

January 18, 2005
Keyport, New Jersey

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Municipal Complex, 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 Meeting Act, P.L. 1975, Ch. 231.

In the absence of Mayor Merla, Councilwoman Atkins called the meeting to order at 7:09 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Doyle, Bergen, Walling Hassmiller. Absent: Councilman Wedick. Others present: Mr. Wisniewski, Borough Attorney, and Mr. Palamara, Administrator.

Mayor Merla arrived at 7:12 PM

RESOLUTION

1. Resolution #68-05, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Legal Representation for Police Officer
2. Code Enforcement/Zoning Officer Positions
3. Public Works Supervisor Position
4. Borough Administrator Position

Litigation

1. West Furniture Property

Contract Negotiations

1. Municipal Complex
2. Verizon Lease

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 Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations 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. Bergen, seconded by Mr. Doyle

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Walling, Hassmiller
Absent: Councilman Wedick

Council went into Closed Session at 7:13 P.M. and this meeting was reconvened at 8:03 P.M.

Mayor Merla called the meeting to order at 8:09 P.M. and read the Sunshine Law Notice. Councilman Bergen led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Doyle, Bergen, Walling, Hassmiller. Absent: Councilman Wedick. Others present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer and Mr. Palamara, Administrator.

APPEARANCE/DISCUSSION

1. Arnie Schwartzman/Town Planner

Mr. Schwartzman presented a calendar which other municipalities have. It would be distributed to all homes at no cost to the Borough, only mailing. For Union Beach and Keyport that would be approximately 6500 copies. Freehold pays 16 cents per piece. The Borough would put the labels on. He will go to the KBA for the businesses to pay for the calendar. The information would be for a 2006 calendar. The matter was referred to Mayor Merla.

The Courier also has a proposal for the Newsletter. Mr. Bergen said it would be looked over at budget time.

APPROVAL OF MINUTES

Minutes of the Special Meeting of December 14, 2004 were approved as corrected on motion of Mr. Doyle, seconded by Mrs. Atkins with Ayes by all present.

COMMITTEE REPORTS

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins reported on the following. She read the First Aid report for the Month of December. For the end of the year 2004, there were 966 calls, 787 in Keyport, 16 in Union Beach, 66 in Aberdeen, 10 in Matawan, 4 in Hazlet and 15 in other municipalities. She asked for support as they are all volunteers and receive no pay. The Drug Alliance Grant for 2005 is for \$37,400 vs \$14,000 in 2002. Keyport received 1 of the top 2 grants. There are 21 programs in 2005 and they service St. Joseph School and second grade to High School in Keyport schools. In the month of December, poster were put up, it was Drunk Driving & Abuse month, there was a Smoke Out program and the TIGS program. Six and seventh graders had a smoking program. Barbara Hilliard is the Coordinator and there was a presentation on December 10th in Eatontown. There was a display on the outdoor signs of the Grammar School and High School and there was a wrecked car display. The Committee (which comprises a small amount of people) will be meeting on January 31st at 7 pm in the Borough Hall. A Family Guide is sent home.

Councilman Doyle; Buildings & Grounds/Library: Mr. Doyle reported on the following. A resignation has been submitted by Nancy Germek, Building and Grounds Maintenance Worker.

Councilman Bergen, Finance: Mr. Bergen reported on the following. There is an Ordinance on the books to fine stores that sell tobacco to minors; signs should be placed in the stores. With regard to Organizations, we should put an ad in the newspaper advertising for volunteers to fill vacancies. Budget preparation has begun for February 10, 2005. There was an oversight on Engineering from Birdsall to T&M. Mr. Bergen said "Shame on You"; the Building Department was called regarding a sidewalk on Main Street being blocked off. The sidewalk needs to be passable and cleaned up. The Contractor was sent a letter and he said he would clean the site up by Monday; the time has passed and tomorrow will be Wednesday. The storm drain is being compromised. Mr. Bergen asked George Sappah if it could be blocked off; no, all sites should be passable. The Mayor

said this property owner did not come before the Planning Board. Mr. Bergen asked if there were three separate lots? Mr. Palamara will check and will refer to the Building Department.

