

Approved 10/17/08

August 19, 2008
Keyport, New Jersey

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, N.J., pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

M.
t) Mayor Bergen called the meeting to order at 6:33 P.M. Clerk Valerie Sheilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Kovacs, Sheridan, Hill, Bolte, Ortman, Walling, Mayor Bergen. Others present: Mr. Winston, Borough Attorney and Borough Administrator Valesi.

RESOLUTION

1. Resolution # 191-08, Closed Meeting - Litigation, Personnel, Contract Negotiations

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

- NPP Coordinator

B. Contract Negotiations

- Union negotiations

C. Litigation

- Global Landfill
- A & K

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. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Kovacs, Sheridan, Hill, Bolte, Ortman, Walling

Nays: None

Abstain: None

Absent: None

Council went into Closed Session at 6:33 P.M. and this meeting was reconvened at 7:33 P.M.

Mayor Bergen called the meeting to order at 7:33 P.M. and the Borough Clerk read the Sunshine Law Notice. The Pledge of Allegiance was said and there was a moment of silence.

On Roll Call the following were present: Councilmembers Kovacs, Sheridan, Hill, Bolte, Ortman, Walling, Mayor Bergen. Others present: Thomas Fallon, Chief Financial Officer, Mr. Winston, Borough Attorney and Borough Administrator Valesi.

APPROVAL OF MINUTES

June 19, 2007 - Regular
January 15, 2008 - Regular
March 4, 2008 - Work
March 13, 2008 - Special
July 15, 2008 - Closed Session (Amendment)

Motion to approve the minutes listed above, moved by Mr. Sheridan, second by Mr. Ortman, with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance #19-08 - Regulating Tobacco Oriented Activities

The Clerk reads the Ordinance by Title:

**"AN ORDINANCE AMENDING CHAPTER XXV OF THE ORDINANCES OF
THE BOROUGH OF KEYPORT CREATING REGULATIONS FOR
TOBACCO ORIENTED ACTIVITIES"**

WHEREAS, The Mayor and the Borough Council of the Borough of Keyport find that tobacco products are detrimental to the safety, health and general welfare of the public; and

WHEREAS, smoking harms nearly every organ of the body; causing many diseases and reducing the health of smokers in general. The adverse health effects from smoking account for an estimated 438,000 deaths, or nearly 1 of every 5 deaths, each year in the United States. More deaths are caused each year by tobacco use than by all deaths from human immunodeficiency virus (HIV), illegal drug use, alcohol use, motor vehicle injuries, suicides, and murders combined. (

U.S. Department of Health and Human Services, Centers for Disease Control, January 2008 update); and

WHEREAS, in 1986 the United State Surgeon General's report concluded that smokeless tobacco is not a safer substitute for smoking tobacco. (U.S. Department of Health and Human Services.

U.S. Department of Health and Human Services, 1986 Preface p. vii); and

WHEREAS, pursuant to 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, it is the policy of the Borough of Keyport to restrict the availability of tobacco products in areas where minors are likely to congregate.

NOW THEREFORE BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Keyport that Chapter XXV, of the Revised Ordinances of the Borough of Keyport is amended to include a new section 25:1-15.17 as follows;

Section 1. Definitions

" oriented activities" are defined as activities either devoting twenty (20) percent or more of floor area or display area to or deriving seventy-five (75) percent or more of gross sales receipts from, the sale or exchange of -related products.

" -related products" are defined as any substance containing including but not limited to cigarettes, cigars, chewing and dipping ; cigarette papers; or any other instrument or paraphernalia for the smoking or ingestion of and products prepared from .

" paraphernalia" is defined as equipment, and material of any kind which is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, ingesting, inhaling, or otherwise introducing tobacco into the human body.

Section 2. No tobacco oriented activity shall be located within one thousand (1,000) feet of any existing business selling tobacco products, any place of religious worship, school, school bus stop, public library, park or playground, childcare center, hospital, or within one thousand (1000) feet of any area zoned for residential use or within one thousand (1000) feet of a public or private recreational facility including, but not limited to, bowling alleys, skating rinks, video arcades or similar businesses catering to or frequented by minors under the age of eighteen (18) years of age. This section shall not apply to business selling tobacco and tobacco related products and already lawfully operating on the effective date of this section.

Section 3. 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.

Section 4. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 5. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Motion to introduce moved by Mr. Walling, second by Mr. Sheridan.

