

September 16, 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.

Mayor Bergen called the meeting to order at 6:19 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

Resolution No. 212-08, 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. Litigation:

- Municipal Building

B. Personnel:

- Administration
- DPW

C. Contract Negotiations

- Clerical and DPW

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. Walling

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

Nays:

Abstain:

Absent: Kovacs

Mayor Bergen called the meeting to order at 7:20 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 Sheridan, Hill, Bolte, Ortman, Walling, Mayor Bergen. Others present: Mr. Winston, Borough Attorney and Borough Administrator Valesi. Absent: Councilman Kovacs

APPROVAL OF MINUTES

July 15, 2008 - Regular (Councilwoman Bolte - Abstain)
September 2, 2008 - Work Session

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

PUBLIC HEARING

Discussion on the Borough's Development Application to the
Monmouth County Municipal Open Space Grant Program
for the Waterfront Park Project

Administrator Valesi reported that this allows Borough to take local match portion and combine it with \$250,000 from the County.

Don Norbut, Borough Engineer (T&M), explained that the Borough has asked that he put together an application. Mr. Norbut would be applying under Development category as opposed to Acquisition category. Stone parking lot would be improved in its entirety. The plan calls for 150 parking spaces 95 in large area - others will be around the perimeter.

The project is broken into two pieces under the Grant application. County was concerned about putting money into a parking lot; would want to put in for parking improvements.

Green Improvements

- 30 feet diameter Gazebo
- sitting area off promenade
- larger pathway connecting parking to Gazebo
- raised planter - sitting area
- 4 face clock
- drainage improvements and automatic irrigation for planting finishes off area

1.5 million - total project costs hope to go out to bid in a week to consider at October 21st meeting. Construction 30 days later if weather is favorable.

Completed by Memorial Day 2009 - connecting sidewalk to Steamboat Dock Museum. Improvement to alleyways for pedestrian improvements; 50% for pavement/concrete work and 50% for recreation improvements. Mr. Norbut trusts County will look at this favorably. It is a nice destination not far from the Henry Hudson Trail.

The Hearing was opened to the public at 7:20 P.M. for comments or question.

Ed Burlew, 8 Luppataatong, asked why the costs jumped from 1.2 million to 1.5 million. Administrator Valesi explained that the Bond Ordinance for 1.25 million - on agenda tonight, only partially funds the project. Mr. Burlew asked about soft costs and what would they be; permits. Mr. Burlew asked what if bids come in higher. Mr. Norbut replied that they would possibly rebid and retool the project.

Jessica, 106 Fulton Street, asked about the amount that would come from the tax payers; Administrator Valesi went over the costs.

Mayor Bergen stated that the Open Space development tax is two cents; about 84,000 a year.

Andy Willner, 85 Osborne, asked about the road millings that were brought into lot over the years. Must the borough remove them before construction is done? Mr. Norbut replied that since we are raising the parking area slightly, they will not have to be removed. One foot of material will be removed from grassy area and put into proposed milling. Any contamination from millings could be removed as a Brownfields item. Preliminary Assessment is completed.

Historic fill documented what was brought into site but currently no indication of contamination. HDSRF will remove any contamination.

Resident, 175 Broadway, asked whether this is the time to do this; are the grants there and what happens if they are not? Mayor stated that \$80,000 will float about \$1,000,000 in debt. If we don't get the grants, should we not do the project? Resident replied, not sure this is the time the public can afford it in this financial climate. Resident asks to consider cost to maintain park as well.

Bob Burtlew, 64 Chandler Avenue, asked whether the reassessment (reval) will be on top of adding the cost of this park. He does not want to pay for either a park or a parking lot. Mayor replied that the Revaluation has no effect on this project. Two cents is \$24.00 per household per year.

Pat DeNardo, asked why don't residents have any say on how much budget for waterfront should be? Original meeting proposed \$750,000 worth of debt and residents were in agreement with it, and that two years ago this project was on the ballot and passed overwhelmingly.