Councilman Wedick; Police. Mr. Wedick was absent.

Councilman Walling; Public Works/Recycling/Property Maintenance. Mr. Walling reported on the following. William Cerase, Property Maintenance Officer submitted his report for November and December 2004. Administrator Palamara sent a letter to Public Works regarding two trucks; this was referred to Mr. Bergen. He will attend the Recycling Meeting. A Committee is needed regarding the bulkhead.

Councilman Hassmiller; Fire: Mr. Hassmiller reported there is a Fire Department Meeting at the end of the month.

Administrator Palamara: Mr. Palamara reported on the following. The Department of Personnel is computerizing information; Mrs. Febo will travel to Trenton on Thursday and Friday. Engineer Norbut is putting together a report for the Water Plant. There is a meeting with the Department Committee on Thursday night, January 27, 2005. Mr. Bergen said the Engineer's report is needed in order to do the bonding. Engineer Norbut reported Ed Ranier said the Plant was O.K. last year; we should look at the larger picture for next year (clarifier and aerator). Mr. Bergen said we should look for the Shorelands Contract and extend the Diversion Rights.

Engineer Norbut: Mr. Norbut reported on the following. He will submit recommendation for capital improvements on Third Street, the Fishing pier, Sewer System, and Water Improvements. Mayor Merla asked what the cost would be. Mr. Norbut said there should be a general Engineer Account to draw from. Mr. Bergen said there may be some problems on Atlantic Street where the road comes together; there were water issues. There was a water problem on Third Street. The Mayor said there are people taking out their sewer and installing sump pumps under the sidewalk and into the road; there will be constant problems. Mr. Bergen said there should be letters sent regarding sump pumps (there are three sump pumps at Atlantic and Third Streets). Mr. Norbut said to install drainage would create a high price because the curb and roadway base would have to be replaced; this project should be done in phases starting at the low end. There could be two years and there will be icing.

Attorney Wisniewski: Mr. Wisniewski reported on the following. An Ordinance is needed for Open Space. There were letters received to acquire property; a letter will be sent to Mayor and Council. The Verizon Lease will be extended and they will further invest.

Mayor Merla: The Mayor reported on the following. In 1991, two anchors were donated and the Historical Society agreed the plaques would be mounted; one at Benjamin Terry Park and the other at the boat ramp. Quotes should be obtained for plaques. With regard to the Property Maintenance Officer's report, he said he was disturbed that there have only been three violations over the last two months.

The Mayor addressed Mr. Walling stating if the matter was averaged out for one year, less than five (5) complaints went to court and then replace the individual. Mr. Bergen said the Property Maintenance Officer should explain. Aberdeen and Holmdel are interested in joining in on revaluation; the Mayor is checking on others.

The Press wrote an article regarding the Office of Emergency Management and Second Baptist Church regarding Tsunami relief. A letter was sent to the Borough and Second Baptist Church regarding UNISEF donations. The school and a possible note in the tax bills to

each dwelling requesting a \$10.00 donation or new clothing. The drop off can be at Borough hall or the Second Baptist Church.

With regard to the Mosuleum site, only the Planning Board only reviews the case, the State has jurisdiction. It was asked if there are time restraints and if the set back would be 200' off of the road. The Borough Attorney will report back at the next meeting.

The Bayshore Conference of Mayors will organize in February. The appointments (Deputy Borough Clerk and Deputy Recycling Coordinator) that have been held over will expire in 30 days. Mr. Bergen said he is concerned about the structure. Attorney Wisniewski said there are only 30 days in which the Mayor can make the appointment and then it evolves to Council. The hold over continues into the position.

