12. Request from Dennis Fotopoulos, 77A Beers Street for an adjustment to his water/sewer bill.

    Motion to carry this matter to the January 18, 2005 Agenda moved by Mr. Doyle, second by Mrs. Atkins with Ayes by all present.

13. Applications for Raffle Licenses for St. Joseph Fair:
    A. St. Joseph School, On Premise Nightly Cash Raffles, 6/1-6/5/05
    B. St. Joseph Church, Off Premise Cash Raffle, 6/5/05
    C. St. Joseph School, On Premise Draw Raffles, 6/1-6/5/05

    Motion to Approve moved by Mrs. Atkins, second by Mr. Hassmiller with Ayes by all present.

14. Application for membership/Keyport Fire Department/Lincoln Hose from Randy M. Hicks, Jr. (contingent upon State Approval)

    Motion to Approve moved by Mr. Walling, second by Mr. Bergen with Ayes by all present.

UNFINISHED BUSINESS

1. Application and Permit for Street Opening, Fulton Street Gas Line Relocation.

   Motion to hold moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

2. **Telephone System.** Mrs. Atkins said she tried to call Borough and she was unable to leave a message. When she dialed the 3900 number, it did not go through. Mr. Bergen said the message on the Borough's Directory does not say dial 9-1-1 for an emergency. The Mayor said 3900 should go to another number.

3. **Bulkhead.** Mrs. Atkins asked what the status of the bulkhead is. Mayor Merla said the contracts were signed and delivered to the DEP; it will go out to bid.

4. **Recreation.** Mrs. Atkins said she attended the Recreation Meeting and there was discussion about the Borough's website and it not being up to date. Mrs. Atkins suggested someone be appointed to maintain the website. Mr. Palamara said someone is needed to do it (2 hours per week). The cost analysis will be given to Mr. Bergen. Mrs. Atkins said she would try to help find a volunteer to do this.

   Mr. Bergen said there is a Broker of Letter record. A motion authorizing the Borough Clerk to sign the letter moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

ENGINEER'S REPORT

Mr. Norbut said he has spent some time on the current projects. A transition meeting took place with Gerald Freda, former Engineer. Status reports and documents are forthcoming. The tax maps have been received.

There is a Resolution listed on this evening's agenda regarding Atlantic Street, Phase II. The lowest bid received from Ace Manzo (lower than others); the lowest bid included Option A. CFO Fallon said there is funding available The Borough should go with Option A. Mr. Bergen asked if the contractor will do a uniform pour to the curb? Mr. Norbut said it would be a flat road grade and the contractor can set up forms rather than pave to get better drainage (curb to gutter). Mayor Merla said there are slate sidewalks and curbs there; this is not an easy design. Mr. Norbut said the project would be started in the spring.

The DOT advised there is no State funding. A motion to submit for Discretionary Aid moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

ADMINISTRATOR'S REPORT

Mr. Palamara reported on the following. The Finance Department is working on the new software. Mr. Bergen said the budget will be a little behind; the requests will go out.

Mr. Palamara said the County Park System would like to go over the Open Space Plan by the end of this month. Mayor Merla said the meeting should be set up before the January 18th meeting around 6 P.M.; he, Mr. Bergen and Mr. Hassmiller will meet with the County.

Motion to Receive and File moved by Mr. Bergen, second by Mr. Hyer with Ayes by all present.

2. Notice from the DEP/Green Acres Program of applications for next funding round due February 15, 2005.

   Mr. Bergen said there is a $1 million Bond Ordinance for parks. The application is due February 15th; a hearing is needed 30 days prior to the due date. The Borough received a proposal from Schoor DePalma in the amount of $3,990.00. A grant application should be prepared for the bulkhead.

   Motion to authorize Grant Application for the Bulkhead moved by Mr. Bergen, second by Mrs. Atkins with Ayes by all present.

3. Letter from Princeton Area Walkers requesting to conduct a walk through of Keyport on Saturday, April 9, 2005.

   Motion to Approve and refer to the Events Committee moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

4. Application and Permit for Street Openings from New Jersey Natural Gas Company for 31 Division Street, new construction.

   Motion to Approve moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

5. Resolution adopted by the Borough of Sayreville supporting Senate Bill S-1023 & Assembly Bill A-1835 (reimburse municipalities for reimbursement and payment of property taxes that disabled veterans are exempt from payment of). Approximately 259 veterans received $60,000.

   Motion to adopt a Resolution moved by Mr. Bergen, second by Mrs. Atkins with Ayes by all present.

6. KBA Calendar of Events/Meeting Schedule 2005.

   Motion to Approve moved by Mr. Walling, second by Mr. Bergen with Ayes by all present.

7. Request from Verizon Wireless to amend their Cellular Tower Lease.

   Motion to refer to Mr. Bergen and the Borough Attorney moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

8. Request from Peter Pannullo, 88-92 Broad Street, that he pay old Water Connection Fees.

   This was a prior exemption which opens up Pandoras Box and Council should rescind Resolution 39-04.

   Motion to refer this matter to Mr. Bergen and the Finance Committee moved by Mr. Bergen, second by Mr. Hassmiller with Ayes by all present.

9. Request from Thomas O'Neill, 89 Church Street for an adjustment to his water/sewer bill.

   Mr. Bergen said he would like to check with Public Works to see if there are legal apartments; there should be separate meters.

   Motion to deny moved by Mr. Bergen, second by Mr. Hassmiller with Ayes by all present.

10. Request from Sonja Wilhelm, 30 Monroe Street for an adjustment to her water/sewer bill.

    Motion to refer this matter to Mr. Bergen and Keri Stencil, Water/Sewer Collector moved by Mrs. Atkins, second by Mr. Hassmiller with Ayes by all present.

11. Resolution No. 04-23 adopted by the Monmouth County Planning Board opposing the New Jersey State Assembly Bill No. 3415 regarding properties on which development easements are acquired through the State's Farmland Preservation Program.

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

ATTORNEY'S REPORT

Mr. Wisniewski said he is working with Wesley Kain, Esq., former Borough Attorney. They are meeting on Friday to discuss matters. Mr. Wisniewski requested Mayor and Council hold Resolution No. 8 listed on this evening's agenda until he meets with Mr. Kain.