Administrator Valesi stated that we will never have this type of funding likely available again. Program matches you a percentage of what you spend. Purpose of this meeting is to bring another \$250,000 to this project. Very clear that there will be no other time. Has been a tap dance to keep this funding alive. Part of the money was funds left over from the William Ralph Pier.

Mayor assured the public that this is that not going to cost \$600 or \$800. Fifty dollars a year will float \$2M in debt. This will revitalize the area and that will help reduce taxes.

Carol Sorona, 222 Maple Place, how much will this project add to value of our property?

A resident stated moved here a year ago because of the waterfront project.

Mayor stated that as values go up, tax rates go down. Last year in Keyport value went down by .04%.

Lois Reilly, 99 Osborne Street, here a year, was at the last meeting and majority decided to go ahead with the project. She estimates the cost at \$1.00 a week for this project per household and thinks everyone can afford that. Ms. Reilly thinks that this will help everyone's property value. These are scare tactics not based on facts.

Nuray Aykin, 24 First Street, asked if the park will generate any income; like Red Banks parking meters. Mayor replied no, not at this time.

Mike Lane, 51 First Street, stated already made a \$5M investment - doesn't currently look like it. Thinks we need to go ahead with the project. Council, Mayor and Administrator worked hard to get this money from the state. Only issue at this moment is where to get additional funding which would reduce the cost to the taxpayers not increase it.

Resident, just asking where money is coming from. Did not wish to start a discussion on not doing it; enjoys the waterfront.

Andy Willner, Higher housing values with good parks and good amenities. Is a prime example how public money can improve private property.

Vincent Kind, 4 First Street, agreed with Mr. Willner

There being no further comments or questions the hearing was closed to the public at 7:54 P.M.

Motion to amend the agenda and vote on Resolution #4 - 213-08 moved by Ms. Bolte, second Mr. Sheridan.

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

Nays:

Abstain:

Absent: Kovacs

Resolution #213-08 Monmouth County Open Space Grant - Waterfront Park

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

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

Nays:

Abstain:

Absent: Kovacs

PUBLIC HEARING/ADOPTION OF ORDINANCES

1. Bond Ordinance No. 23-08, Improvements to the Waterfront Park

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of September 4, 2008, that the Affidavit of Publication is on file in her office, and that copies were posted on the Bulletin Board and made available to the public.

The Clerk reads the Ordinance by Title:

PROVIDING FOR A WATERFRONT PARK AND RELATED IMPROVEMENTS IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$1,250,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$451,875 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF, AND AUTHORIZING THE ISSUANCE OF \$373,125 OF NOTES AND A GREEN ACRES TRUST LOAN AGREEMENT IN THE SAME AMOUNT TO BE PERMANENTLY FUNDED THROUGH A REIMBURSED GREEN ACRES TRUST LOAN"

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:

The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$1,250,000, including a \$425,000 grant expected to be received from the State of New Jersey Green Acres Program (the "State Grant"). Pursuant to N.J.S.A. 40A:2-11(c), no down payment is provided for the costs of the improvement since the project described in Section 3(a) hereof is being partially funded by the State Grant.

In order to finance the cost of the improvement not covered by application of the above referenced State Grant, negotiable bonds are hereby authorized to be issued in the principal amount of \$825,000, \$373,125 of which will be permanently funded through a Green Acres Loan, 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.

(a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the construction of a waterfront park and related improvements, 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.

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.

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.

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

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

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 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 \$825,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

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

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 the State Grant referred to 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.

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.

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.

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

The Hearing was opened to the public at 7:56 P.M. for comments or questions.

Mike Lane, two other numbers were heard tonight 1.7 million with soft costs and 1.5 million hard costs, what covers the difference?

Administrator replied that the previous Ordinance was amended from Bulkhead Project - 470,000 in that ordinance would make up the difference.

Mike Lane, for transparency in Government, would like a summary of the total costs for whole waterfront for various components since done in phases. May help the people respect the park more.

Mayor stated that Bond Ordinance costs are separate from the park costs.

Mike Lane would like an indication of cost per household for this waterfront

There being no further comments or questions the hearing was closed to the public at 8:02 P.M.