REPORTS OF DEPARTMENTS

November/December 2004

1. Property Maintenance Officer

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

Submitted by William R. Cerase, Property Maintenance Officer

December 2004

2. Borough Clerk

WATER/SEWER ACCOUNT

WATER CONNECTION	\$	-0-
WATER METER		-0-
TURN ON CHARGE		-0-
SEWER CONNECTION		-0-
SEWER/POOL PERMIT		-0-
WATER METER W/TO		-0-
DEMOLITION		-0-
TOTAL WATER/SEWER, CHECK #	\$	-0-

CURRENT ACCOUNT

BINGO LICENSE	\$	1,490.00
GUN PERMITS & ID'S		169.00
LIMO LICENSE		-0-
PHOTOCOPIES		70.25
POSTAGE		.37
RAFFLE LICENSE		-0-
TAXI LICENSE, DRIVER		-0-
TAXI LICENSE, OWNER		-0-
POLICE DEPT ACCIDENT REPORT		531.00
SEARCHES		-0-
VENDING LICENSE		-0-
PEDDLER LICENSE		-0-
LIQUOR LICENSE APPLICATION		3.00
STREET OPENING		300.00
FISH & GAME		3.00
NEWSPAPER VENDING MACHINES		-0-
RECYCLING PERMITS		60.00
PARKING PERMITS		-0-
AUCTION LICENSES		-0-
TOW TRUCK LICENSES		500.00
TOTAL CURRENT, CHECK #3632	\$	3,126.62

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	\$	-0-
BAIT		-0-
ICE		-0-
ICE CREAM		-0-
SODA		-0-

TOTAL RBIT, CHECK # \$ -0-

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3633 \$ 108.00

TOTAL RECEIPTS \$3,234.62

Submitted by Judith L. Poling, Borough Clerk

3. Tax Collector's Report

2005 TAXES	\$ 40,599.64
2004 TAXES	178,376.64
2003 TAXES	26,071.72
INTEREST AND COSTS	10,434.32
MUNICIPAL COURT FINES	14,786.22
UNIFORM CONSTRUCTION CODE FEES	13,801.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	29,117.98
POLICE ACCIDENT REPORTS	531.00
LANDLORD REGISTRATION	465.00
NJ STATE AID	51,725.95
DUE TO CURRENT FROM OTHER ACCOUNTS	264,675.77
ADMINISTRATIVE FEES	110.00
ALL OTHER MISCELLANEOUS REVENUE	27,309.00
TOTAL CURRENT RECEIPTS	\$658,004.24

WATER & SEWER RENTS	\$201,377.39
INTEREST AND COSTS	1,312.05
WATER/SEWER CONNECTION FEE	-0-
TURN ON CHARGES	-0-
NSF CHECK CHARGES	-0-
POOL FILL PERMITS	-0-
WATER METERS WITH TURN ON	-0-
NEW METER CHARGE	-0-
METER TEST CHARGE	35.00
CELLULAR TOWER LEASE	11,751.51
DEMOLITION	-0-
DUE TO/FM GENERAL CAPITAL	108,000.00
TOTAL WATER/SEWER RECEIPTS	\$322,475.95

Submitted by Keri R. Stencel, Tax Collector

4. Building Department Report

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
STATE DCA FEE	42	\$ 867.00
CONSTRUCTION STATE FEE	2	289.00
PLUMBING PERMITS	20	1,686.00
ELECTRICAL PERMITS	19	1,432.00
BUILDING PERMITS	26	7,888.00
FIRE SUB CODE	12	756.00
CODE ENFORCEMENT/C OF O	35	885.00
TRANSFER OF TITLE	13	455.00
SMOKE DETECTORS	35	1,180.00
ZONING	10	100.00
200 FT PROPERTY LIST	1	10.00
MISCELLANEOUS	2	50.00
COPIES	0	-0-
CONSTRUCTION DEBRIS DEPOSIT	3	150.00
CONSTRUCTION VIOLATIONS	0	-0-
CONSTRUCTION REINSPECTION	0	-0-
TOTAL		\$ 15,748.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2491	14,731.00
STATE FEE DUE - 4 TH QTR 2004, CHECK #2492	1,470.00

Submitted by Carole Cerase, Senior Permit Clerk

5. Board of Health

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$10,148.00
DOG LICENSES	-0-
CAT LICENSES	-0-
MARRIAGE LICENSES	28.00
DOMESTIC PARTNERSHIP AFFIDAVITS	-0-
BURIAL PERMITS	200.00
DEATH CERTIFICATES	1,630.00
MARRIAGE CERTIFICATES	150.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	8,140.00
MISCELLANEOUS	-0-

