Approved 9/5/06

Keyport, New Jersey
January 17, 2006

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

Mayor Merla called the meeting to order at 7:04 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Sheridan, Ortman. Absent: Councilman Bergen. Others present: Mr. Ebner, Borough Attorney and Mr. Antonucci, Borough Administrator.

RESOLUTION

1. Resolution #168-06, Closed Meeting - Personnel, Litigation, Labor Relations, Contract Negotiations

WHEREAS, the Mayor and Council of the Borough of Keyport propose to discuss the following subjects:

Personnel

1. Borough Clerk Retirement
2. Business Administrator Personal/Vacation Time
3. Police Department

Possible Litigation

1. St. John's United Methodist Church/Sewer Overpayment

Contract Negotiations

1. Interlocal with Board of Education for Janitorial/Handyman Services

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Council Chambers, Borough Hall for the purpose of discussing the following subjects:

Personnel, Possible Litigations and Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel conducted at said Closed Session shall be disclosed when the matters discussed are resolved and with regard to Labor Relations when negotiations are completed and a contract executed and this meeting shall continue in approximately 20 minutes.

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

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

Council went into Closed Session at 7:04 P.M. and this meeting was reconvened at 8:01 P.M.

Mayor Merla called the meeting to order at 8:09 P.M. and read

the Sunshine Law Notice. Councilman Hassmiller led the Pledge of Allegiance and a Moment of Silence.

Reverend Robert Williams, Second Baptist Church, said a prayer and spoke about Martin Luther King, Jr. Reverend Williams said in school children are learning more about who Martin Luther King was and what he stood.

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Sheridan, Ortman. Absent: Councilman Bergen. Others present: Mr. Ebner, Borough Attorney, Mr. Norbut, Borough Engineer and Mr. Antonucci, Borough Administrator.

PRESENTATION

Mayor Merla asked Pauline Redmond, former Tax Collector and Water/Sewer Utility Rent Collector, to come forward so that he could present her with flowers and a Retirement Clock Plaque. He said Mrs. Redmond retired in 2004 after 27 years of dedicated and loyal service to Keyport.

Mrs. Redmond thanked Mayor and Council.

Mayor Merla asked for a show of hands from people who received parking tickets this past Sunday; there were quite a few people in attendance. He said he spoke with Judge McLeod who cannot take directives from Mayor and Council. The Judge will work with the Prosecutor when the matters are heard in court on February 15th. Most of the people who received tickets were attending services at the Second Baptist Church. The Mayor apologized and said the tickets were not warranted. This matter was discussed in Closed Session. Tim Regan, Fire Chief, also received a ticket. Mayor Merla said the Borough will try to rectify the situation. Ticketing must be consistent. Mr. Wedick asked when the Borough decides to plow. He said the Police Department was enforcing an Ordinance that is on the books; they are doing their job.

The Mayor asked those who received tickets to contact him or Councilman Wedick. The Mayor said he will speak with the Police and Public Works Departments. This was not a major snowstorm, it was a dusting. An Atlantic Street resident said the plows already came by before the tickets were issued. Church Services start at 8:30 A.M. each Sunday. Leo Mania, Washington Street, said the last time cars were moved on Washington Street, the plows did not come down the street; the Borough needs to be consistent.

PERSONNEL HEARING

1. **Eleanor Sappah, Senior Public Safety Telecommunication Operator.** Charles McDonald, IUOE 68 Representative, requested this matter be held in closed session on February 7, 2006.

REPORTS OF COMMITTEES

Councilman Hassmiller; Fire: Mr. Hassmiller reported on the following. The Fire Department Report for December will be discussed by the Fire Chief. There was an accident with Engine 72. The truck was backing into the building and a car skidded into it; it is out of service (front right tire damage). There were no injuries in the accident. There was a question on the insurance.

A pool was pumped out at 46 Oak Street; the Fire Department will report at the second Council meeting. The Fire Department office received some furniture donated by Lucent Technologies. Mayor Merla said a Resolution must be done accepting the furniture; the Administrator has the list.