NEW BUSINESS

1. **Aeromarine Redevelopment Designation for Council Discussion**. Mr. Bergen said there is a resolution on this evening's agenda regarding the Aeromarine site. All prior requests to the Planning Board should be rescinded. It was asked if Block 141, Lots 14 & 15 were in need of redevelopment? The Planning Board has addressed and concurred to eliminate all properties on Walnut Street and Walnut Terrace. The Finance Committee will be involved in this matter. A motion was made by Mr. Bergen to amend the duties of the Finance Committee to include redevelopment, second by Mr. Hassmiller with Ayes by all present. Each separate area will be reviewed and referred to the Planning Board; Mr. Litwin concurs. A motion to repeal all previous referrals moved by Mr. Bergen, second by Mr. Hassmiller with Ayes by all present.

2. **Sale of Borough Owned Properties.** Mayor Merla said the Borough has had some requests to purchase Borough owned property. Mr. Doyle will submit a list and confer with Mr. Bergen. The Planner should inspect the properties and give a recommendation. This matter should be listed on the January 18th agenda.

3. **Harbor Commission.** Mr. Walling said the Harbor Commission wants to form a Committee for the bulkhead and the area behind. Mayor Merla said a recommendation of people should be given and Council will discuss.

4. **Behind Bulkhead.** Mr. Bergen said we need a plan and funding for behind the bulkhead. The Borough needs funding for Waterfront Development. The Recreational Bayfront Improvement Trust Account generates revenues and the Borough tries to maintain it. There is no stable source of funding. In 2002, there was $87,000 in the account, in 2003 there was $48,000 in the account and there was $38,000 remaining until the end of 2004. The Planner's fees were encumbered which leave the RBIT Account at $20,000. The referendum on the 2002 ballot passed and Council should move forward. Mr. Bergen made a motion for the Borough Attorney to draft an Ordinance for a 2.5 cent assessment to be listed on the January 18th agenda, second by Mr. Walling with Ayes by all present.

Mr. Hassmiller said he met with Fire Chief Walling. Mrs. Atkins had nothing to report.

Mayor Merla said other municipalities have a Town Planner who prepares a newsletter; he spoke with John Dumford. The Mayor requested a demonstration be listed on the February 1st Agenda. There will be a solicitation of ads; no cost to the Borough.

Mayor Merla presented a Holiday Lighting Award to the Martinez Family.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 8:51 P.M Mayor Merla said the Borough is gracious of who sits here. The residents have said that individuals speak too long. Various Board have reorganized on the same issue even the Bayshore Conference of Mayors. This year there will be a 5 minute time limit to speak.

Roland Sechinger, Environmental Commission, requested his comments be inserted in the documents for the Aeromarine site. Mr. Bergen said if it is not done now, it may be more difficult to do later. There are laws on wetlands and they will not be changed. Mr. Sechinger's comments will be included as well as the Environmental Commission's comments. The Mayor said the Chairman of the Environmental Commission get a copy of the Planning Board Agenda.

Robert Ludwig, 50 Beers Street, said the Redevelopment Committee meets with Mr. Bergen and decisions are made without citizen participation. The Mayor said the Planning Board holds action and will work on one area. The Planning Board will vote to concur and public participation will occur. The prior Attorney for redevelopment did not act on anything. Mr. Bergen said redevelopment is governed by Statute and it include participation. The Planning Board is being asked to consider certain aspects (4 have been referred and each one will be addressed one at a time); the law will not be circumvented.

Andrew Willner, 85 Osborn Street, said everything will be handled in accordance with procedures and a Public Hearing will be held on the plan. Mr. Willner questioned the Planning Board receiving portions of the Plan and a public hearing being held on each portion. Mr. Bergen said procedures will be followed and Council will adopt a resolution. Mr. Willner asked if there is a redevelopment Plan book for each member? Mr. Bergen said he would make 10-15 copies of the plan.

Joanne Staeger, 428 Main Street, said Council should not post a time limit on the Public Comment Portion for the Council Meetings; it would be an injustice. Keyport is unique. If Council goes through with this idea, a time limit should be put on Mr. Bergen.

Mike Lane, 51 First Street, said he reviewed the State Agreement on the Bulkhead and he attended the Harbor Commission Meeting. He said a Project team should be formed to review activities (fair, hot dog vendor, etc). There are easement agreements on West Front Street properties. Mr. Lane said separate variables would be fantastic for redevelopment. There is a State Planning map for Keyport and there are environmentally sensitive areas; Council needs to work with the Environmental Commission. The Cross Acceptance document is about changing the area. Mr. Bergen said the map is not solely decided by Keyport and can be negotiated. Mayor Merla said the map was introduced by the Attorney and Engineer and the Borough is not close to adopting the "Big" map. Keyport has submitted comments.

Mr. Bergen said there are not enough recreational areas (ballfields) for Pop Warner and Little League.

Mr. Hyer said there are 25-30 properties that can be put back on the tax rolls; a portion of Division Street can be vacated. He also brought up matters that he felt needed to be addressed.

Mr. Hyer said he was on the Special Events Committee and felt someone else should be put on it.

Kathy Shaw submitted the Keyport Business Alliance's Calendar of Events for approval. The Environmental Commission is a good partner for the cleanliness and trash problems experienced downtown. The KBA and Environmental Commission will coordinate efforts. Mrs. Shaw said she had an Architect prepare a quote for trash enclosures. Mr. Bergen said he and the Borough Attorney will look at the garbage specs. Mr. Walling said he would work with them on the recycling portion. Mayor Merla said once the Borough goes out to bid on the bulkhead, the Council will know about events.

The Mayor announced that Kevin and Tina Mann won first place in the Holiday Lighting contest.

Mayor Merla appointed Florence Crawford as Alternate #1 on the Historic Preservation Commission (this is a Mayor's appointment).

The meeting was closed to the public at 9:19 P.M.

RESOLUTIONS

3. Resolution No. 51-05, Award of Contract for Improvements to Atlantic Street, Phase II to Ace Manzo, Inc. and D. Manzo & Sons, Inc. - $263,513.89 with Option A.