DISBURSEMENTS

Check #2823 - Borough of Keyport Misc. Account	\$10,123.00
Check #2824 - Borough of Keyport Trust Account	25.00
Check # - Borough of Keyport Dog Account	-0-
Check # - NJ State Dept. of Health	-0-

Submitted by Anne R. Biagianti, Treasurer

6. Municipal Court Report

STATE FINES	\$ 131.00
STATE SURCHARGE	454.00
STATE UNINSURED	222.00
COUNTY FUNDS	4,109.28
COUNTY FINES	4,531.75
MUNICIPAL FINES	4,531.75
MUNICIPAL COSTS	3,586.00
MUNICIPAL PARKING	1,646.00
MISCELLANEOUS	2,598.72

Submitted by Kathie Coffey, Court Administrator

7. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

Year End Reports for 2004

8. Borough Clerk

WATER/SEWER ACCOUNT

WATER CONNECTION	\$ 28,421.46
WATER METER	240.00
TURN ON CHARGE	-0-
SEWER CONNECTION	11,000.00
SEWER/POOL PERMIT	525.00
WATER METER W/TO	1,800.00
DEMOLITION	1,800.00
TOTAL WATER/SEWER	\$ 43,786.46

CURRENT ACCOUNT

BINGO LICENSE	\$ 1,490.00
GUN PERMITS & ID'S	470.00
LIMO LICENSE	280.00
PHOTOCOPIES	1,340.50
POSTAGE	13.13

RAFFLE LICENSE	560.00
TAXI LICENSE, DRIVER	75.00
TAXI LICENSE, OWNER	250.00
POLICE DEPT ACCIDENT REPORT	4,987.00
SEARCHES	10.00
VENDING LICENSE	845.00
LIQUOR LICENSE FEES	21,889.02
STREET OPENING	3,975.00
FISH AND WILDLIFE	8.00
RECYCLING PERMITS	2,760.00
PARKING PERMITS	160.00
AUCTION LICENSES	-0-
TOW TRUCK LICENSES	500.00
LIQUOR LICENSE APPLICATION	9.00
TOTAL CURRENT	\$ 39,640.65

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	\$ 30,015.00
BAIT	1,411.75
ICE	467.00
ICE CREAM	-0-
SODA	-0-
TOTAL RBIT	\$ 31,893.75

ESCROW ACCOUNT

CASH REPAIR DEPOSIT	\$ 3,078.00
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TOTAL RECEIPTS	\$118,398.86
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Submitted by Judith L. Poling, Borough Clerk

9. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE \$46,548.80

DOG LICENSES	\$ 6,027.40
CAT LICENSES	1,187.40
MARRIAGE LICENSES	1,260.00
DOMESTIC PARTNERSHIP AFFIDAVITS	84.00
BURIAL PERMITS	1,455.00
DEATH CERTIFICATES	14,295.00
MARRIAGE CERTIFICATES	2,150.00
BIRTH CERTIFICATES	145.00
POOL PERMITS	-0-
PLAN REVIEW	300.00
FOOD HANDLERS	14,415.00
MISCELLANEOUS	5,230.00

DISBURSEMENTS

BOROUGH OF KEYPORT MISC. ACCT	\$38,134.00
BOROUGH OF KEYPORT TRUST ACCT	1,200.00
BOROUGH OF KEYPORT DOG ACCT	6,065.20
NJ STATE DEPT OF HEALTH	1,149.60

Submitted by Anne R. Biagianti, Treasurer

Motion to Accept reports as read moved by Mr. Bergen, seconded by Mr. Walling with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from James A. Carton regarding interest in purchasing Block 131, Lot 5.01.

Mr. Doyle asked if there was adverse possession? Mr. Carton is not a government entity. Mr. Carton will be advised that this will be addressed at the February 1, 2005 meeting.

Motion to refer to the Buildings and Grounds Committee and the Attorney and Assessor (for price) moved by Mr. Doyle, second by Mr. Walling with Ayes by all present.

2. Resignation from Nancy Germek, Library Board of Trustees Member, effective immediately.

Motion to Accept with Regret moved by Mrs. Atkins, second by Mr. Doyle with Ayes by all present.