Councilman Walling: Public Works/Recycling/Property Maintenance: Mr. Walling reported on the following. There was no Recycling Meeting for December 2005. There was no report for the Harbor Commission. With regard to Property Maintenance, there was no report received from Mr. Regan.

Councilman Wedick; Police: Mr. Wedick reported on the following. Regarding the Juvenile Holding Room, there was a memo from the Chief that the bench needs to meet the proper requirements. A quote was received for $900.00.

Councilman Bergen; Finance and Redevelopment: Mr. Bergen was absent from this meeting.

Councilman Sheridan; Health/Recreation/Parks: Mr. Sheridan reported on the following. There will be a benefit on Sunday at 4:00 P.M. at McDonough's Pub for the troops in Iraq.

Councilman Ortman; Buildings & Grounds/Library: Mr. Ortman reported on the following. Mr. Ortman contacted Mr. Wesley of Keyport High School to televise Council Meetings and Planning Board Sessions. Students could get credits for videoing the sessions.

Administrator Antonucci: Mr. Antonucci had no report for this meeting.

Engineer Norbut: Mr. Norbut reported on the following. Signs will be changed at Main & 36 and at Broad & 36. On January 10th an issue was raised by the DEP on sheathing for the Bulkhead. They contacted Birdsall Engineering who reviewed the soil borings and sheathing. They have sent a letter saying that it is acceptable and composite. The DEP is still on track for bids and would like a letter on the composite. Mayor Merla said it is too late to change to steel since it is late in the day and it would be expensive. Mr. Sheridan asked if there was a problem in Deal with sheathing. Mr. Norbut said clay soil is more difficult; it would require a mandrill; the DEP would include this in the specifications. Mr. Antonucci said Deal is hitting clay; we won't have that problem. Mayor Merla said the JCP&L poles are leaners and he is meeting with Roberta Sheridan, JCP&L, on Tuesday and would like the Engineer to attend. The poles will be removed on the east side. Mayor Merla asked if the utilities could be put underground. Mr. Wedick asked if the standard tool (mandrill) was mandated; yes.

The DEP has a pre-qualified list of the bidders. Mr. Ortman asked if there would be lag time with the moving of the poles; this should be looked into. Mayor Merla said it could take 3 months and should be called into JCP&L now. Engineer Norbut said it will be the DEP's responsibility and they will replace them with decorative poles. The Mayor would like to get a copy of Woodmont's plans. Mr. Walling said JCP&L was on strike. Mayor Merla said an inventory of the poles was being done to reset the overloading on the poles. Mr. Sheridan asked what side the contractor would start on; Mr. Norbut said no side has been determined.

Attorney Wisniewski: Mr. Ebner did not have a report.

Mayor Merla: Mayor Merla reported on the following. An appointment to the Unified Planning Board Member is needed; he advised Donald Blanks of 23 Main Street will fill the vacancy. An appointment is needed for the Environmental Commission; Roy Cadoo will fill the vacancy. On Saturday January 28th at 11:00 A.M. there will be ribbon cutting ceremonies for 5 new businesses and he encouraged everyone to come out and support the businesses.

REPORTS OF DEPARTMENTS

September 2005

1. Fire Department

See full copy of this report on file with the Borough Clerk.

Submitted by Mike Walling, Fire Chief

November 2005

2. Librarian's Report

See full copy of this report on file with the Borough Clerk.

Submitted by Jacqueline LaPolla, Librarian

December 2005

3. Borough Clerk Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$	-0-	
TURN ON CHARGE		-0-	
WATER METER		-0-	
SEWER CONNECTION		-0-	
SEWER/POOL PERMIT		-0-	
WATER METER W/TO		-0-	
OTHER____________			
TOTAL WATER/SEWER	**$**	**-0-**	**CK #**