Roll Call Vote: Ayes: Councilmembers Kovacs, Sheridan, Hill, Bolte,
Ortman, Walling

Nays: None
Abstain: None
Absent: None

lotion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, August 21, 2008 issue, for a Hearing to be held on September 2, 2008 moved by Mr. Walling, second Mr. Sheridan with Ayes by all present.

2. Ordinance #20-08 - Prohibiting Sump Pump connection to streets

The Clerk reads the Ordinance by Title:

**"AN ORDINANCE AMENDING CHAPTER XIV OF THE ORDINANCES OF
THE BOROUGH OF KEYPORT BANNING CERTAIN WATER
DISCHARGES INTO THE BOROUGH STREETS"**

WHEREAS, water discharge from sump-pumps into sidewalks and roads, particularly in the winter when it can freeze, creates a hazard to pedestrians and motorists; and

WHEREAS, the Mayor and Borough Council wish to amend Chapter XI "Water and Sewer" and create a new section entitled Chapter 14-5, "Sump Pump Discharge"; and

WHEREAS, pursuant to 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

NOW THEREFORE BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Keyport that Chapter XIV, of the Revised Ordinances of the Borough of Keyport is amended to include a new section 14-5 entitled "Sump Pump Discharge", as follows;

Section 14-5 Sump Pump Discharge

Section 14-5 .1 Sump Pump Discharge

a) **Purpose.** The Purpose of this subsection is to prohibit the discharge of sump pump or other mechanical discharge of any stormwater onto any Borough street or sidewalk when such a discharge would create an unsafe icing condition.

b) **Sump-Pump Discharge.** There shall be no sump-pump discharges or mechanical discharge of any stormwater directly onto any Borough street or sidewalk between December 1st and March 15th, if in the professional opinion of the Superintendent of Engineering or Borough Engineer, or their designee, that said discharge would create an unsafe icing condition. The sump-pump or mechanical discharge of any stormwater between December 1st and March 15th shall be discharged so that it will percolate into the soil, and not run directly into any public streets or sidewalks.

c) **Penalties.** Any person(s), entity, firm or corporation or other group found guilty of violating any of the provisions of this subsection shall be subject to any penalty as set forth in Section 1-5 of the Revised General Ordinances. Each daily incident shall be considered as a separate violation.

Section 2. 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.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Motion to introduce moved by Mr. Walling, second by Mr. Sheridan

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

Nays: Councilman Kovacs

Abstain: None

Absent: None

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, August 21, 2008 issue, for a Hearing to be held on September 2, 2008 moved by Mr. Walling, second Mr. Sheridan with Ayes by all present.

3. Ordinance #21-08 - Construction site screening and fencing

The Clerk reads the Ordinance by Title:

**"AN ORDINANCE AMENDING CHAPTER XII OF THE ORDINANCES OF
THE BOROUGH OF KEYPORT REQUIRING PRIVACY SCREENING FENCES
FOR CONSTRUCTION SITES"**

WHEREAS, The Mayor and the Borough Council of the Borough of Keyport has found that construction sites have created nuisances within the Borough involving the blowing of dust and debris and by calling attention to a site in a manner that can be dangerous to public safety; and

WHEREAS, the Borough of Keyport Construction Official has advised the Mayor and Borough Council that there are currently high technology privacy screening fences available at reasonable prices that may be used by Owners, Developers and Contractors at construction sites that would discourage passerby curiosity, conceal unsightly areas and reduce offensive dust and debris that would negatively effect the health, welfare and safety of the citizens of the Borough of Keyport; and

WHEREAS, construction sites are known to have materials stolen and privacy screening would augment the police departments ability to deter such theft; and

WHEREAS, it is desirable to require the installation of privacy screening fences around the construction sites within the Borough of Keyport.

WHEREAS, pursuant to 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

NOW THEREFORE BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Keyport that Chapter XII, of the Revised Ordinances of the Borough of Keyport is amended to include a new section 12-17 entitled "Screened Fencing for Construction Sites", as follows;

Section 12-17 Screened Fencing for Construction Sites

Section 12-17.1. Screening Required. It shall be unlawful to commence any construction, demolition or reconstruction that involves grading, disturbance or excavation of soil without first installing at the site of work a fence not less than eight (8) feet in height sufficient to reduce blowing dust and debris, to diminish visibility of construction sites and material, which fence shall be maintained until the construction at the site is substantially concluded. In the case of demolition projects, the screening fence shall be maintained until the Borough Council resolves that the site has been restored to a satisfactory condition. Said fence shall include privacy screening and

shall enclose all boundaries of the site under construction or demolition.