3. Application from Jesus the Lord Church for Off Premise Draw Raffle, June 11, 2005.

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

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:08 P.M. Peter Panullo, 86-92 Broad Street, said there are water connection fees for his property and approvals were given for this property in 2003. Mr. Panullo said the Planning Board Attorney has wasted 6 months of his time. In 2004, the Ordinance for connection fees was changed. Mr. Panullo said he should be paying the old fees. There is an existing 1 inch connection and it can go to 1 ½" and an addition will be put on. There will be commercial establishments on the first floor and residential units on the second floor. Mr. Wisniewski asked Mr. Panullo if he was requesting a waiver of the new fees; all connection fees are treated equally. Mr. Bergen said there will be a new connection and the new fees have to be paid; the Ordinance was published and cannot be negotiated. The Plumbing Inspector will advise what size line will be needed. Mr. Wisniewski said people cannot be treated differently. Mr. Panullo said this is not fair. Mr. Bergen will respond to Mr. Panullo.

Michael Lane, 51 First Street, said Beach Park was discussed at the Harbor Commission Meeting. Woodmont Developers will go before the Planning Board this month with their enhancements. Mayor Merla said language should be put in the Resolution. Mrs. Atkins said the Recreation Commission sent a letter with recommendations. Mr. Bergen asked if cash donations could be accepted for Beach Park? There is a County Parks meeting regarding the Open Space Grant. There is a 50% match (\$175,000 from Woodmont plus a grant to develop the park). The Recreation Secretary has the Woodmont letter.

Mr. Lane said with regard to the Main Street drainage, there were three lots. There is a creek flowing with water. People who are requesting new construction should be required to provide a drainage plan to the storm sewer. Engineer Norbut will provide a sample Ordinance to this effect. There are trailers on Beers Street and West Front Street (one behind a restaurant); this is not allowed. Mr. Bergen asked if there is an Ordinance regarding construction materials.

Mr. Lane asked if the Redevelopment Project Resolution was passed? Yes. Mr. Litwin will contact Mr. Menna, Planning Board Attorney.

Kathy Shaw asked about the Cellular Tower Leases and the Water Tower. Information had been presented to paint the Tower and she will submit it to the Borough Attorney.

Robert Ludwig, 50 Beers Street, said with regard to the Tax Maps, there are registrations with nick names and other names on the lots. There is a County designation on the property. He asked if there was an automatic merger due to the zoning changes? There is a County discrepancy on the computer records. Mr. Ludwig asked about tractor trailers on Beers and West Front Streets; he suggested Councilmembers

Walling, Bergen and Merla do a walk through of the site; there are violations and the property has been turned into a dump. There is no stop sign at Monroe Street and Broad Street; there is a yield sign; Police Chief Gajewski said the State has not responded (it is a State U-turn).

Peggy Hayes, 55 First Street, said she has made repeated phone calls to the State which have been unanswered and requested the Borough Attorney step in. Mr. Bergen said he would like to call the employees to task and have them come to a Council Meeting and explain themselves. Ordinances have been introduced. Ms. Hayes said Mr. Dubleski is still doing it. The Borough received a grant for \$250,000 and Mrs. Hayes asked why the Borough is not assessing Woodmont \$250,000. Mr. Bergen said the Borough would use \$175,000 of Woodmont's money to match the County Grant. The Borough needs a plan for all of the parks. It was recommended the Borough apply to Green Acres and use that as a match to the County. Ms. Hayes asked if the Borough would consider consolidating services. Mayor Merla said we could share services with the Board of Education. We should try to shift services to the school. The Building Department is being looked at. Leaf Bags should be provided through the Construction Code Official.

Ms. Hayes asked about the sewer charge. The Mayor said the infrastructure is old and the rates were raised, the public was made aware of it. The sewer lines need improvements and should be TV'd. Mr. Bergen agreed the sewer lines should be TV'd and water is being bought from NJ American Water (this comes up in 2007); we need to convince the State to renew the contract. The rates were raised to help pay for infrastructure improvements. The Mayor said the State mandated the Borough to join and we were given an allotment with a number of years to draw from the Manasquan River Reservoir. Ms. Hayes said she did not get an answer. Mayor Merla said the Borough Council opposed the BRSA expansion; there are still septic tanks on properties.