CURRENT ACCOUNT

BINGO LICENSE	$	-0-	
FIREARM & FINGERPRINTING		-0-	
LIMO LICENSES		-0-	
PHOTOCOPIES		80.25	
POSTAGE		1.20	
RAFFLE LICENSE		20.00	
TAXI LICENSE, DRIVER		-0-	
TAXI LICENSE, OWNER		-0-	
POLICE DEPT. ACCIDENT RPT.		261.00	
SEARCHES		-0-	
VENDING LICENSE		90.00	
LIQUOR LICENSE		-0-	
STREET OPENINGS		300.00	
FISH & WILDLIFE		1.00	
RECYCLING PERMITS		200.00	
PARKING PERMITS		-0-	
AUCTION		-0-	
OTHER: TOW TRUCK OPERATORS		550.00	
OTHER: SEASONAL SALES		50.00	
OTHER__________________			
TOTAL CURRENT	**$**	**1553.45**	**CK #3675**

ESCROW ACCOUNT

CASH REPAIR	$	108.00	CK #3676
TOTAL RECIEPTS	**$**	**1661.45**	

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

4. Tax Collector Report

2006 TAXES	$	45,760.06
2005 TAXES		204,041.39
2004 TAXES		57,381.25
INTEREST AND COSTS		23,303.65

MUNICIPAL COURT FINES	19,033.60
UNIFORM FIRE SAFETY	8,442.70
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	21,963.00
UNIFORM CONSTRUCTION CODE	12,220.00
ADMINISTRATIVE FEES	390.00
TAX SALE PREMIUM	111,000.00
INTEREST FROM GENERAL CAPITAL ACCOUNT	42,756.09
CMPTRA STATE AID	29,286.20
FALL ENERGY RECEIPTS	22,439.75
ALL OTHER MISCELLANEOUS REVENUE	24,280.04
TOTAL CURRENT RECEIPTS	**622,297.73**

WATER/SEWER RENTS	63,147.77
INTEREST AND COSTS	3,305.59
WATER/SEWER CONNECTION FEE	.00
TURN ON CHARGE	.00
NSF CHECK CHARGES	.00
POOL FILL PERMITS	.00
METER TEST	.00
METER INSTALLATION FEE	.00
METER WITH TURN ON CHARGE	400.00
DEMOLITION	.00
CELLULAR TOWER LEASE	12,268.21
TOTAL WATER/SEWER RECEIPTS	**79,121.57**

Submitted by Keri R. Stencel, Tax Collector

5. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
STATE DCA FEE	33	$ 293.00
CONSTRUCTION CERTIFICATES	2	199.00
PLUMBING	20	1,676.00
ELECTRICAL	23	1,978.00
BUILDING	17	2,631.00
FIRE SUB CODE	17	1,196.00
CODE ENFORCEMENT C OF O	33	895.00
TRANSFER OF TITLE C OF O	10	365.00
SMOKE DETECTOR INSPECTION	33	1,125.00
ZONING	8	80.00
200 FT. PROPERTY LIST	1	10.00
MISCELLANEOUS	1	25.00
COPIES	1	5.00
CONST. DEBRIS DEPOSIT	6	300.00
CONSTRUCTION VIOLATIONS	2	6,000.00
RE-INSPECTION	0	0.00
TOTAL		**$ 16,778.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2542	16,185.00
STATE FEE DUE, CHECK #2541	1,020.00
DEBRIS DEPOSITS 2004/2005, CHECK #2543	5,300.00

Submitted by Carole Cerase, Senior Permit Clerk

6. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$ 10,673.00**
DOG LICENSES	-0-
CAT LICENSES	-0-
MARRIAGE LICENSES	140.00
DOMESTIC PARTNERSHIP AFFIDAVITS	28.00
BURIAL PERMITS	180.00
DEATH CERTIFICATES	2880.00
MARRIAGE CERTIFICATES	290.00
BIRTH CERTIFICATES	-0-

POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	7155.00
MISCELLANEOUS	-0-

DISBURSEMENTS

CHECK #2868	-	BOROUGH OF KEYPORT MISC. ACCOUNT	10523.00
CHECK #2869	-	BOROUGH OF KEYPORT TRUST ACCOUNT	150.00
CHECK #	-	BOROUGH OF KEYPORT DOG ACCOUNT	-0-
CHECK #	-	NJ STATE DEPARTMENT OF HEALTH	-0-