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize Receipt of Bids for improvements to Atlantic Street, Phase II, consisting of water main replacement, sanitary sewer main and lateral replacement, roadway, curb, sidewalk and drainage improvements as contained in the base bid with the Option for curb and sidewalk replacement for the completed roadway based upon a grad received from the New Jersey Department of Transportation Trust Fund FY 2004-Municipal Aid Program; and

WHEREAS, bids were received by the Borough Clerk on December 13, 2004 at the Borough Hall, Keyport, New Jersey consistent with the advertised Notice to Bidders; and

WHEREAS, Ace Manzo, Inc., and D. Manzo & Son, Inc., did submit a bid to perform the Therese Avenue improvements, consisting of water main replacement, sanitary sewer main and lateral replacement, roadway curb, sidewalk and drainage improvements as contained in the base bid and for curb and sidewalk replacement for the completed roadway as contained in Option "A" in the gross amount of Two Hundred and Sixty Three Thousand, Five Hundred and Thirteen Dollars and Eighty Nine Cents ($263,513.89), which constituted the lowest responsible bid received pursuant to the specifications proposed, which specifications contain the full nature and scope of the work to be performed; and

WHEREAS, the Mayor and Council having reviewed the qualifications of the successful bidder, are resolved to award a contract to Ace Manzo, Inc., and D. Manzo & Sons, Inc., based upon their low bid submitted, subject to the Certification of the Municipal Finance Officer, as to the approval of the contractor and any additional conditions or requirements imposed or required by the New Jersey Department of Transportation relative to the award to the Borough of Keyport.

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

1. The Mayor and Council hereby award the contract for the Improvements to Atlantic Street, Phase II for the water main replacement, sanitary sewer main and lateral replacement, roadway, curb, sidewalk and drainage improvements as contained in the base bid and for curb and sidewalk replacement for the completed roadway as contained in Option "A" in the gross of Two Hundred and Sixty Three Thousand, Five Hundred and Thirteen Dollars and Eighty Nine cents ($263,513.89), which constituted the lowest responsible bid received pursuant to the bid specifications to Ace Manzo, Inc., and D. Manzo & Sons, Inc., Aberdeen, New Jersey, based upon their low bid submission.

2. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer and subject to review, approval and the satisfaction of any conditions imposed by the New Jersey Department of Transportation. The award is specifically contingent upon funding by the New Jersey Department of Transportation and any requirements imposed including the absolute right to approve the selection of the contractor named herein. Failure of any of the within contingencies shall negate the award.

3. The Contract shall be contingent upon the certification of the availability of funds by the Municipal Finance Officer and such requirements imposed by the New Jersey Department of Transportation, prior to execution of the within contract.

4. The Borough Clerk is hereby authorized to return bids received to all unsuccessful bidders.

5. Copies of the within Resolution shall be attached and become part of any proposed contract between the parties hereto and shall be forwarded to the successful bidder, Municipal Finance Officer and Borough Engineer and a copy shall be retained in the office of the borough Clerk for public inspection.

6. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under NJSA 40A:11-1 et. seq. by publishing a notice of award of contract in a legal newspaper of the Borough of Keyport within 10 days hereof.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

4. Resolution No. 52-05, Approve Contract with the Visiting Nurse Association of Central Jersey

WHEREAS, the Borough of Keyport has previously executed an agreement with the Visiting Nurse Association since the termination of health services by the Borough of Matawan on June 30, 2004; and

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the Borough of Keyport have previously authorized the Borough of Keyport to enter the Monmouth County Regional Health Commission No. 1 for full membership and have obtained requisite health services for the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council have received a proposed contract for services with the Monmouth County Visiting Nurse Services to provide nursing related services as required by the Borough of Keyport and the Keyport Board of Health for the period of January 1, 2005 through December 31, 2005; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed a proposed Contract with the Visiting Nurse Association to provide nursing related services in the amount of Seven Thousand Dollars ($7,000.00) which will provide the expected required services to the Borough of Keyport; and

WHEREAS, the Mayor and Council wish to authorize the Mayor to execute the within Contract with the VNA and have been advised by the Municipal Finance Officer as to the availability of funds for the within contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. The Mayor and Borough Council hereby authorize the Mayor to execute a Contract with the Visiting Nurse Association in the amount of Seven Thousand Dollars ($7,000.00) to provide nursing related services to the Borough of Keyport and the Keyport Board of Health for a period of January 1, 2005 through December 31, 2005.

2. Copies of the within Resolution shall be forwarded to the Visiting Nurse Association, Keyport Board of Health and the Municipal Finance Officer and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

5. Resolution No. 53-05, Oppose A-2121/S-911 which would expand local responsibilities under the Condo Services Act

WHEREAS, A-2121 and its companion bill, S-911, would amend the Condo Services Act to require municipalities to reimburse private communities for the costs of providing standby water to fire hydrants or provide the service within such private communities; and

WHEREAS, since most private communities retain ownership of the streets in their development, it is illegal for towns to use public taxpayers dollars to pay for a service on a privately owned street; and

WHEREAS, this bill would impose new costs on the taxpayers in the vast majority of municipalities all around the State, as it would supersede agreements entered into between those municipalities and the developers of the condominium units; and

WHEREAS, this new unfunded mandate would violate Article VIII, Section II, paragraph 5 of the State Constitution, which limits the ability of the State to impose new unfunded mandates on local governments.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body of the Borough of Keyport opposes passage of A-2121/S-911; and

BE IT FURTHER RESOLVED that copies of this Resolution be forwarded to our State Legislators, Senator Frank Lautenberg, Senator Jon S. Corzine, Senator Joseph M. Kyrillos, Jr., Assemblyman Joseph Azzolina, Assemblyman Samuel D. Thompson and to our neighboring municipalities and the New Jersey State League of Municipalities.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None

Absent: Councilman Wedick

6. Resolution No. 54-05, Support the Protection of Rights of Immigrant Laborers

WHEREAS, the United States is a land of immigrants and since the nation's founding, more than 60 million immigrants from every continent have settled in the United States, in search of freedom, opportunity and to realize the American dream; and