The West Furniture property is before the Planning Board.

Robert Ludwig, 50 Beers Street, said there are Property Maintenance issues and the Borough should take the latest Health Ordinance and the latest Borough Ordinance. Mr. Ludwig asked if the Aeromarine property was a historic site? The Borough should get grants to preserve the site. Mr. Bergen said the Aeromarine property should be named in the Waterfront Redevelopment District.

There being no further question or comments from the public, the meeting was closed to the public at 10:00 P.M.

RESOLUTIONS

2. Resolution #69-05, Payment of Bills

See full copy of Resolution as pages - of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilman Wedick

3. Resolution #70-05, Approve and Authorize Execution of the Borough Attorney's Contract

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport have the need for legal services and

pursuant to NJSA 40A:9-139 shall appoint a municipal attorney; and

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

WHEREAS, John S. Wisniewski, Esq., has submitted a proposal and contract to perform legal services for the Borough of Keyport for an annual retainer of \$24,000.00 plus an hourly rate of \$130.00 per hour for work not covered in the annual retainer; 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 John S. Wisniewski, Esq., as Borough Attorney.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilman Wedick

4. Resolution #71-05, Therese Street Improvements - Release of Performance Bonds and Acceptance of Maintenance Bond

WHEREAS, the Mayor and Council of the borough of Keyport have previously authorized certain improvements to Therese Street which was contracted to Ace Manzo, Inc. and D. Manzo & Son, Inc. (the "Contractor") based upon their low bid submission; and

WHEREAS, the adjusted contract value as Certified by the Contractor and approved by Birdsall Engineering, Inc. is \$534,727.10; and

WHEREAS, the Contractor given a one (1) year Maintenance Bond, Bond No. MNT08312488, in the sum of \$534,727.10 naming the Contractor a Principal, the Borough of Keyport as Obligee and Fidelity and Deposit Company of Maryland as Surety; and

WHEREAS, Birdsall Engineering, Inc. has recommended to the Mayor and Borough Council of the Borough of Keyport that they release the Performance Guarantee; and

WHEREAS, the Borough Attorney has approved the form of the aforementioned Maintenance Guarantee.

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

1. The Performance Guarantee given by the Contractor as Principal to the Borough of Keyport as Obligee for improvements to Therese Street is hereby released.
2. The maintenance Bond, Bond No. MNT08312488 naming the Contractor as Principal, Borough of Keyport as Obligee and Fidelity and Deposit Company of Maryland and Surety is accepted.
3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, the Borough Engineer and the Borough Clerk, who shall retain a copy for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilman Wedick

5. Resolution #72-05, Improvements to Atlantic Street - Change Order No. 4 Final

WHEREAS, the mayor and Council of the Borough of Keyport have previously authorized certain improvements to Atlantic Street which was contracted to Ace Manzo, Inc. and D. Manzo & Son, Inc. (the "Contractor") based upon their low bid submission; and

WHEREAS, the Mayor and the Borough Council have received a request from the Birdsall Engineer, Inc. to consider Change Order No. 4 (Final), which upon final computation of the scope of the work and materials used for the improvements to Atlantic Street will result in a reduction of the total price of the project in the sum of \$10,719.57 for a total final adjusted contract value of \$398,469.41; and

WHEREAS, the Mayor and the Borough Council have reviewed Change Order No. 4 (Final) which will reduce the cost of the improvements to Atlantic Street and have resolved to approve of the said Change Order.