Submitted by Anne R. Biagianti, Treasurer

7. Municipal Court

STATE FINES	$ 440.00
STATE SURCHARGE	852.00
STATE UNINSURED	523.00
COUNTY FUNDS	4,415.46
COUNTY FINES	6,077.50
MUNICIPAL FINES	6,077.50
MUNICIPAL COSTS	3,979.50
MUNICIPAL PARKING	910.00
MISCELLANEOUS	2,265.04

Submitted by Kathie Coffey, Court Administrator

2005 Year End Reports

8. Borough Clerk Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ 43,700.00
TURN ON CHARGE	-0-
WATER METER	2,300.00
SEWER CONNECTION	29,500.00
SEWER/POOL PERMIT	435.00
WATER METER W/TO	900.00
OTHER____________	
TOTAL WATER/SEWER	**$ 76,835.00**

CURRENT ACCOUNT

BINGO LICENSE	$ 980.00
FIREARM & FINGERPRINTING	883.00
LIMO LICENSES	320.00
PHOTOCOPIES	1,977.20
POSTAGE	7.83
RAFFLE LICENSE	1,040.00
TAXI LICENSE, DRIVER	200.00
TAXI LICENSE, OWNER	50.00
POLICE DEPT. ACCIDENT RPT.	5,823.00
SEARCHES	10.00
VENDING LICENSE	450.00
LIQUOR LICENSE	21,452.88
STREET OPENINGS	3,150.00
FISH & WILDLIFE	5.00
RECYCLING PERMITS	2,860.00
PARKING PERMITS	180.00
AUCTION	-0-
OTHER: TOW TRUCK OPERATORS	625.00
OTHER: SEASONAL SALES	50.00
OTHER: LIQUOR LICENSE APPLICATION	3.00
OTHER: RETURNED CHECK CHARGE	20.00

TOTAL CURRENT	**$**	**40,086.91**

ESCROW ACCOUNT

CASH REPAIR	$	4,681.50

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT RAMP PASSES	$	24,225.00
BAIT		1,503.50
ICE		516.25
TOTAL RBIT	**$**	**26,244.75**
TOTAL RECIEPTS	**$**	**147,848.16**

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

9. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$**	**57,166.80**
DOG LICENSES		4,923.80
CAT LICENSES		879.00
MARRIAGE LICENSES		1,400.00
DOMESTIC PARTNERSHIP AFFIDAVITS		84.00
BURIAL PERMITS		1,720.00
DEATH CERTIFICATES		28,185.00
MARRIAGE CERTIFICATES		2,805.00
BIRTH CERTIFICATES		50.00
POOL PERMITS		-0-
PLAN REVIEW		800.00
FOOD HANDLERS		13,680.00
MISCELLANEOUS		3,270.00

DISBURSEMENTS

CHECK #2868	-	BOROUGH OF KEYPORT MISC. ACCOUNT	50,669.00
CHECK #2869	-	BOROUGH OF KEYPORT TRUST ACCOUNT	1,325.00
CHECK #	-	BOROUGH OF KEYPORT DOG ACCOUNT	4,241.00
CHECK #	-	NJ STATE DEPARTMENT OF HEALTH	931.80

Submitted by Anne R. Biagianti, Treasurer

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

COMMUNICATIONS & PETITIONS

1. Street Opening Application from NJ Natural Gas for 55 Chandler Avenue (new construction).

   Motion to Approve and refer to George Sappah and the Borough Engineer moved by Mr. Walling, second by Mr. Ortman with Ayes by all present.

2. Fire Department Membership Application from Michael Therien for Engine Company No. 2 (contingent upon State approval)

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

NEW BUSINESS

1. **New Pay to Play Law, Chapter 271, PL 2005.** This matter was referred to the Borough Attorney on a motion made by Mr. Walling, seconded by Mr. Wedick with Ayes by all present.

2. **Receipt of 2004 Audit.** Mr. Wedick asked why this is 9 months late when it was due in April. He requested the Auditor be asked and that they respond in writing. Mr. Wedick asked Mr. Antonucci to call the Auditor to find out when we will receive the 2005 audit.