WHEREAS, the State of New Jersey is home to more than 1.5 million foreign-born residents who come from every continent, and whose rich and varied backgrounds collectively help enrich our State; and

WHEREAS, New Jersey's immigrants have helped our State's commerce and revitalized our communities through their hard work and sacrifice; and

WHEREAS, our immigrant communities make many positive contributions to our State's prosperity and diversity – in commerce, in culture, in education, in community building – in countless ways; and

WHEREAS, the United States and New Jersey State Constitution, afford all persons (regardless of race, ethnicity or national origin) certain inalienable rights, among them, the right to due process and equal protection of the laws; and

WHEREAS, immigrants in our State deserve to be treated with respect and dignity and are entitled to protection from unlawful conduct in any community in this State; and

WHEREAS, many businesses and residents relay upon and benefit from the hard work of immigrants-from whose labor the State derives immeasurable economic viability-to dignity and an appreciation for the diversity that our immigrant neighbors provide; and

WHEREAS, the Governing Body is comprised of members who share a common interest in protecting the basic civil and human rights of persons in New Jersey.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council encourages enforcement of laws to protect the rights of immigrant laborers in the State and calls upon residents throughout this State to treat our immigrant neighbors with respect; and

BE IT FURTHER RESOLVED that we call upon all officials and leaders in this State, including members of Governing Bodies, to continue to take actions to protect the basic rights of our immigrant neighbors; and

BE IT FURTHER RESOLVED that we call upon all persons in this State to take opportunities to educate community members about the need to protect our immigrant neighbors and treat them with the common dignity deserved by all persons in the State of New Jersey.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

7. Resolution No. 55-05, Support Establishment of the New Jersey Arab Heritage Commission

WHEREAS, the Commission on Civil Rights is charged under the law with consulting and advising the Attorney General with respect to work of the Division on Civil Rights, surveying and studying the operations of the Division and reporting to the Governor and the Legislature with respect to such matters relating to the work of the Division and at such times as it may deem in the public interest; and

WHEREAS, the Commission on Civil Rights is empowered to make recommendations to the Governor that will mandate the civil and human rights of all of New Jersey's citizens and advocate harmonious relationships among all racial, ethnic and religious groups throughout the State; and

WHEREAS, the New Jersey Chapter of the Arab Anti-Discrimination Committee (ADC NJ) and the Council on American Islamic Affairs (CAIR) have embarked on a collaborative effort to combat racial and religious discrimination and other acts of bigotry against the Arab rights of all of New Jersey's citizens are protected in order to advance the positive social and cultural values of the Arab and Muslim communities and their contributions to living in a society that promotes freedom and social justice; and

WHEREAS, the Commission on Civil Rights has joined ADC NJ and CAIR in their efforts to understand, value, recognize and appreciate the accomplishments of Arabs and Muslims in New Jersey with pride and honor by establishing an Arab Heritage Commission in New Jersey with the support and cooperation of the Governor of the State of New Jersey.

NOW, THEREFORE, BE IT REOSLVED on this date, January 11, 2005, by the Mayor and Council of the Borough of Keyport, that the Governing Body members respectfully request that the Governor supports and establishes the New Jersey Arab Heritage Commission through the Department of Education in order to enhance and facilitate the goals and objectives of the Arab and Muslim Communities with the authority and jurisdiction to educate the general public and provide information on their proud and distinguished histories and to gain continuous support in their struggle to eliminate prejudice, discrimination and bigotry in New Jersey.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

8. Resolution No. 56-05, Amended Annual Notice

REVISED ANNUAL NOTICE

Notice is hereby given that effective January 1, 2005, the Keyport Borough Council will hold its Work Agenda Meetings on the 1st Tuesday of the month at 7:00 P.M. in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. and its Regular Agenda Meetings on the 3rd Tuesday of the month at 7:00 P.M. in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. with the following exceptions listed below. Formal action may be taken at these meetings. This notice is provided in accordance with the requirements of P.L. 1975, Ch. 231, Open Public Meetings Act (Sunshine Law Notice).

EXCEPTIONS: The January 4, 2005 Meeting will be held on Tuesday, January 11, 2005, the April 19, 2005 meeting will be held on Monday, April 18, 2005; the June 7, 2005 meeting will be held on Monday, June 6, 2005.

NOTE: 7:00 P.M. – Closed Meeting – Public Excluded
8:00 P.M. – Regular Business – Public Included

BE IT RESOLVED by the Keyport Borough Council that the Notice of its Agenda Work Meetings which will be held on the 1st Tuesday of the month in the Council Chambers, 70 W. Front Street, Keyport, N.J. at 7:00 P.M. and its Regular Meetings which will be held on the 3rd Tuesday of the month at 7:00 P.M. in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. be posted on the Bulletin Boards, the Keyport Borough Hall, be mailed to the Asbury Park Press, the Two River Times, the Courier, the Newark Star Ledger and the Independent and be filed in the Office of the Borough Clerk.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

9. Legal Representation for Police Sergeant Robert P. Dillon – This was deleted from the Agenda

10. Resolution No. 57-05, Payment of Bills

See full copy of Resolution as pages 21-22 of these minutes

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

11. Resolution No. 58-05, Cancel A&K Excavating, LLC Payment - $46,121.11

WHEREAS, the Mayor and Council of the Borough of Keyport by Resolution No. 83-04 adopted on February 3, 2004 authorized payment of a voucher in the amount of $46,121.11 payable to A&K Excavating, LLC of Red Bank and Holmdel for work performed in the construction of the Municipal Building; and

WHEREAS, the Borough of Keyport prepared check no. 2247 in the amount of $46,121.11 payable to A&K Excavating, LLC but never mailed the same; and

WHEREAS, subsequent to the foregoing authorization of payment and preparation of check no. 2247, it became apparent to the Borough, through the advice of it's consultants, that the work performed and the subject of the voucher in the amount of $46,121.11 was inferior and substandard; and

WHEREAS, the aforesaid inferior and substandard work has required the Borough of Keyport to expend funds to remedy the inferior and substandard work and to protect the Municipal Building.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that payment to A&K Excavating, LLC in the amount of $46,121.11 authorized in Resolution No. 83-04 is hereby rescinded and check no. 2247 is hereby cancelled.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

