Bergen, seconded by Mr. Stalter with Ayes by all present.

UNFINISHED BUSINESS

1. Rental of Backhoe for one month, and purchase of same. Mr. Hyer reported that the backhoe on rental can be acquired at a special price (\$19,000 short); a breakdown will be provided. It was asked if it could be acquired through a lease/purchase. Mr. Hyer will meet with Mr. Doyle and Mr. Sappah; the funds are not in the budget.
2. 285 Main Street Drainage Problem. Mr. Hyer said he has made trips there at various times, that there is a sump pump in the area; that he could not find any ponding regarding the catch basin. Main Street cannot be opened until 2005. A letter will be sent.
3. Resignation of Bloodborne Pathogen Officer. Mayor Merla said residents were asked if they were interested. The school nurse supplied two names and one (Nancy Bell) is interested and will submit a resume.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following: March 20, 2003
Payment of Bills: CURRENT ACCOUNT-\$1,725.00; WATER/SEWER ACCOUNT-\$8,541.99.

ENGINEER'S REPORT

Mr. Freda reported on the following: He has submitted a report on the NJ Dept. of Transportation Welcome Sign Program and the Update on NJDEP Proposed Stormwater Regulations. Engineering Proposal for Therese Street and Engineering Proposal for Atlantic Street were held. The County is to be contacted regarding the ponding on Maple Place which they have not corrected.

ATTORNEY'S REPORT

Mr. Kain reported on the following: The Catamaran Lease will be rebid (Green Acres is in favor) for the time period of May 15-October 15, 2003.

NEW BUSINESS

1. Bulkhead. Mayor Merla advised that the Engineer, Attorney and Mrs. Atkins had a meeting and said there will be a meeting on Thursday at 2 PM and various committees will be attending.
2. "Big Map". Mayor Merla said public input ends on April 2nd. The Borough has submitted a Smart Growth application. The Mayor said he disagrees with the "yellow/red" areas. The Aeromarine, site which contained a sanitary landfill, comes

under Brownfield's, and should be "green"; it is a site for redevelopment. Motion authorizing the Mayor to send a letter to the Department of Environmental Protection regarding the Aeromarine site, moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present. Mr. Bergen said areas have to be designated for redevelopment and a Planner is needed. Mayor Merla said Green Acres was asked if the Planner could be paid out of the Recreation Bayfront Improvement Trust funds. The Smart Growth Committee is maxed out; the RFP has been amended and the matter will be discussed at the Planning Board Meeting. Motion to form an Ad-Hoc Committee (Councilmembers Bergen, Atkins, Doyle will serve on the Committee) to handle the RFP for the Planner, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present. The Committee members are to be provided with the Smart Growth application.

PUBLIC COMMENT

The Meeting was opened to the public at 10:14 P.M. for comments or questions. Mary Alan, Maple Place asked for the Fair dates; June 23-28, 2003. Mr. Parker said there was an ad in the Asbury Park Press regarding public comment on the traffic study for Sandy Hook, Hearing on April 12th. He said the intersection of Broad Street and Route 36 is critical. In Middletown there are 5 significant projects and the Ferry Service is not considered. Mr. Parker said the Borough should attend the meeting and submit comment. Mayor Merla asked that someone from the Engineer's office attend. There have been many meeting between the Borough and the DOT regarding the intersection. Andy Willner, Osborn Street said the beach clean up is sponsored by the BayKeeper and the Environmental Commission. Last year there were 100 bags of garbage and 30-40 people helped; the Launching Ramp and beach were cleaned. He suggested that children become engaged in the Storm Drain stenciling. He said that years ago there was stream encroachment by the Green Grove Trailer Park; there was debris and survey stakes were placed. There have been 3 reports of road millings on Beers Street which is a violation. Mr. Bergen advised that there is an Ordinance on dirt moving and storage. Mr. Freda said the owner of the property should be notified of the violation, that millings are a hazardous material. Mr. Willner said controls are needed regarding stock piling near streams, that the Freehold Soil and the Monmouth County Health departments should be advised. There will be a meeting on Thursday with the Code Enforcement/Zoning Officer and he will be asked to send a letter calling for a site inspection. Mr. Hyer reported that work may start in a couple of months on the Broad/Hwy. 36 intersection; that it needs new hardware and that the State is concerned. Kathy Shaw said there is a meeting on April 12th at Fort Hancock regarding the corridors. She requested that the County be called on the status of the Transit Plan. Jennifer Henning asked where the Planning Board Meeting will be held; the First Aid Building. She also asked about the "Big Map" and was advised it concerned the Aeromarine. Joseph Wedick said Cablevision boxes used to be obtained at The Wiz, which closed and the closest locations are Freehold and Piscataway. He requested that another municipality provide an office on either Hwy. 35 or 36. Mayor Merla said he would discuss the matter at the Bayshore Conference of Mayor's meeting. Edward McNamara reported that Jack Archibald wrote a Highlands article saying that he was unimpressed with the Planning Board attorney (disappointed), that their concerns were dismissed,