3. Mr. Walling mentioned this is Mrs. Poling's last meeting. He said he commended her when he was voted out of office his last term. He said the Borough is fortunate to have Allyson M. Cinquegrana back.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:50 P.M. Rowland Seckinger, Environmental Commission, said there will be a Reorganization at the Environmental Meeting and a training session on January 24th (it will be televised). Sandy Batty from the NJ Environmental Commission will speak. They will be working on the Abigail Faire Site Plan Review. The Planning Board was invited to attend this meeting. The Open Space Draft Plan is out and we need to appoint a representative. There have been requests for additional housing and Keyport has a deficit in Open Space. The DEP, League of Municipalities and others are creating sustainable communities. There will be a meeting on this matter on January 31st and a Borough Representative should attend. The Bayshore Regional Watershed Dredging Alliance also needs a Borough Representative. Mr. Sheridan said he has attended once. Mayor Merla said an inventory will be done in the summer and we should involve school children to help identify bad drains. The Monmouth County Mosquito Commission has cleaned the drains on the County Roads, but will now do all roads. Mr. Chudzick's students may be involved; the Mayor will speak with him.

Bob Ludwig, 50 Beers Street, asked about the e-mail server cost. He said at the Environmental Commission meeting, use variance approvals were discussed by members who were not present. Mr. Menna's information was not consistent with land use law or the Master Plan. Some members were not in attendance at the Application Hearing which includes exhibits and some members not knowing the requirements just listened to the audio record. There are stringent requirements that need to be known. The Planning Board may not have a valid recording; videoing may help part of the problem.

There being no other members of the audience who wished to be heard, the meeting was closed to the public at 9:00 P.M.

RESOLUTIONS

2. Resolution #68-06, Approve Judith L. Poling, Borough Clerk, Retirement Settlement, as amended

WHEREAS, the Borough Clerk, Judith L. Poling, is retiring on January 31, 2006, and

WHEREAS, during her tenure, the Borough Clerk, Judith L. Poling, has accrued unused sick, vacation and compensation time, and

WHEREAS, the Borough Clerk, Judith L. Poling, will utilize her vacation and personal time accrued in calendar year 2006 before her retirement, but will accrue her sick time for calendar year 2006, and

WHEREAS, in accordance with the Borough of Keyport Employee Handbook and Collective Bargaining Agreement between the Borough of Keyport(Department of Public Works) and the International Union of Operating Engineers Local 68-68A-68B, AFL-CIO, the analysis of the Borough Clerk's accrued time, as determined by the Chief Financial Officer of the Borough of Keyport (which is incorporated herein and made a part hereof by reference), is set forth below,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough Clerk, Judith L. Poling, is to be compensated upon her retirement for her accrued unused sick, vacation, compensatory and personal time as follows.

1. Sick Time. Fourteen Thousand Dollars ($14,000.00) for accrued sick time calculated as follows; one thousand seven hundred fifty three and one hundred twenty five on thousandths hours (1,753.125) in unused sick time, at an hourly ate of Thirty Dollars and Forty One Cents ($30.41): for a total of Fifty Three Thousand Three Hundred Twelve Dollars and Fifty Three Cents ($53,312.53) reduced pursuant to the Collective Bargaining Agreement which permits payment for a maximum of 55% of the unused accumulated sick days, up to a maximum amount of Fourteen Thousand Dollars ($14,000.00).

2. Vacation Time. Eleven Thousand Eight Hundred Fifty Nine Dollars and Ninety Cents ($11,859.90) for unused vacation time calculated as follows; three hundred and ninety hours (390) of unused vacation time, at an hourly rate of Thirty Dollars and Forty One Cents ($30.41).

3. Compensatory Time. Twenty Thousand Six Hundred Thirty Two Dollars and Ten Cents ($20,632.10) for unused compensatory time calculated as follows; Four Hundred Fifty Two and Twenty Six One Hundredths Hours (452.26) at an hourly rate of Forty Five Dollars and Sixty Two Cents ($45.62)

4. Resulting in a net grand total of Forty Six Thousand Four Hundred and Ninety Two Dollars ($46,492).

5. Payments of her accrued time are to be made as follows: Seven Thousand Dollars ($7,000.00) upon the adoption of the municipal budget in the year of her retirement, 2006, with the balance to be paid in three (3) equal installments upon the adoption of the municipal budget in the three subsequent years, 2007, 2008 and 2009.