Offered for adoption by Ms. Bolte, second by Mr. Sheridan

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

1a. Motion was made and carried, with ayes by all present, authorizing the Clerk to publish the Ordinance as adopted, in the Courier, September 18, 2008 issue.

2. Ordinance No. 24-08 Pay-to-Play

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of September 4, 2008, that the Affidavit of Publication is on file in her office, and that copies were posted on the Bulletin Board and made available to the public.

The Clerk reads the Ordinance by Title:

**"AN ORDINANCE OF THE BOROUGH OF KEYPORT REGULATING
THE AWARD OF CONTRACTS"**

WHEREAS, The Borough of Keyport regularly needs to procure professional services from professional business entities, and

WHEREAS, professional services are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, as a result of professional services being exempt from the competitive bidding requirements of the Local Public Contracts Law, there is a legitimate concern among residents and taxpayers that the awarding of professional service contracts may be influenced by political campaign contributions, thereby calling into question their trust in the process of local government, if not the quality or cost of professional services received, and

WHEREAS, pursuant to P.L. 2005, c.271, a municipality is authorized to adopt by ordinance regulating the award of public contracts to professionals and professional business entities that have made political campaign contributions and limiting the contributions that the holders of a professional service contract may make during the term of a contract; and

WHEREAS, pursuant to N.J.S.A. 40A:11-5 and N.J.S.A. 40:48-2, municipalities have the right to establish rules and procedures for contracting with professionals and professional business entities,

NOW THEREFORE BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Keyport that it is the policy of the Borough of Keyport to set maximum amounts that professionals and professional business entities may contribute to political parties and political campaign committees beyond which they become ineligible to enter into a public professional service Contract with the Borough of Keyport.

Section 1: Prohibition on Certain Contractors Making Political Campaign Contributions.

Notwithstanding any other provision of the law to the contrary, no Professional or Professional Business Entity (hereinafter collectively referred to as "Professional") that has entered into a contract with the Borough of Keyport for services that are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), including those awarded pursuant to a "fair and open" process pursuant to N.J.S.A.

19:44A-20.5 (hereinafter referred to as a "Contract"), may make a contribution of money, or pledge of a contribution, including in-kind contributions, to any candidate for or holder of a Borough of Keyport Public Office that has responsibility for the award of a Contract, or the Campaign Committee of a candidate for or holder of a Borough of Keyport Public Office that has responsibility for the award of a Contract, or to any Borough of Keyport or Monmouth County Political Party Committee, or to any Political Action Committee (PAC) that

regularly engages in, or who's majority purpose is the support of candidates for or holders of public office in the Borough of Keyport, in excess of the amount specified in Section 3 during the period commencing one (1) calendar year immediately preceding the date of the Contract and ending upon the completion of the Contract.

Section 2: Prohibition on Awarding Certain Contracts to Persons or Entities Making Political Campaign Contributions.

Notwithstanding any other provision of the law to the contrary, the Borough of Keyport or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into a Contract or otherwise agree to procure any goods or services that are excepted from the competitive bidding requirements as set forth in N.J.S.A. 40A:11-5(1), including those awarded pursuant to a "fair and open" process pursuant to N.J.S.A. 19:44A-20.5, from any Professional, if that Professional has solicited or made any contribution of money, or pledge of a contribution, including in-kind contributions, to any candidate for or holder of a Borough of Keyport public office that has responsibility for the award of the Contract, or the campaign committee of a candidate for or holder of a Borough of Keyport Public Office, or to any Borough of Keyport or Monmouth County Political Party Committee, or to any Political Action Committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of public office in the Borough of Keyport in excess of the amount specified in Section 3 during the period commencing one (1) calendar year immediately preceding the date of the Contract and ending upon the completion of the Contract.

Section 3: Maximum Permitted Political Campaign Contributions.