Section 12-17.2. Exceptions. This ordinance shall not apply to construction sites involving a one-unit single family residential building. The screening provisions of this section shall apply to all other construction and demolition sites. Applications for waivers of this ordinance must be made to the Planning Board.

Section 2. 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.

Section 3. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 4. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

Motion to introduce moved by Mr. Walling, second by Mr. Sheridan.

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

Nays: Councilman Kovacs

Abstain: None

Absent: None

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, August 21, 2008 issue, for a Hearing to be held on September 2, 2008 moved by Mr. Sheridan, second Mr. Walling with Ayes by all present.

4. Ordinance #22-08 - Handicapped Parking

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 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, pursuant to 39:4-197 the Borough of Keyport may designate as restricted parking spaces for use by persons who have been issued a special vehicle identification card by the New Jersey Motor Vehicles Commission. 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 adding the following;

<u>Burtina Street</u>	<u>Northeast</u>	<u>40 feet from the northeast corner of the intersection of Burtina Street and Hurley Street</u>
<u>Burtina Street</u>	<u>Northwest</u>	<u>40 feet from the northwest corner of the intersection of Burtina Street and Hurley Street</u>

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.

Motion to introduce moved by Mr. Sheridan, second by Mr. Walling.

Roll Call Vote: Ayes: Councilmembers Kovacs, Sheridan, Hill, Bolte,
Ortman, Walling

Nays: None
Abstain: None
Absent: None

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, August 21, 2008 issue, for a Hearing to be held on September 2, 2008 moved and carried by Mr. Sheridan with Ayes by all present.

BUDGET AMENDMENT

2. Resolution #192-08 Amending the 2008 Municipal Budget

Motion to introduce moved by Mr. Sheridan, second by Mr. Ortman with Ayes by all present except Councilman Kovacs who voted Nay.

Motion authorizing the Clerk to publish the Amendment as introduced, in the Courier, August 21, 2008 issue, for a Hearing to be held on August 27, 2008 moved and carried with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Application for Raffle License - St. Joseph School PTA for a Tricky-Tray to be held on October 17, 2008
2. Application for Raffle License - St. Joseph School PTA for a Tricky-Tray to be held on November 8, 2008
3. Application for Raffle License - St. Joseph School PTA for an off-Premise Merchandise Raffle to be held October 17, 2008
4. Application for a Raffle License - St. Joseph School PTA for an On-Premise 50/50 Cash Raffle to be held on October 17, 2008 and November 8, 2008
5. Application for a Raffle License - St. Joseph Church for an off-Premise cash Raffle to be held December 9, 2008

Motion to Approve moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

American Cancer Society September 6th Music Fest from 1-9 P.M.

Motion to Approve pending paperwork, moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

6. Letter from Eagle Hose Fire Department requesting the use of Veteran's Park on Sunday, September 7th for their Annual Picnic

Motion to approve moved by Mr. Sheridan, second by Mr. Kovacs with Ayes by all present.

7. Letter from Liberty Hose Co. #3 Secretary Kenneth Krohe advising the Borough that the company has elected John McCleaster to run as company candidate for Third Assistant Fire Chief of the Keyport Fire Department

Motion to Receive and File moved and carried with Ayes by all present.

8. Letter from Keyport Business Alliance regarding the Halloween Dates for the use of old Borough Hall

Motion to Receive and File moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

9. Letter from Keyport Business Alliance requesting permission for the closing of Front Street on September 20, 2008 from 7AM to 10PM and requesting permission for the closing of East Front Street (from Broad to Church) from 7AM to 5PM. for Keyport Fest

Motion to Approve and Refer to Administration moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

10. Letter from Keyport Legion Apartments Manager, Robert W. Laughlin, advising the Borough of their plan to change their trade name

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

11. Letter from Jesus The Lord Church requesting to borrow tables and use the Municipal Parking lot, near 3rd Street for their 4th Annual Fall Fiesta on Saturday, October 18, 2008

Motion to Approve moved by Mr. Kovacs, second by Mr. Sheridan with Ayes by all present.

12. Letter from John Olsen, Harbor Commission Chairman, regarding limiting the size of vessels using the float at the pier

Motion to Refer to Administration moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

13. Petition to Extend Licensed Premises from the Bulkhead Bar & Grille in conjunction with the KBA Gallagher show scheduled for September 5, 2008

Motion to re-list for the 27th moved by Mr. Sheridan, second by Ms. Bolte with Ayes by all present.