12. Resolution No. 59-05, Authorize Mayor to execute Contract with Badger Roofing Company

WHEREAS, the Mayor and Council of the borough of Keyport and the Borough of Keyport have been made aware that the roof on the Borough Hall is defective and may fall; and

WHEREAS, failure to immediately address the defects in the roof may lead to further damage to the interior of the Borough Hall; and

WHEREAS, James D. Cummins & Company has reviewed the condition of the borough Hall roof and has made recommendations for repairs to the roof that would prevent any interior damage to the Borough Hall; and

WHEREAS, Badger Roofing Company has submitted a proposal to repair the Borough Hall roof in accordance with the recommendations made by James D. Cummins & Company for the sum of $9,200.00; and

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-3 permits the Borough of Keyport to award a contract for the repair of the Borough Hall roof without public advertising for bids and bidding because the aggregate amount of the contract does not exceed in a contract year the total sum of $17,500; and

WHEREAS, the sufficient funds are available and have been or will be appropriated for this specific purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with Badger Roofing Company for the repair of the Borough Hall roof for the sum of $9,200.00.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None

Abstain: None
Absent: Councilman Wedick

13. Resolution No. 60-05, Authorize Mayor to execute a Contract with Thompson-Foti Associates, Inc. for the Emergency Repair of a Security Camera

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport have made aware that the exterior weatherproof security camera for the rear entrance to the Keyport Police Department no longer works; and

WHEREAS, although the Borough has notified A&K Contracting that the repair or replacement of the weatherproof security camera is their responsibility under the original contract or the indemnification agreement, no satisfactory response has been received; and

WHEREAS, Police Department security dictates that repairs or replacement of the weatherproof security camera must take place as soon as practicable; and

WHEREAS, Thompson-Foti Associates, Inc. has submitted a proposal to replace the weatherproof security cameral for the sum of $1,242.00; and

WHEREAS, the Local Public Contract Law, NJSA 40A:11-3 permits the Borough of Keyport to award a contract for the replacement of weatherproof security camera without public advertising for bids and bidding because the aggregate amount of the contract does not exceed in a contract year the total sum of $17,500.00; and

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-6 permits the Borough of Keyport to award a contract for the replacement of weatherproof security camera without public advertising for bids or bidding because the failure of the weatherproof security camera represents an emergency affecting the public safety; and

WHEREAS, the sufficient funds are available and have been or will be appropriated for this specific purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with Thompson-Foti Associates, Inc., for the replacement of the weatherproof security camera at the rear entrance to the Keyport Police Department for the sum of $1,242.00.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

14. Resolution No. 61-05, Resolve Notice of Disciplinary Hearing against Borough Employee determining charges and specifications and direct Administrator to file final action with the Department of Personnel

WHEREAS, the Mayor and Council of the Borough of Keyport did investigate certain allegations concerning the conduct of several employees employed in the Construction Code Office within the Borough of Keyport for the period February 19, 2004 through march 5, 2004; and

WHEREAS, based upon the complaints received by members of the public, the Mayor and Council did direct the Borough Attorney to conduct an investigation and prepare a detailed report with respect to the circumstances surrounding the conduct of several Construction Department employees; and

WHEREAS, the Borough Attorney did present a detailed written report setting forth certain facts, circumstances and recommendations surrounding the conduct of various employees within the Construction Department which was presented to the Mayor and Council on or about April 2, 2004; and

WHEREAS, the Mayor and Council did further conduct an investigation to determine the nature and scope of events and circumstances involving the Construction Office including meetings with Borough employees and private citizens in an effort to determined the nature and scope of the complaints; and

WHEREAS, based upon the circumstances presented, the Borough Administrator did prepare and serve on Anthony Vecchio, an employee of the Borough of Keyport, employed in the Construction Department as the Code Enforcement Officer and Zoning Officer and as the Fire Official for the Borough of Keyport, a preliminary Notice of Disciplinary Action (form 31-A) as prescribed by the Department of Personnel on or about July 26, 2004; and

WHEREAS, based upon the receipt of the Preliminary Notice of Discipline, the employee, Anthony Vecchio, did request a Hearing before the Mayor and council of the Borough of Keyport; and

WHEREAS, prior to the commencement of the disciplinary hearing, copies of all relevant discovery was provided by the Borough of Keyport to Borough Employee, Anthony Vecchio, through his private attorney; and

WHEREAS, the Mayor and Borough Council did conduct a disciplinary hearing on the 14th day of December 2004 at which time certain documents were marked for identification and considered by the Borough Council as follows:

C-1. Construction Department Memorandum prepared by Borough Attorney dated April 2, 2004.
C-2. Series of Five (5) municipal court summonses issued February 25, 2004 by Anthony Vecchio, Zoning Officer to Douglas Grandon.
C-3. Certified disposition of the municipal court summons as certified by the Keyport Municipal Court.
C-4. Minutes of the Executive Session held by the Mayor and Council during which Anthony Vecchio appeared dated June 29, 2004.
C-5. Police Report prepared by Patrolman Dixon of Keyport Police Department dated February 19, 2004.
C-6 Preliminary Notice of Disciplinary Hearing filed with respect to Anthony Vecchio and William Cerase
C-7. Minutes of the Executive Session held by the Mayor and Council during which Joseph Vecchio appeared dated June 29, 2004.
B-1. Permit log maintained by the Construction Department to include period of February 25, 2004 through March 5, 2004.
B-2 Payment log for payments received by Construction Department for period of February 25, 2004 through March 5, 2004.
B-3. Series of 23 photographs with specific addresses depicting front year fences within the Borough.
B-4. Copy of the fence permit and survey filed by Grandon for 315 Broad Street, Keyport, New Jersey.
B-5 Application for zoning permit for Block 56, Lot 2 dated March 8, 2004.
B-6. Zoning permit application No. 2260 issued September 12, 2001.
B-7. Proposed Settlement and Release Agreement between State Farm and Joseph and Colleen Vecchio, unexecuted.
B-8. Initial Police Report dated February 19, 2004 for 315 Broad Street.
B-9. Initial Police Report dated February 19, 2004 for 315 Beers Street.
B-10. Probable Cause Statement as filed with Keyport Municipal Court by Anthony Vecchio.
B-11. Statement of William Cerase given to Keyport Police Department; and