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

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

3. Approve Borough Administrator's 2006 Personal/Vacation days. This Resolution was held.

4. Resolution #69-06, Payment of Bills

CURRENT	$1,260,905.24
WATER/SEWER	445,727.85
GENERAL CAPITAL FUND	57,404.82
TRUST OTHER FUND	1,020.39
RECREATION BAYFRONT	79.84
WATER/SEWER CAPITAL	9.40

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

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

5. Appoint Recycling Committee Alternate Member - This Resolution was held.

6. Purchase of E-Mail Exchange Server (not to exceed $17,500) - This Resolution was held.

7. Resolution #70-06, Allow Eligible Employees to Waive Health Insurance Coverage

WHEREAS, the Borough of Keyport adopted Resolution 322-04 which authorized a flexible benefit plan per Internal Revenue Code Section 125 which allows pre-tax income to fund certain child or dependant care costs, un-reimbursed medical expenses and insurance premiums; and

WHEREAS, since the Borough has adopted a Section 125 Plan, it is eligible to permit employees, who receive health care benefits as a dependent of their spouse, to waive coverage and receive an incentive. The incentive cannot exceed 50% of the amount saved by the municipality because of the waiver of benefits.

WHEREAS, the Borough of Keyport wishes to allow eligible employees to waive health insurance coverage and receive an incentive,

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, in the County of Monmouth , that the Borough establish an incentive of 30% of the amount saved by the municipality if an eligible employee opts to waive health insurance coverage,

BE IT FURTHER RESOLVED that the Administrator of the Borough is hereby authorized and directed to execute all documents to implement this plan.

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

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

8. Resolution #71-06, Authorize Grant Application to State - $10,000.00/Sidewalk Replacement, Senior Center

WHEREAS, the Borough of Keyport desires to apply for and obtain funding from the State of New Jersey for $10,000 to carry out a project for sidewalk replacement at the Keyport Senior Center;

BE IT THEREFORE RESOLVED, that the Borough of Keyport does hereby authorize the application for such funds; and upon receipt of the funding agreement from the State of New Jersey, does further authorize the execution of the funding agreement; and also upon receipt of the fully executed agreement from the State does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Keyport and the State of New Jersey;

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

JOHN J. MERLA, MAYOR
JUDITH L. POLING, BOROUGH CLERK

Mr. Walling asked if the project cost $10,000, are quotes needed; this is a lot of money. Wendy Tooker, Senior Center Director, received quotes. Mr. Walling requested a copy of the quotes received.

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

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

9 Resolution #72-06, Authorize Grant Application to State - $50,000/Roadway Improvements

WHEREAS, the Borough of Keyport desires to apply for and obtain funding from the State of New Jersey for $50,000 to carry out a project for roadway improvements;

BE IT THEREFORE RESOLVED, that the Borough of Keyport does hereby authorize the application for such funds; and upon receipt of the funding agreement for the State of New Jersey, does further authorize the execution of the funding agreement; and also upon receipt of the fully executed agreement form the State does further authorize the expenditure of funds pursuant to the terms of the agreement between the Borough of Keyport and the State of New Jersey;

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement, and any other documents necessary in connection therewith and act as representatives of the aforementioned organization:

JOHN J. MERLA, MAYOR
JUDITH L. POLING, BOROUGH CLERK

Mr. Sheridan asked if there was a priority list for the $50,000. It would go toward the raising of First Street.

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

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

10. Resolution #73-06, Approve Interlocal Agreement

WHEREAS, the Municipal Complex and Senior Center are in need of janitorial and cleaning services, and

WHEREAS, the Mayor and Council are of the opinion that it is cost effective to janitorial and cleaning services for the Municipal Complex and Senior Center performed through an interlocal agreement for said services with the Keyport Board of Education; and

WHEREAS, pursuant to N.J.S.A. 40:8A-1 et seq., the Borough of Keyport is authorized to facilitate and promote interlocal and regional service agreements; and

WHEREAS, the utilization of an interlocal agreement for janitorial and cleaning services with the Board of Education will enable the Borough to provide said services and will result in a cost savings to the Borough and citizens of Keyport.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council that the Interlocal Agreement with the Keyport Board of Education (the "Interlocal Agreement") is approved and the Borough Business Administrator is authorized to execute the Interlocal Agreement with the Keyport Board of Education for janitorial and cleaning services for the municipal complex and senior center in accordance with the terms and provisions of the Interlocal Agreement which is attached hereto and made a part hereof by reference.