PUBLIC COMMENT PORTION

The Meeting is opened to the public at 7:33 P.M. for comments or questions moved by Mr. Sheridan, second by Mr. Hill.

State Aid came back at \$139,000 only netted us

Additions for fuel consumption
\$105,000 Police Overtime - added to budget
\$ 70,000 Library appropriation - mandated by state

Health insurance and wage increases. Does not have MOA w/DPW - delays cost in health insurance. Major additions bring the amount to 16.8 cents increase - up from 12.9 cents introduced.

Mr. Fallon, Chief Financial Officer, state has approved this amendment to be adopted Wednesday, August 27, @6:30. Any additional changes and it must be readvertised.

Motion to amend budget moved by Mr. Sheridan, second by Mr. Ortman.

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

Nays: Kovacs
Abstain: None
Absent: None

Liberty Hose requested replacement for a 30 year old truck. They have not heard from Council \$10,000 has been put into existing truck hoping that they would be able to move this along.

Mr. Sheridan replied that the replacement of the truck is approximately \$345,000. Mr. Sheridan asked Liberty Hose to wait one to three years.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for July 2008
2. Tax\Water\Sewer Collector's Report for July 2008
3. Monthly Report for Building Department for July 2008
4. Municipal Court's Monthly Cashbook Report for July 2008
5. Property Maintenance Report for July 2008
6. Keyport Recreation Commission Meeting Minutes from June 5th and July 3rd, 2008

Motion to accept all reports as read and file, moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

COMMITTEE REPORTS

Councilman Kovacs; Building and Grounds and Library: Mr. Kovacs has nothing to report.

Councilman Sheridan; Fire, First Aid & Emergency Services: Mr. Sheridan read the First Aid calls report. Mr. Sheridan thanked the police department and their spouses for the benefit dinner for Tyler O'Steen. Mr. Sheridan also thanked Mr. & Mrs. Maldonado for the Spanish/American festival. Mr. Sheridan mentioned that Ken Krohe and first aid was nominated for 2008 award recognizing emergency medical services. He also felt everyone very hard on the budget this year.

Councilman Hill; Health and Recreation: Mr. Hill would like to thank Kevin Flynn for the summer recreation program, and also thanked Chief Mitchell for the use of the gym.

Councilwoman Bolte; Finance, Grants and Redevelopment: Ms. Bolte reported that the CBGB Grant application is underway for Maple Place District. Ms. Bolte also mentioned that they have received inquiries for material grants from residents. She also mentioned new signage where old Valley National Bank was. Ms. Bolte thanked all for the fireman's fair.

Councilman Ortman; Police: Mr. Ortman reported that they received grant money for Over the Limit - Under Arrest program.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling thanked the Finance committee for all their hard work on the budget. Mr. Walling mentioned losing part time summer help in Public Works.

ADMINISTRATOR'S REPORT

Mr. Valesi reported on the following:

Beers Street Construction - DOT project for this year commencing shortly

- Saving some money on inspection costs
- Cedar Street Park - closing a portion, tilling the soil, some turf replacement. Need a long term plan for permitted activities.
- Revaluation - clarified scheduling. Administrator explained what residents can expect.
- Will be presenting CDBG project on the 27th. Streetscape and ADA Accessibility project in Maple Place district near overpass
- Library change order - about \$1,000 for floor to be raised
- NJDOT - positive meeting
- Community Development Coordinator position - thinks it is a necessary addition; will foster more grant funding and financial assistance.

Councilman Ortman asked about the Waterfront Plans.

Councilman Kovacs would like another meeting regarding the plans. He would like more parking. Discussion ensued regarding park vs. parking. Mr. Valesi will be able to bid it after the 27th.

Mayor Bergen mentioned that a young son of a resident and Borough employee died. Thanked Police Department for all their help.

Mayor Bergen met with Commissioner of DOT regarding U-turn intersection at Main Street and Jackson Street, and a section of Broad Street and overpass by St. Josephs. Getting a \$300,000 authorization to fix up U-turns.

ATTORNEY'S REPORT

Mr. Winston has nothing to report.

UNFINISHED BUSINESS

Councilman Walling asks about the Sergeant interview? Mr. Valesi replied that he has Certificate from DOP - list of eligibles should happen within a week. Mayor explained the procedure.