WHEREAS, the Borough Council did have the opportunity to consider sworn testimony presented by witnesses, consider the exhibits marked for identification and moved into evidence and hear the arguments of counsel, although the Borough Council notes that neither Anthony Vecchio or his attorney chose to participate in the within hearing despite being afforded the opportunity to do so; and

WHEREAS, based upon the review of the testimony offered and the within exhibits introduced into evidence which are incorporated into this finding as if set forth at length herein, the Borough Council hereby concludes that Borough employee, Anthony Vecchio, should be disciplined based upon the following specific charges which were substantiated during the hearing:

1. The decision of Anthony Vecchio to announce to employees in the Construction Office that he possessed a gun during the time his brother was engaged in a

dispute involving the Construction Department constituted a conduct unbecoming a public employee and actionable pursuant to NJAC 4A:2-2 et seq.

2. The decision of Anthony Vecchio to participate in inspections of the property owned by Mr. and Mrs. Grandon which was situated directly next to property owned and occupied by his brother, Joseph Vecchio, while there was an ongoing dispute involving payment of insurance proceeds did constitute a conduct unbecoming a public employee and actionable pursuant to NJAC 4A:2-2 et. seq.

3. The decision of Anthony Vecchio in his position of Zoning Officer to write a summons to Douglas Grandon for property located at 242 Broad Street without conducting an inspection or review under the existing circumstances constituted conduct unbecoming a public employee and actionable pursuant to NJAC 4A:202 et. seq.

4. The decision of Anthony Vecchio to engage in a discussion with Mr.& Mrs. Douglas Grandon prior to the municipal court hearing and to intimate that summonses could be dismissed if the dispute between Grandon and his brother, Joseph Vecchio, was favorably resolved constituted conduct unbecoming a public employee and actionable pursuant to NJAC 4A:2-2 et seq.

5. The Borough Council determines that the communication by Anthony Vecchio as to the availability of a gun in the construction department in a loud angry manner during normal business hours constituted the bases for the finding. The decision to participate in the denial of various permits to Grandon while there was an ongoing dispute with Joseph Vecchio and the permit involved the adjoining property constitutes the basis for the finding. The decision to write a summons to a property in which Grandon failed to obtain a sign was considered inappropriate and constitutes a basis for the finding. The conversation related to the dismissal of certain municipal summons, in the Municipal Court in exchange for the resolution of the dispute involving Grandon and Joseph Vecchio further constituted a basis for the finding upon which the within discipline was based.

WHEREAS, the Borough having reviewed the nature of the charges sustained and to impose major disciplinary action on employee, Anthony Vecchio, based upon the nature and scope of charges sustained.

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

1. Resolution No. 400-04 is hereby rescinded and substituted by the resolution nunc pro tunc.

2. The Borough Council hereby finds that the actions of Borough Employee, Anthony Vecchio, in communicating statements relative to a gun, his involvement in matters involving a dispute with his family members, the issuance of a summons under questionable circumstances and the communication relative to the dismissal of charges as conduct unbecoming a public employee in accordance with the provisions of NJAC 4A:2-2 et. seq.

3. The Borough Council hereby suspends Anthony Vecchio from his positions of Code Enforcement Officer, Zoning Officer and Fire Official, without pay, for a period of thirty (30) days effective January 27, 2005 through February 25, 2005.

4. The Borough Council hereby places Anthony Vecchio on probation for one (1) year effective February 1, 2005 through January 31, 2006 to be supervised by the Business Administrator or his designee.

5. The Borough Council directs that Anthony Vecchio follow up with a medical provider approved by the Borough of Keyport and follow any recommendations.

6. The Borough Administrator is hereby authorized to complete and file with the Department of Personnel all forms memorializing the within disciplinary action on forms prescribed by the Department of Personnel.

7. That a copy of the within Resolution be placed in the permanent file of Anthony Vecchio and that copies be supplied to Anthony Vecchio, Borough Attorney and

Municipal Finance Officer and that a copy of the within Resolution shall be retained by the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

15. Resolution No. 62-05, Resolve Notice of Disciplinary Hearing against a Borough Employee determining charges and specifications and directing Administrator to file final action with Department of Personnel

WHEREAS, the Mayor and Council of the Borough of Keyport did investigate certain allegations concerning the conduct of several employees employed in the Construction Code Office within the Borough of Keyport for a period February 19, 2004 through March 5, 2004; and

WHEREAS, based upon the complaints received by members of the public, the Mayor and Council did direct the Borough Attorney to conduct an investigation and prepare a detailed report with respect to circumstances surrounding the conduct of several construction department employees; and

WHEREAS, the borough Attorney did present a detailed written report setting forth certain facts, circumstances and recommendations surrounding the conduct of various employees within the Construction Department which was presented to the Mayor and Council on or about April 2, 2004; and

WHEREAS, the Mayor and Council did further conduct an investigation to determine the nature and scope of events and circumstances involving the Construction Code Office including meetings with Borough employees and private citizens in an effort to determine the nature and scope of the complaints; and

WHEREAS, based upon the circumstances presented, the Borough Administrator did prepare and serve on William Cerase, an employee of the Borough of Keyport, employed in the Construction Department as the Property Maintenance Officer, for the Borough of Keyport, a preliminary Notice of Disciplinary Action (Form 31-A) as prescribed by the Department of Personnel on or about July 26, 2004; and

WHEREAS, based upon the receipt of the Preliminary Notice of Discipline, the employee, William Cerase, did request a hearing before the Mayor and Council of the Borough of Keyport; and

WHEREAS, prior to the commencement of the disciplinary hearing, copies of all relevant discover was provided by the Borough of Keyport to Borough employee, William Cerase, through his private attorney; and

WHEREAS, the Mayor and Borough Council did conduct a disciplinary hearing on the 14th day of December 2004 at which time certain documents were marked for identification and considered by the Borough Council as follows:

C-1. Construction Department Memorandum prepared by Borough Attorney, dated April 2, 2004.
C-2. Series of Five (5) municipal court summonses issued February 25, 2004 by Anthony Vecchio, Zoning Officer to Douglas Grandon.
C-3 Certified disposition of the municipal court summons as certified by the Keyport Municipal Court.
C-4. Minutes of the Executive Session held by the Mayor and Council during which Anthony Vecchio appeared dated June 29, 2004.
C-5. Police Report prepared by Patrolman Dixon of Keyport Police Department dated February 19, 2004.
C-6. Preliminary Notice of Disciplinary Hearing filed with respect to Anthony Vecchio and William Cerase.
C-7. Minutes of the Executive Session held by Mayor and Council during which Joseph Vecchio appeared appeared dated June 29, 2004.