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

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

11. Resolution #74-06, Reject Bids on Janitorial Services

WHEREAS, the Mayor and Council of the Borough of Keyport have advertised for the receipt of bids for janitorial and cleaning services for the Municipal Complex and Senior Center, and

WHEREAS, The First Occupational Center of New Jersey, Control Building Services, Inc., Del Rose Cleaning Service and TME Building Maintenance, Inc. submitted bids in response to the advertisements for the same, and

WHEREAS, the Mayor and Council have reviewed the bids submitted and have determined to reject all bids pursuant to N.J.S.A. 40A:11-24(a).

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

All bids for janitorial and cleaning services for the Municipal Complex and Senior Center of the Borough of Keyport submitted by the aforementioned entities are hereby rejected.

Offered for adoption by Mr. Walling, second by Mr. Sheridan
Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Sheridan, Ortman
Nays: None
Abstain: None
Absent: Councilman Bergen

12. Resolution #75-06, Authorize Craftsmen Railing to Repair the Bench in the Juvenile Detention Center

WHEREAS, there is presently a bench in the Juvenile Detention Center which does not meet the requirements of the Juvenile Justice Commission, and

WHEREAS, the Mayor and Council of the Borough of Keyport wish to bring the bench in the Juvenile Detention Center into compliance with the requirements established by the Juvenile Justice Commission, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-3 permits the Borough of Keyport to award a contract without public advertising for bids and bidding when the aggregate cost or price of a contract does not exceed twenty one thousand dollars ($21,000.00).

WHEREAS, the Borough Business Administrator received a quote of nine hundred dollars ($900.00) to bring the bench in the Juvenile Detention Center into compliance with the requirements established by the Juvenile Justice Commission, and

WHEREAS, 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 as follows;

The Borough Business Administrator is authorized to contract with Craftsman Railing for repairs to bring the bench in the Juvenile Detention Center into compliance with the requirements of the Juvenile Justice Commission for an amount not to exceed nine hundred dollars ($900.00) pursuant to Craftsmen Railing's proposal which is attached hereto and made a part hereof by reference.

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

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

13. Resolution No. 76-06, Approve the Use of Composite Sheet Piling (CSP) for the Borough's Bulkhead Replacement Project.

WHEREAS, the Mayor and Council of the Borough of Keyport wish to promote the use of the municipal waterfront, and

WHEREAS, the use of the municipal waterfront requires the replacement of the existing bulkhead, and

WHEREAS, the Mayor and the Borough Council are aware that the current bulkhead is in poor condition, and

WHEREAS, the Mayor and Borough Council recognize that it would be in the best interest of the citizens of Keyport to replace the existing bulkhead for their enjoyment and use, and

WHEREAS, the Borough's project design firm, Birdsall Engineering, recommends the use of Composite Sheet Piling (CSP) in the bulkhead replacement project, and

WHEREAS, Birdsall Engineering Inc. posses the necessary professional and technical competence to provide design plans and engineering services for the bulkhead replacement, and

WHERAS, 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 approval is hereby granted for the use of Composite Sheet Piling (CSP) in the Borough of Keyport's bulkhead replacement project, pursuant to the recommendation of Birdsall Engineering.

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

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

ADJOURNMENT

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

Time of Adjournment: 9:01 P.M.

These minutes were typed based on the notes taken by Judith L. Poling, Borough Clerk.

apprv 3/6/07

Keyport, New Jersey
February 6, 2007

Minutes of the Special Meeting of the Mayor and Council, held on the above date in the Council Chambers, Borough Hall, 70 West Front Street, Keyport, New Jersey pursuant to being called by Mayor and Council. Notice was forwarded to the Asbury Park Press, Courier, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Board in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Bergen called the meeting to order at 6:06 P.M. and The Borough Clerk read to Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Sheridan, Ortman, Walling, Hill, Bolte. Absent: Councilmembers Hassmiller. Others Present: Peter Valesi, Borough Administrator, Ken Ebner, Borough Attorney, Raymond Laytham, Esq., Charles Merla

PRESENTATION

1. Mr. Laytham made presentation to Mayor and Council. Charles Merla was given the oath by Ken Ebner, Esq. Mr. Laytham asked Charles Merla questions regarding the Person-to-Person and Place-to-Place transfer. The Application is for three floors, the basement will be used for small parties or a waiting area. The start-up will be in 4-6 weeks. Mark Castenada is a Partner of LLC. The license was four seasons license and now a pocket license will be a 7 day a week application for lunch and dinner.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 6:13 P.M.

Bob Ludwig, Application Revised? Yes, Questioned the sketch and answers in the application.

Mike Lane, 11/20/06 Revised Application Sketch and Photographs. Will there be a deck? Building Department would not allow it; that is no longer part of the application. Mr. Lane reviewed the application sketch.

Applicant #1, Application-Sketch-2 photos & application

Mike Lane, Due consideration to hours of operation Photos - marked as Applicant #2. J. Merla was Mayor at the time; that is not the case now. Mr. Lane asked for the Purchase Agreement from Jolie Schwartz.

Ray Laytham gave up interest for $1.00

Lane #2 - Page 10A with ad from 2004 and summary on three applications that Mr. Charles Merla has been involved in.

R. Laytham gave 2 renunciations from John Merla and Joe Merla dated October 2006.

Mayor addressed ownership of license. Must be acted on by the Governing Body before any change is made.

Lane #3 - Title Search and Mortgage
RL - Mortgage was discharged by Ken Schwartz not a member of LLC - will provide documentation.

Mike Lane, How do you differentiate between the LLCs (for the Building and for the License) Ques 10.10 - who is the LLC Ray Latham or Charles Merla. Mr. Laytham states he did the initial filing.

Mike Lane, as of yesterday, it is Ray Laytham.

Bob Ludwig, the applicant should re-file the application. It is not the role of the Borough to write the application. We need a clean set of documents by the applicant.

Mike Lane, what would the hours be for the outside deck?

Henry Renkevich, conducts Finances for the Merla's down 4th generation in Keyport. Everything is above Board and filed on time. We need an Italian Restaurant in Town.

Rowland Seckinger, Fire Museum, we have no objection to the application.

Joe Sheridan, the restaurant is a great idea. Asked about closing time in the summer. The American Legions Patio must close at 11 P.M.outside.

Charles Merla, there are multi-reasons for a patio. One reason is smoking, etc.

Joe Sheridan, Concerned about drinking and smoking right next to Dunkin Donuts were children pass it.

Charles Merla, The tables are for eating. Alcohols served to tables are semi-private with Arborvitaes (greenery)

William Ortman, The diagrams shows a stage area? Will there be live acts? The Stage is inside.

Charles Merla, The stage has multi-use for bands. Alter would have tables and chairs. Captain Mitchell will give his report once report is completed.

George Walling, Asked whether there is involvement with Bulkhead? Only fiduciary.

Ray Laytham, I did not understand what is lacking everything has been provided to the Police Captain.

Mayor Bergen, Council will consider all documents

Ray Laytham has provided:

- Lease agreement between LLC
- Proof of Mortgage Discharge
- Consent to Transfer from Jolie

Christian Bolte, Asked what the break is up of the 99 seats, not sure. 1st floor - ½ mezzanine - 40%, (2 Bars) some in Basement. Still have questions on building and entertainment.

George Walling, Patio for smoking, food & drinks Permissible? Ken Ebner, Borough Attorney will look into it.

Motion made and carried to continue hearing on February 20, 2007 at 6 P.M.

ADJOURNMENT

Motion to Adjourn moved by Mr. Sheridan, seconded by Mr. Hill will Ayes by all present.

Time of Adjournment: 7:13 P.M.