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

1. The Mayor and Borough Council of the Borough of Keyport hereby approve Change Order No. 4 (Final) as recommended by Birdsall Engineer, Inc., on January 5, 2005 for the improvements to Atlantic Street which reduces the final cost of the project by the sum of \$10,719.57.
2. The Mayor and Borough Council of the Borough of Keyport hereby approve of the aforementioned Change Order decreasing the contract value to \$398,469.41 for the completion of the Improvements to Atlantic Street.
3. Copies of the within Resolution shall be forwarded to the municipal Finance Officer, the Borough Engineer and the Borough Clerk who shall retain a copy for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilman Wedick

6. Keyport Commons, Block 103, Lot 1.03 - Release of Performance Bonds and Acceptance of Maintenance Bond - This was deleted from the agenda.
7. Resolution #73-05, Temporarily Appoint Robert Burlew as Zoning Official

WHEREAS, the Mayor and Council of the Borough of Keyport has suspended 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; and

WHEREAS, the Borough of Keyport needs to have a Zoning Official during this period; and

WHEREAS, Robert Burlew has agreed to temporarily serve the Borough of Keyport as Zoning Official during this period for the sum of \$450.00.

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

1. Robert Burlew is temporarily appointed Zoning Official for the Borough of Keyport for the period January 27, 2005 through February 25, 2005.
2. During the aforementioned period of time Robert Burlew has agreed to temporarily serve the Borough of Keyport as Zoning Official for the sum of \$450.00.
3. The temporary appointment of Robert Burlew as Zoning Official shall cease and terminate at 11:59 P.M. on February 25, 2005.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilman Wedick

8. Resolution #74-05, Temporarily Appoint John Beslanovitz as Fire Official

WHEREAS, the Mayor and Borough Council of the Borough of Keyport has suspended Anthony Vecchio from his positions of Code Enforcement Officer, Zoning Officer and Fire Official, without pay, for a period of 30 days effective January 27, 2005 through February 25, 2005; and

WHEREAS, the Borough of Keyport needs to have a Fire Official during this period; and

WHEREAS, John Benlanovitz has agreed to temporarily serve the Borough of Keyport as Fire Official during this period for no compensation.

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

1. John Beslanovitz is temporarily appointed Fire Official for the Borough of Keyport for the period of January 27, 2005 through February 25, 2005.
2. During the aforementioned period of time John Beslanovitz has agreed to temporarily serve the Borough of Keyport as Fire Official for no compensation.
3. The temporary appointment of John Beslanovitz as Fire Official shall cease and terminate at 11:59 P.M. February 25, 2005.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

Absent: Councilman Wedick

9. Resolution No. 75-05, Transfer Contract from Birdsall Engineering to T&M regarding Sanitary Sewer (Oswald)

WHEREAS, the Borough of Keyport has sanitary sewer infrastructure that is old and in need of repair and rehabilitation; and

WHEREAS, repair and rehabilitation of the Borough's sanitary sewer system will result in long term savings to the taxpayers; and

WHEREAS, it is necessary to completely examine the condition of the Borough's sanitary sewer network through a video inspection thereof in order to understand the scope and extent of the repair and rehabilitation work that may be necessary; and

WHEREAS, T&M Associates of Middletown, NJ posses the necessary professional and technical competence to coordinate and oversee the video inspection of the Borough's sanitary sewer network; and

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

WHEREAS, T&M Associates have submitted a proposal to coordinate and oversee the video inspection of the Borough's sanitary sewer network; 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 that the Mayor is authorized to execute a contract with T&M Associates to coordinate and oversee the video inspection of the Borough's sanitary sewer network for a fee not to exceed \$113,000.00

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Walling, Hassmiller

Nays: None

Abstain: None

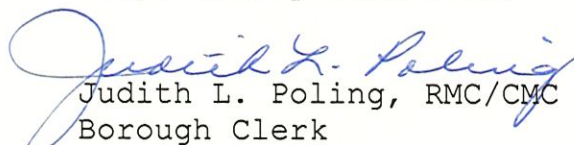
Absent: Councilman Wedick

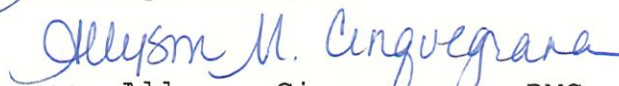
ADJOURNMENT

Motion to Adjourn moved by Mr. Hassmiller, seconded by Mr. Bergen with Ayes by all present.

Time of Adjournment: 10:02 P.M.

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk


per Allyson Cinquegrana, RMC
Deputy Borough Clerk