B-1. Permit log as maintained by the Construction Department to include period of February 25, 2004 through March 5, 2004.
B-2. Payment for log payments received by Construction Department for period of February 25, 2004 through March 5, 2004.
B-3. Series of 23 photographs with specific addresses depicting front yard fences within the Borough.
B-4. Copy of the fence permit and survey filed by Grandon for 315 Broad Street, Keyport, New Jersey.
B-5. Application for zoning permit for Block 56, Lot 2 dated March 8, 2004.
B-6. Zoning permit application no. 2260 issued September 12, 2001.
B-7. Proposed Settlement and Release Agreement between State Farm and Joseph and Colleen Vecchio, unexecuted.
B-8. Initial Police Report dated February 19, 2004 for 315 Broad Street.
B-9. Initial Police Report dated February 19, 2004 for 315 Beers Street.
B-10. Probable Cause Statement as filed with Keyport Municipal Court by Anthony Vecchio.
B-11. Statement of William Cerase given to Keyport Police Department; and

WHEREAS, the Borough Council did have the opportunity to consider sworn testimony presented by witnesses, consider the exhibits marked for identification and moved into evidence and hear the arguments of counsel; and

WHEREAS, based upon the review of the testimony offered and the within exhibits introduced into evidence which are incorporated into this finding as if set forth at length herein, the Borough Council hereby concludes that Borough employee, William Cerase, should be disciplined based upon the following specific charges which were substantiated during the hearing:

1. The decision of William Cerase to communicate statements made by fellow employee, Anthony Vecchio, which served no apparent purpose and which he believed failed to constitute a threat, constituted conduct unbecoming a public employee and actionable pursuant to NJAC 4A:2-2 et seq.

2. The decision of William Cerase to communicate statements concerning the presence of a gun made by a fellow employee, Anthony Vecchio, served no purpose other than to needlessly alarm the public and created unwarranted concern for citizens of the Borough constituted conduct unbecoming a public employee and actionable pursuant to NJAC 4A:2-2 et seq.

3. The Borough Council determines that the communication of information by Cerase to Mr. and Mrs. Douglas Grandon which Cerase believed posed no threat or concern constitutes the communication which forms the basis of the finding.

WHEREAS, based upon the within determination, the Borough Council having determined to impose minor disciplinary action on employee, William Cerase.

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

1. Resolution No. 401-04 is hereby rescinded and substituted by this resolution <u>nunc pro tunc.</u>

2. The Borough Council hereby finds that the actions of Borough employee, William Cerase, in communicating information to the public which he believed was not a threat or potential threat constitutes conduct unbecoming a public employee in accordance with the provisions of NJAC 4A:2-2 et seq.

3. The Borough Council hereby suspends William Cerase from his position of Property Maintenance Officer, without pay, for a period of four (4) days effective January 24, 2005 through January 27, 2005.

4. The Borough Council hereby places William Cerase on probation for one (1) year effective February 1, 2005 through January 31, 2006 to be supervised by the Business Administrator or his designee.

5. The Borough Administrator is hereby authorized to complete and file with the Department of Personnel all forms memorializing the within disciplinary action on forms prescribed by the Department of Personnel.

6. That a copy of the within Resolution be placed in the permanent file of William Cerase and that copies by supplied to William Cerase, Borough Attorney and Municipal Finance Officer and that a copy of the within Resolution shall be retained by the borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

16. Resolution No. 63-05, Cross Acceptance - Aeromarine

WHEREAS, by Resolution No. 104-04, the Mayor and Council of the Borough of Keyport have authorized a preliminary investigation of an area comprised of properties depicted on the map annexed hereto, which are designated as Tax Block 141, Lots 1.01, 1.02, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12.01, 12.02, 13, 14 and 15, an further designated by said Resolution No. 104-04 as redevelopment study area 4 (herein "Study Area 4"), for purposes of determining whether Study Area 4 is in need of redevelopment; and

WHEREAS, Study Area 4 has historically and primarily had an industrial and landfill use for many years; and

WHEREAS, subject to an investigation by and recommendation of the Keyport Planning Board, the Mayor and Council of the Borough of Keyport desire for Study Area 4 to be redeveloped so as to achieve an environmentally responsible closure and to provide both residential development and public access along the waterfront; and

WHEREAS, Study Area 4 is presently designated in the State Development and Redevelopment Plan ("State Plan") to be within Planning Area 5, which designation would not allow the desired redevelopment to be achieved; and

WHEREAS, in order to achieve the desired redevelopment of Study Area 4, Mayor and Council desires for the State Plan to be amended so as to designate the property as being within Planning Area 1; and

WHEREAS, the Mayor and Council find such designation as being is consistent with the State Plan, as set forth below.

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

1. The Mayor and Council hereby endorse the classification of Planning Area 1 for Study Area 4 as shown on the tax map hereto annexed, based upon the following findings:

a. Said designation will allow for Study Area 4 to be redeveloped to provide higher density housing in a location well suited to utilize an existing New Jersey Transit shuttle bus service (and ferry service to midtown Manhattan); and

b. Said designation will allow for Study Area 4 to be redeveloped to provide affordable housing to low and moderate income households; and

c. Said designation will allow for Study Area 4 to be redeveloped in a manner that will provide sufficient revenues for this environmentally damaged site to be reclaimed, capped and closed in an environmentally responsible manner, and to thereby mitigate future negative environmental impacts; and

d. Said designation supports Statewide Policy #14 ("Waste Management, Recycling and Brownfileds") by expediting the process of securing local approvals, remediating the landfill, establishing a site for new residential construction and developing a new residential neighborhood; and

e. Said designation will allow for Study Area 4 to be redeveloped in a manner that will promote public access to coastal bluffs along the waterfront.