A Professional may contribute a maximum of three hundred dollars (\$300) per election cycle (N.J.S.A.19:44A-8(d) & N.J.S.A. 19:44A-16(f)), to any candidate for or holder of a Borough of Keyport Public Office that has responsibility for the award of the contract, or the campaign committee of a candidate for or holder of a Borough of Keyport Public Office, or to any Borough of Keyport or Monmouth County political party committee, or to any Political Action Committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of Public Office in the Borough of Keyport. Any group of individuals meeting the definition of Professional under this ordinance, including such principals, partners, and officers of the Professional in the aggregate, may not contribute for any purpose in excess of two thousand five hundred dollars (\$2,500) (N.J.S.A.19:44A-8(d) & N.J.S.A. 19:44A-16(f)), to all candidates for or holders of a Borough of Keyport Public Office that has ultimate responsibility for the award of the contract, or the campaign committee of candidates for or holders of a Borough of Keyport public office, or to any Borough of Keyport or Monmouth County political party committee, or to any Political Action Committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of Public Office in the Borough of Keyport, without violating Sections 1 and 2 of this Ordinance.

Section 4: Political Campaign Contributions Made Prior to Effective Date

No contribution of money, or pledge of a contribution, including in-kind contributions made by a Professional to any candidate for or holder of a Borough of Keyport Public Office that has responsibility for the award of the contract, or the campaign committee of a candidate for or holder of a Borough of Keyport Public Office, or to any Borough of Keyport or Monmouth County political party committee, or to any Political Action Committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of Public Office in the Borough of Keyport shall be deemed a violation of this section, nor shall an be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this ordinance.

Section 5: Return of Excess Contributions

Any candidate for or holder of a Borough of Keyport Public Office that has responsibility for the award of the contract, or the campaign committee of a candidate for or holder of a Borough of Keyport Public Office, or to any Borough of Keyport or Monmouth County political party committee, or to any political action committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of Public Office in the Borough of Keyport may cure a violation of Section 1 of this Ordinance, if, within thirty (30) days after the date on which the offending contribution is reported to the New Jersey Election Law Enforcement Commission ("ELEC") pursuant to N.J.S.A. 19:44A-1 et seq., the Professional notifies the Borough Clerk in writing and diligently seeks and receives reimbursement of a contribution from a candidate for or holder of a Borough of Keyport Public Office, or the campaign committee of a candidate for or holder of a Borough of Keyport Public Office, or to any Borough of Keyport or Monmouth County political party committee, or to any political action committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of Public Office in the Borough of Keyport, referenced in this ordinance.

Section 5: Definitions

- a) For purposes of this ordinance, a "Professional" seeking a public Contract means any individual, including that individual's spouse and any child living at home; any person; firm; corporation; professional corporation; partnership; organization; or association seeking to enter into a Contract for professional services that are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i).
- b) The definition of a Professional all principals, partners or owners who have a one percent (1%) or greater ownership or equity interest in the corporation, organization, association or partnership seeking to enter into a Contract for professional services that are excepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to N.J.S.A. 40A:11-5(1)(a)(i), as well as any subsidiaries directly controlled by the Professional.
- c) For purposes of this section, the office that is considered to have responsibility for the award of the Contract shall be:
 - i. The Borough Council (the "Council") of the Borough of Keyport if the Contract requires approval or appropriation from the Council.

- ii. The Mayor of the Borough of Keyport (the "Mayor"), if the Contract requires approval of the Mayor, or if a public officer who is responsible for the award of the Contract is appointed by the Mayor.

Section 6: Violation and Penalty

- a) It shall be a violation of the terms of the Borough of Keyport Contract for a Professional to: (i) make or solicit a campaign contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a campaign contribution given or
- b) received; (iii) make or solicit campaign contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any campaign contribution on the condition or with the agreement that it will be contributed to a candidate for or holder of a Borough of Keyport Public Office that has responsibility for the award of the contract, or the campaign committee of a candidate for or holder of a Borough of Keyport Public Office, or to any Borough of Keyport or Monmouth County political party committee, or to any Political Action Committee (PAC) that regularly engages in, or who's majority purpose is the support of candidates for or holders of Public Office in the Borough of Keyport; (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any campaign contribution, which if made or solicited by the business entity itself, would subject that entity to the restrictions of this ordinance; (vi) fund campaign contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of campaign contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance.

- c) Any Professional who knowingly and purposefully violates any provision of this ordinance shall be disqualified from eligibility for future Borough of Keyport contracts for a period of four (4) calendar years from the date of the violation.

Section 6. Severability and Effectiveness Clause:

- a) If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.
- b) And any ordinance inconsistent with the terms of this ordinance is hereby repealed to the extent of such inconsistency.
- c) This Ordinance shall become effective on January 1, 2009 subsequent to upon its final passage and publication as required by law.

The Hearing was opened to the public at 8:03 P.M. for comments or questions.

Mr. Lane strongly recommends approval of this ordinance. Modeled in line with Ordinances in other towns and is a step in the right direction.

Mayor stated the government requires your diligence. Biggest problem is illegal kick backs in exchange for votes. That is always going to be out there. This is a good compromise for Council.

There being no further comments or questions the hearing was closed to the public at 8:05 P.M.

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

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

Nays:
Abstain:
Absent: Kovacs

Motion was made and carried with ayes by all present authorizing the Clerk to publish the Ordinance as adopted, in the Courier, September 18, 2008 issue.

DISCUSSION

Mayor spoke of Pete Valesi resignation. Mr. Valesi's resignation effective date is October 10th. Mayor stated that Mr. Valesi saved the Borough a tremendous amount of money in engineering costs. Mr. Valesi will be sorely missed.

COMMUNICATIONS AND PETITIONS

1. Petition to Extend Licensed Premises from the Bulkhead Bar & Grill in conjunction with the Party Dolls, hosted by the KBA, to be held September 20, 2008 (rain date 9/21/08)

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

2. Application for a raffle license from St. Joseph School PTA for an off-premise merchandise raffle to be held on November 20, 2008

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

3. Letter from KBA Events Chairman, Ed Burlew, requesting permission to hold fireworks on September 20, 2008 (rain date 9/21/08)

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

4. Letter from Marlene Shea regarding a Monmouth County for Obama 5K Run on the Henry Hudson Trail to be held Sunday, September 28, 2008, co-sponsored by the Keyport Democratic Organization

Mayor states contingent on County Approval and refer to Police moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for August 2008
2. Tax\Water\Sewer Collector's Report for August 2008
3. Monthly Report for Building Department for August 2008
4. Municipal Court's Monthly Cashbook Report for August 2008
5. Property Maintenance Report for August 2008
6. Keyport Recreation Commission Meeting Minutes from August 7, 2008

All reports are on file in the Borough Clerk's Office for review.

Motion to receive and File all reports as read, moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

COMMITTEE REPORTS

Councilman Kovacs; Building and Grounds and Library: Absent

Councilman Sheridan; Fire, First Aid & Emergency Services: Mr. Sheridan read the reports for First Aid and Fire Department. Mr. Sheridan thanked the Fire Department for their 9/11 services.

Councilman Hill; Health and Recreation: Mr. Hill reported that the second annual 5K race is Saturday at 8:30AM.

Councilwoman Bolte; Finance, Grants and Redevelopment: Ms. Bolte reported that the Pay-to-Play is effective January 1, 2009. NPP meet with Maple Place business owners - 90% buy in.

Councilman Ortman; Police: Mr. Ortman reported that Patrolman Matthew Salvatore was nominated for award. Mr. Ortman read arrest report and court revenue report. Commended for aggressive efforts.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling commended Property Maintenance Officer; and thanked everyone who helped with the Snapper contest.

Mayor mentioned that Keyportfest is on September 20th.

ADMINISTRATOR'S REPORT

Administrator Valesi reported on the following:

- Revaluation - went through their monthly reports, 450 homes are completed. Should be done in 1 ½ months - are ahead of track
- Therese/Beach Parks - coming along smoothly. Will be installing security cameras to protect our investment.
- DPW - have candidates to add to staff. Need to work out the DPW contract. Even though short staffed, working at an incredible pace. Did work at Fireman's Park.
- Waterfront Park - Brownfields SI portion is on-going. Wants Council to understand how important this is.
- Working with Harbor Commission on the Boat Ramp. Sure they will come up with recommendations.

Ms. Bolte asked the status of the Sunday Flea Market trash problem, Mr. Valesi replied that he sent a letter - no news since, thinks that may be good news. Mayor asked him to reach out and confirm.

Mr. Sheridan asked about the Park Ranger Program. Mr. Valesi stated that there are two active park rangers. It takes a unique individual and best people to recruit more people would be those two. See Chief or Lt. Casaletto.

Mr. Walling asked about the Harbor Commission meeting with Green Acres. Is there any progress? Mr. Valesi stated not yet, wants to give them an idea of what to talk about.

No Report

ATTORNEY'S REPORT

UNFINISHED BUSINESS

Mr. Sheridan stated there is an opportunity for watershed grant. Would like to pursue storm drain in front of boat ramp. Grant would pay for a filter. Mr. Valesi stated it is an excellent location for it. Flooding would be contained.

Mr. Ortman mentioned that there was a Bloodborne Pathogen training session with DPW the first Thursday in September.

Mayor mentioned that the benches at the corner of West Front Street and Broad Street have been used as a hangout for male adults. Would like to see them removed since they are not being used as legitimate bus stop benches. Mr. Walling mentioned that Casino Hair salon is looking for a bench. Mayor would like to look at policy with regard to benches at the next meeting.

Ms. Bolte stated that Casino Hair salon has room in the back for a bench.

RESOLUTIONS

2. Resolution # 214-08 Authorizing Adjustment of Water/Sewer Bill
3. Resolution #215-08 Requesting Approval of Items of Revenue and Appropriation - NJA 40A:4-87
5. Resolution #216-08 Authorizing Special Municipal Council to Retain a Roofing Expert for Pending Litigation
6. Resolution #217-08 Payment of Bills

PUBLIC COMMENT PORTION

The Meeting is opened to the public for comments or questions at 8:32 P.M.

Pat DeNardo, asked about policy of Borough to recognize employees for 25 years, would like to recognize George.

VFW breakfast on Sunday, 7 A.M. to noon; money goes to support soldiers in Iraq.

John Kennedy requested to hold off on this bond ordinance due to current economic climate. Any truths to negotiations with owners of car wash for Public Works facility; Mayor replied no.

Nora Sanborne, is there anyway to address garbage on streets and sidewalks? Could notices be sent out as citizens, Mayor replied yes. Can it be in the water bill? Mayor replied that it is the biggest complaint he hears on a daily basis. One of the goals of the Environmental Commission to see what can be done. Feels we need a program in place. Ms. Bolte stated that the Clean Communities grant has been cut.

Bob Ludwig felt a person impacted by change in parking at Green Grove apartments caused more garbage. Can't do anything about it.

Jack Jeandron, Main Street, wants a sign on William A. Ralph Dock and Richard Bergen Ramp. Mayor stated that he is working with Administrator to get signs and have a grand reopening. Should be by next spring.

Resident agrees with removing the benches on the corner. Would like a no bench policy - thanked police department for quick response by the waterfront.

Pat DeNardo stated that John Kennedy's son's unit just landed in Iraq, and would like him remembered.

Mike Lane, thanked police department for responding to party on beach at 3 A.M. Mr. Lane mentioned that Woodmont has only one dumpster, enclosure but there are two dumpsters. (on Mexican restaurant side of enclosure)

Mayor stated that this is a site plan issue. Will work on that. Project down to punch list items.

Mike Lane mentioned the Party Doll area for Extension of Premises for Bulkhead Bar & Grille; disappointed alcohol was being served.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda

Motion moved by Mr. Sheridan, second by Ms. Bolte.

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

Nays:

Abstain:

Absent: Kovacs

ADJOURNMENT

Motion to Adjourn the meeting at 8:56 P.M. moved by Mr. Sheridan, second by Ms. Bolte.

Time of Adjournment: 8:56 P.M.