Motion made to promote one or more Sergeants moved by Mr. Walling, second by Mr. Ortman.

Roll Call Vote: Ayes: Councilmembers Kovacs, Sheridan, Hill, Ortman, Walling

Nays: Bolte

Abstain: None

Absent: None

Mr. Ortman mentioned that on September 2, at 2PM, there will be DPW Bloodborne Pathogen Education training session.

RESOLUTIONS

3. Resolution #193-08 Authorizing Change Order No. 1 to the Contract for ADA Accessibility Improvements to the Library
4. Resolution #194-08 Authorizing Payment Plan - Giamanco
5. Resolution #195-08 Authorizing Payment Plan - Gambacorto
6. Resolution #196-08 Authorizing Settlement Agreement - A & K Excavating
7. Resolution #197-08 Supporting the Over the Limit Under Arrest 2008 Statewide Crackdown
8. Resolution #198-08 Accepting the Proposal of and Authorizing Mayor to Execute Contracts with CME Associates to Provide Construction Administration Services to Beers Street Improvement Project
9. Resolution #198A - Authorizing Execution of an Agreement between the Borough of Keyport and the county of Monmouth for the Placement of Pedestrian Crossing signs
11. Resolution #200-08 Authorizing an Expert Witness for Pending Litigation
12. Resolution #201-08 Bills List

Offered for adoption by Ms. Bolte, second by Mr. Walling with Ayes by all.

10. Resolution #199-08 - Appointing Carla Cefalo as Community Development Coordinator.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hill, Bolte, Ortman,
Walling
Nays: None
Abstain: Councilman Kovacs
Absent: None

PUBLIC COMMENT PORTION

The Meeting is opened to the public at 8:45 P.M. for comments or questions.

Barbara Hassmiller asked if they are appointing a new Community Development Coordinator, and if the job was advertised.

Mayor replied that it is for additional duties and salary increase.

Ed Burlew, had questions regarding Pay-to-Play Ordinance

Response was that we will have something to introduce for September 2nd.

Andy Kutchman, 1416 Walnut Street, spoke regarding a \$283.00 water bill he received, tenant moved out and now he has a catch-up bill. Mr. Kutchman doesn't feel he should have to pay the bill. Mayor Bergen replied that there is no legal way to waive the bill.

John, 97 Perry Street, spoke regarding the plants in front of the water plant dying. No one is watering them and they are dying. John also spoke about a new hydrant that cannot be used. Will not allow the water to be pulled through pump. Ms. Bolte requested a meeting to be set up. One fireman asked if there are any plans for fire hydrants at the Waterfront Park. One is there now; one is near old sewer plant.

Mike Lane, 51 First Street, asked about Pay-to-Play, are you starting from document Mr. Ebner put together? Mr. Lane states that he is delighted it will move forward. Mr. Lane asked about the expert witness; expert in roofing? He spoke on the COAH impact articles. Does

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12. Resolution #201-08 Bills List

Offered for adoption by Ms. Bolte, second by Mr. Walling with Ayes by all.

10. Resolution #199-08 - Appointing Carla Cefalo as Community Development Coordinator.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hill, Bolte, Ortman,
Walling
Nays: None
Abstain: Councilman Kovacs
Absent: None

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redevelopment committee understands the impact on Keyport? Mayor Bergen answers that there is no legal benefit for us to participate in COAH (a volunteer program) provides safety from builders' remedy lawsuits; Keyport does not engage in any exclusionary zoning.

Richie (embroidery shop), asked whether there are any significant changes that council has noticed in the last two years. Richie mentioned that KBA hired someone for \$7,000 who breaks watermelons. Richie asks if KBA is up-to-date in their filings to be a legal entity. Mr Ortman replies that they were informed today that they are not. Mayor Bergen explains that corporate status is defunct. They don't exist as a legal corporate entity. They will have to address it; c attorney is looking into it.

Richie asks about businesses that have opened and closed.

Mr. Burlew, 59 West Front Street, states that if he doesn't like it, change the board. Mr. Burlew asks if anyone knew that Ms. Bolte called the Asbury Park Press to make KBA look bad. Mr. Burlew asked to have Ms. Bolte removed as a voting member at KBA meetings.

Bob Ludwig stated his observations on Mr. Burlew's character.

Public comment portion was closed at 9:18 PM.

ADJOURNMENT

Motion to adjourn was made and carried at 9:18 P.M.