2. The Mayor may designate appropriate municipal officials to take all steps necessary to achieve redesignation of Study Area 4 as being within Planning Area 1.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

17. Resolution No. 64-05, Accept Proposal and Authorize Mayor to execute Contract with Schoor DePalma for the Preparation of a Green Acres Development Application

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport wish to submit to the State of new Jersey a Green Acres Development Application for the proposed Waterfront Park Improvements; and

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-5(1) permits the Borough of Keyport to award a contract for professional services without public advertising for bids and bidding; and

WHEREAS, Schoor DePalma Engineers and Consultants have submitted a proposal to prepare a Green Acres Development Application for the proposed Waterfront Park Improvements for a fee to $3,990.00'; and

WHEREAS, the sufficient funds are available and have been or will be appropriated for this specific purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with Schoor DePalma for the preparation of a Green Acres Development Application for the proposed Waterfront Park Improvements for a fee of $3,990.00.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

Motion to advertise the Hearing on February 14, 2005, 4-5 PM conducted by the Borough Attorney and Borough Clerk moved by Mr. Bergen, second by Mrs. Atkins with Ayes by all present.

18. Resolution No. 65-05, Support the Passage of Senate Bill S-1023 and Assembly Bill A-1835

WHEREAS, Senate Bill S-1023 and Assembly Bill A-1835 have been introduced for the purpose, in part, requiring the State to reimburse municipalities for the reimbursement and payment of property taxes that disabled veterans are exempt from payment of; and

WHEREAS, the bills also require that the Governing Body of each municipality to return all taxes collected on the veteran's property after effective date of the determination of total disability from the United States Department of Veteran's Affairs and requires the State of reimburse municipalities for the amount of such property taxes returned to a totally disabled veteran pursuant to the requirements of the bill; and

WHEREAS, the Governing Body of the Borough of Keyport recognize the bravery of the men and women of our armed services and pay homage to them for their service to our Country at a great sacrifice to their health and welfare that they gave so valiantly for the Freedom that we all experience and enjoy today; and

WHEREAS, the exemption of the property tax for the 100% disabled veterans while justified, it does possess a burden to the municipalities and seriously impacts the citizens of the Borough who would have to bear the burden of this exemption without the reimbursement from the State of New Jersey.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth and State of New Jersey do hereby strongly support the passage of Senate Bill S-1023 and Assembly Bill A-1835 for the reasons set forth herein and urges all municipalities of the State to resolve to support passage of said legislation.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Keyport that the Municipal Clerk forward a copy of this resolution to Acting Governor Codey, Senate Senators and Assemblypersons representing the Borough of Keyport and all municipalities in the County of Monmouth.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

19. Resolution No. 66-05 Rescind and Repeal Resolution No. 399-04 for 321 Main Street

WHEREAS, the Mayor and Council of the Borough of Keyport by Ordinance No. 8-04 duly introduced and finally adopted on May 18, 2004 revised and increased connection fees for water and sewer lines within the Borough of Keyport; and

WHEREAS, the owner of real property situated at 321 Main Street in the Borough of Keyport did not make application for a connection until after the increased connection fees went into effect; and

WHEREAS, said owner of real property situated at 321 Main Street in the Borough of Keyport made a request to the Mayor and Council of the Borough of Keyport for relief from the increased connection fees; and

WHEREAS, the Mayor and Council of the Borough of Keyport by Resolution No. 399-04 adopted December 21, 2004 granted relief from the increased connection fees to the owner of the real property situated at 321 Main Street; and

WHEREAS, NJSA 40:14B-21 requires that connection fees be "uniform: throughout the municipality; and

WHEREAS, Resolution No. 399-04, is contrary to the statutorily required uniformity.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Resolution 399-04 is hereby rescinded, repealed and is of no force or effect; and

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Keyport that any connection fees for water and sewer at 321 Main Street shall be in conformity with the rates and fees established by Ordinance No. 8-04 finally adopted on May 18, 2004.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

20. Resolution No. 67-05, Repeal all previous referrals to Planning Board/Redevelopment

WHEREAS, pursuant to the Local Redevelopment and Housing Law, the Borough Council of the Borough of Keyport may direct the Keyport Planning Board to conduct a preliminary investigation and public hearing to determine whether certain areas of the Borough are in need of Redevelopment in accordance with NJSA 40A:12A-6; and

WHEREAS, the Mayor and Council seek to have the Keyport Planning Board undertake a preliminary investigation of the property herein listed of Borough Blocks and Lots to determine whether it meets the criteria set forth in NJSA 40A:12A-5 as an area in need of redevelopment; and

WHEREAS, upon the completion of the preliminary investigation and hearing, the Keyport Planning Board must provide recommendations to the Mayor and Council as to the proposed redevelopment area.

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

1. That the Planning Board of the borough of Keyport is hereby authorized and directed to perform a preliminary investigation and hold a public hearing to determine whether the proposed area (or any portion thereof) described below is in need of redevelopment and to submit its recommendations to the Mayor and Council in accordance with NJSA 40A:12-1:

Block 141
Lots 14 and 15

2. Prior Resolutions (a) m 97-04 adopted February 17, 2004; (b) m 104-04 adopted March 2, 2004; (c) m 269-04 adopted August 3, 2004; and (d) m 270-04 adopted August 3, 2004 to the extent same pertained to the lands described in this Resolution and may still be in effect, are hereby rescinded.

3. That this Resolution shall be effective immediately.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller
Nays: None
Abstain: None
Absent: Councilman Wedick

ADJOURNMENT

Motion to Adjourn moved by Mr. Walling, second by Mr. Bergen with Ayes by all present.

Time of Adjournment: 9:25 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC
Borough Clerk

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk