

Approved 9/16/08
September 2, 2008
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the Newark Star Ledger and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Bergen called the meeting to order at 6:39 P.M. and the Borough Clerk read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Kovacs (arrived 6:42), Sheridan, Hill, Bolte (arrived 7:06), Ortman, Walling, Mayor Bergen. Others present were Mayor Bergen, Mr. Valesi, Borough Administrator, and Mr. Wisniewski, Borough Attorney.

RESOLUTION

1. Resolution #205-08, Closed Meeting - Litigation - Arena Building Contractors

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

- Arena Building Contractors
- A&K Settlement

B. Attorney/Client Privilege

- Pay-to-Play Ordinance

C. Personnel

- Community Development Coordinator Position

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 Kovacs, Sheridan, Hill, Bolte
Walling, Ortman

Nays: None
Abstain: None
Absent: None

Council went into closed session at 6:41 P.M. and this meeting was reconvened at 7:07 P.M. by Mayor Bergen. The Municipal Clerk read the Sunshine Law Notice which was followed by the Pledge of Allegiance and a Moment of Silence to remember Debbie Gallagher one of our dispatchers.

ROLL CALL

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

APPROVAL OF MINUTES

February 4, 2008 - Regular
August 27, 2008 - Special

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

INTRODUCTION OF ORDINANCE

1. Bond Ordinance - for Improvements to Waterfront Park

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:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$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.

Section 2. 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.

Section 3. (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.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate

and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

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

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then 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.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Motion to Introduce moved by Mr. Hill, second by Mr. Sheridan

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, September 4, 2008, issue, for a Hearing to be held on September 16, 2008 moved by Mr. Sheridan, second by Ms. Bolte.

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

PUBLIC HEARING/ADOPTION 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"**

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of August 21, 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.

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. (*Health Effects of Cigarette Smoking: Fact Sheet*. 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. *The Health Consequences of Using Smokeless Tobacco: A Report of the Surgeon General*. U.S. Department of Health and Human Services, 1986 Preface p. vii); and

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

WHEREAS, 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

"Tobacco 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 tobacco-related products.

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

"Tobacco 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.

The Hearing is opened to the public for comments or questions at 7:11 P.M.

John Ambrose asked does the ordinance prohibit tobacco or paraphernalia. Mayor responded not within 1000 feet of school/church. The intent is to keep it from children. The attorney explained that other businesses would be grandfathered.

There being no further comments or questions the hearing was closed at 7:14 P.M.

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

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

Nays: None
Abstain: None
Absent: None

Motion authorizing the Clerk to publish the Ordinance as adopted by law in the Courier, September 4, 2008, issue moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

2. Ordinance #20-08 - Ordinance - 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"**

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of August 21, 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.

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 XIV "Water and Sewer" and create a new section entitled Chapter 14-5, "Sump Pump Discharge"; and

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

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.

The Hearing is opened to the public for comments or questions at 7:15 P.M.

Bob Ludwig, 50 Beers St stated he would like the Ordinance to extend to down spouts on public property and walkways. Mayor states that this would be a major amendment to the Ordinance.

Bob Burlew, 64 Chandler mentions that he has been in homes were basement water is connected to the sewer line. Trying to combat that, is there another choice? Mayor states that inventory has been done in areas with most icing problems.

There being no further comments or questions the hearing was closed at 7:20 P.M.

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

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

Nays: Kovacs
Abstain: None
Absent: None

Motion authorizing the Clerk to publish the Ordinance as adopted by law in the Courier, September 4, 2008, issue moved by Mr. Sheridan, second by Mr. Walling 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"

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of August 21, 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.

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

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.

The Hearing is opened to the public for comments or questions at 7:21 P.M.

Bob Ludwig, 50 Beers St - would like to know purpose of this ordinance.

Mayor explains that it is to screen certain construction sites. It does not apply to single family homes. Mr. Ludwig explained that he is worried about defacing screened fencing. He feels that it is putting a band aid on the Cheryl Hill problem.

Bob Burlew asks what the reason is for having a screen. What would a screen do? Mayor replies that the screen would help those sites for a visual aesthetic impact. Aesthetics is one of intentions of zoning. This is not a building code it is a zoning type of ordinance. Mr. Ludwig asks why not amend the ordinance to include a protection provision?

There being no further comments or questions the hearing was closed at 7:25 P.M.

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

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

Nays: Kovacs
Abstain: None
Absent: None

Motion authorizing the Clerk to publish the Ordinance as adopted by law in the Courier, September 4, 2008, issue moved by Mr. Sheridan, second by 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"

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of August 21, 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.

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

WHEREAS, the Borough Police Department has produced recommendations as to appropriate handicapped parking in the Borough of Keyport, and
WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is coterminous with the power of the legislature, and

WHEREAS, pursuant to N.J.S.A. 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;

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

The Hearing is opened to the public for comments or questions at 7:29 P.M.

There being no further comments or questions the hearing was closed at 7:30 P.M.

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

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 adopted by law in the Courier, September 4, 2008, issue moved by Mr. Sheridan, second by Mr. Walling with Ayes by all present.

DISCUSSION

An Ordinance of the Borough of Keyport Regulating the Award of Contracts Pay-to-Play Ordinance

Councilwoman Bolte - discussed it with the finance committee.

Attorney Wisniewski states there are two considerations: effective date January 1 - December 31; maybe should take effect January 1st

Refers to contributions on an annual basis. Recognizes campaign contributions not regulated on an annual basis- rather than per election cycle.

Recently was Appellate Decision on Earle Asphalt - made a contribution but made a request to have contribution refunded because they would not be allowed to do State work. May want to look at 30 day period. It was suggested requesting in writing within 30 days /receive it within 60 days. They were barred for a period of time from doing state work. Councilwoman Bolte asked about the January 1st start date. Mr. Wisniewski replied that the Ordinance has provision - can't acquire the contract.

Councilman Sheridan explained that he likes that the contractor asks for it back in writing. Mr. Wisniewski explained that once contribution is made person making the request does not know whether the money has been spent and whether entity making contribution to has ability to pay it back.

Introduce by title "AN ORDINANCE OF THE BOROUGH OF KEYPORT REGULATING THE AWARD OF CONTRACTS" moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

Motion was made and carried authorizing the Clerk to publish the Ordinance as adopted by law in the Courier, September 4, 2008.

COMMUNICATIONS AND PETITIONS

1. Letter from William Vaughn, Chief, Keyport Fire Department, requesting permission to accept a donation of a 6' X 10" single axel trailer from the Keyport Fire Patrol

2. Letter from Lawrence Stonerock, President, Keyport Fire Patrol, requesting permission for the Keyport Fire Department to accept a donation of a 6' X 10" trailer from the Keyport Fire Patrol.

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

UNFINISHED BUSINESS

Mr. Sheridan - Keyport Fire Museum Fallen Valour - October 5 Broad from Third to Front Street. Refer to Police and Administrator.

Mr. Ortman asked that the police promotion interviews be put on the agenda. Administrator replied that there is no list of cert of eligibles from DOP. Last promotions were done without a certified list of eligibles. DOP got back to administrator and said it was not done correctly. Mr. Ortman asked what is preventing us from getting a cert list of eligibles. Mayor Bergen replied they can't pull a new list until they dispose of the old one. Ms. Bolte asks if they can interview without appointing. Mr. Walling asked for copies of Mr. Valesi's correspondence to DOP. Mr. Wisniewski suggested waiting until we get the list of eligibles. All should be interviewed at the same time and under the same conditions.

ADMINISTRATOR'S REPORT

Mr. Valesi reported on the following:

1. Initial arbitration with PBA will be tomorrow, September 3rd.
2. Presentation for Open Space Application at next meeting.
3. Therese/Beach Park both are under construction. There are no unforeseen conditions.

Mr. Kovacs asked about the high curbing at Beach Park. Mr. Valesi explained that they have used best practice and design standard. Safety surfaces should break someone's fall.

Mr. Kovacs asked if the lease has been signed for the Fire Museum. Mr. Valesi states that it has not yet been signed, but they have paid their \$1.00.

Mr. Sheridan asked about the skate park. Mr. Valesi replied that there is no chance of getting a cost share from neighbors.

ATTORNEY'S REPORT

Mr. Wisniewski had nothing to report.

NEW BUSINESS

Mr. Walling noticed that managers and bouncers are not certified under ABC. Mr. Walling would like them to be registered.

Motion was made by Mr. Walling, seconded by Mr. Sheridan to amend the Ordinance to include managers and bouncers. Attorney will come back with some recommendations.

Mr. Sheridan announced that there will be a 911 Memorial Services - Fireman's Park at 7 P.M. - Thursday.

Ms. Bolte will propose to finance committee about meeting with other municipalities regarding shared services.

Mr. Ortman spoke about the Keyport Police, participated in over the limit under arrest - 100 hours were dedicated. Mr. Ortman read the report of arrests.

RESOLUTIONS

2. Resolution #206-08 Authorizing Execution of Special Citizens Area Transportation 2009 Agreement
3. Resolution #207-08 Part-Time Dispatch/Communications Operator - Hedges
4. Resolution #208-08 Part-Time Dispatch/Communications Operator - Wilson
5. Resolution #209-08 Hire School Crossing Guard - Spafford
6. Resolution #210-08 Authorizing the Borough Administrator to Execute the Final Release and Assignment of Penal Sum of Bond from Western Surety Company
7. Resolution #211-08 Payment of Bills

PUBLIC COMMENT PORTION

The Meeting is opened to the public at 8:12 PM for comments or questions.

Bob Ludwig, 50 Beers Street, spoke about noise from Bulkhead Bar while walking along the bulkhead. Mr. Ludwig feels that commitments were made and are not being followed through on. Would like Captain Dayback to come in and speak about how he is going to control this. Mr. Ludwig suggested making a quiet area and posting it. Also spoke about noise from loud motorcycles.

Ed Burlew, 8 Luppamong Avenue, stated that he has had a Harley since 1981; states his bike is legal.

Nina Jeandron, 65 Broad Street, explained that bikes also are at the Passport. Her husband has a Harley, it's not just at the Bulkhead.

John Ambrose asked how the issue of bouncers arose. Mr. Walling explained that he was going through regulation books. Mr. Ambrose asked if it would be yearly; yes.

Bob Ludwig stated that he was only speaking of owners who rev their engines to make noise.

Nina Jeandron, stated who controls laws on motor vehicle noise? Attorney responded by saying preempted by state.

APPROVAL OF RESOLUTIONS

Motion on the Consent Agenda

Motion moved by Mr. Sheridan, second by Ms. Bolte with Ayes by all present.

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

Nays: None

Abstain: None

Absent: None

ADJOURNMENT

Motion to Adjourn the meeting moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

Time of Adjournment: 8:22 PM