that he was not knowledgeable on the law and asked what was the Mayor and Council going to do about his behavior. Mayor Merla advised that the Planning Board appoints the attorney. Mr. McNamara asked what was the purpose of the Planning Board; why are ways found for developers to get around ordinances and where do the Mayor and Council stand. Mayor Merla said that residents have hired attorneys to defend their rights. Laws permit homes to be put where they are, that the Planning Board makes informed opinions and if they meet the requirements according to the zoning ordinance. The Planning Board acts on what is proposed. The Borough Attorney and Borough Engineer represents the Borough and the Planning Board appoints their attorney. All properties within 200' are advised of projects. Projects are approved if the law permits. Mr. Freda said he brings out points to be addressed in his letter to the Planning Board regarding minor subdivisions and non conforming uses. Mr. Bergen asked if there were variance requests and Mr. Freda said yes. Mr. McNamara said his concern is the behavior of the Planning Board Attorney, that it should be addressed and that the Planning Board has to know where the Mayor and Council is coming from. Mayor Merla advised that the Planning Board adopts the Master Plan and the Mayor and Council adopt the Zoning Ordinances. Smart Growth will be helpful. Kathy Shaw said she attended the Planning Board Meeting, that the Smart Growth application is a community based project and public input is needed. Joanne Staeger, Main Street asked why the Exxon Station is not open on Hwy. 36. The Shell Station on Hwy. 36 has a rock water pond which does not have a flowing motion and contains debris. She asked why the street sweeper was traded in; Mayor Merla said they could not find parts. The Public Comment Portion of the meeting was closed at 10:55 PM.

RESOLUTION

(SEE FULL COPIES OF RESOLUTIONS ATTACHED HERETO AND MADE A PART OF THESE MINUTES.)

6. Resolution #149-03, Authorize execution of contract Pumper 185" wheelbase change order
7. Resolution #150-03, Authorize execution of contract Pumper 172" wheelbase change order
8. Resolution #151-03, Authorize execution of 2003 Grant Agreement with Monmouth County Office on Aging
9. Resolution #152-03, Authorize execution of Project Agreement with Monmouth County for Performance and Delivery of FY 2003 Community Development Projects (Therese Street)
10. Resolution #153-03, Authorizing Mayor to sign a certification prohibiting excessive force and a certification prohibiting the use of Federal Funds for Lobbying (Therese Street)
11. Resolution #154-03, Appointment of Clerk-Typist at Senior Citizen's Center
12. Resolution #155-03, Payment of Bills
13. Resolution #156-03, Accept Transfer of 1995 Chevrolet Wagon from Monmouth County
14. Resolution #157-03, Amend Resolution #140-03, Change Order #3, New Municipal Complex
15. Resolution #158-03, Catamaran Lease - Authorize Re-bid

16. Resolution #159-03, Contribution to American Legion for Memorial Day Funds
17. Resolution #160-03, Appoint Bloodborne Pathogen Officer Nancy Bell
18. Resolution #161-03, Authorize Public Works repair of Fireman's Park walkway and Benjamin Terry Bulkhead
19. Resolution #162-03, Authorize quotes for temporary repairs of fishing pier not to exceed \$10,000.00

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

Roll Call Vote: Ayes: Councilmembers Bergen*, Atkins, Hyer,
Stalter, Doyle

*Mr. Bergen voted Nay on Resolutions #149-03 & 150-03
Absent: Councilman Green

ADJOURNMENT

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

Time of Adjournment: 11:00 P.M.

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk