Approved 8/21/07

Keyport, New Jersey
January 23, 2007

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

Mayor Bergen called the meeting to order at 7:00. Borough Clerk Allyson M. Cinquegrana read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Mayor Bergen, Councilmembers Hassmiller, Walling, Hill (7:11), Ortman, Bolte, Sheridan. Others present: Mr. Valesi, Borough Administrator and Mr. Ebner, Borough Attorney

RESOLUTION

1. Resolution #66-07, Closed Meeting - Personnel, Litigation, Labor Relations, Contract Negotiations

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

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

Mayor Bergen called the meeting to order at 8:08. Allyson M. Cinquegrana read the Sunshine Law Notice. Mr. Sheridan led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

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

PRESENTATIONS

Recreation Holiday Lighting Awards

HEARING ON ORDINANCE

1. Ordinance No. 2-07, Create Alternate Position for Recreation Commission.

The Clerk reports that the Ordinance was published and introduced in the Courier, issue of January 11, 2007 that the Affidavit of Publication is on file in the Borough Clerk office, that copies were posted on the Bulletin Board and made available to the public.

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING ORDINANCE 2-7.8 OF THE BOROUGH OF KEYPORT TITLED BOARD OF RECREATION COMMISSIONERS

The Hearing was opened to the public at 8:11 P.M. for comments or questions. Councilman Hill requested 3 alternates be appointed so that the committee can have a quorum. Mr. Walling asked how many meetings are allowed to be missed before a member is removed? Three unexcused then member is replaced. There being no further comments or questions, the meeting was closed to the public at 8:13 P.M.

Offered for adoption by Mr. Sheridan, seconded by Mr. Ortmann

Roll Call Vote: Ayes: Councilmember Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: None

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of January 25, 2007 moved by Mr. Walling, seconded by Mr. Hill with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance No. 3-06 Establish Stormwater Management Requirements and Controls

The Clerk reads the Ordinance by Title:

ORDINANCE ESTABLISHING MINIMUM STORM WATER MANAGEMENT REQUIREMENTS AND CONTROLS FOR DEVELOPMENT OF PROPERTY IN THE BOROUGH OF KEYPORT

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

Roll Call Vote: Ayes: Councilmember Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: None

1a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of January 25, 2007 for a Hearing to be held on February 6, 2007 moved by Mr. Walling, seconded by Mr. Sheridan with Ayes by all present.

2. Ordinance No. 4-07 Amended Chapter XVI, Streets, Sidewalks and Sanitization, Section 16-8.3 - Yard Waste Collection

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XVI, STREETS, SIDEWALKS AND SANITATION SECTION 16-8.3, YARD WASTE COLLECTION IN ITS ENTIRETY

Offered for adoption by Mr. Hassmiller, seconded by Mr. Hill

Roll Call Vote: Ayes: Councilmember Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: None

2a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of January 25, 2007 for a Hearing to be held on February 6, 2007 moved by Mr. Walling, seconded by Mr. Hill with Ayes by all present.

REPORTS OF COMMITTEES

Councilman Sheridan; Fire, First Aid & Emergency Services: Mr. Sheridan reported that on January 25 at 5 P.M. there will be a Fire and Budget Meeting. Mr. Sheridan thanked the Fire Chief for being at the meeting.

4. Property Maintenance gave their report for December 2006.
5. Municipal Court gave their report for October 2006.
6. Board of Health gave their report for December 2006.
7. Librarians gave their report for December 2006.
8. Borough Clerk gave her report for the Year End 2006.
9. Board of Health gave their report for the Year End 2006.
10. Property Maintenance gave their report for the Year End 2006.

Motion to accept all reports as read and file, moved by Mr. Sheridan second by Mr. Ortman with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Letter of Resignation from Anthony Vecchio as Fire Sub code Inspector.

   Motion to Receive and File moved by Mr. Walling, seconded by Mr. Hill with Ayes by all present.

2. Fire Department Application/Lincoln Hose Company from Philip Santiago (Contingent upon State Approval).

   Motion to Approve moved by Mr. Sheridan, seconded by Mr. Walling with Ayes by all present.

3. Letter from Keyport Harbor Commission regarding the Boat Ramp Hot Dog Lease for 2007.

   Motion to Receive and File/add Resolution moved by Mr. Walling seconded by Mr. Sheridan with Ayes by all present.

4. Street Open Application from NJ Natural Gas/89 Third Street/Syste Maintenance.

   Motion to Approve moved by Mr. Sheridan, seconded by Ms. Bolte w: Ayes by all present.

5. On Premise Cash Raffle License Application from St. Joseph PTA fc February 24, 2007.

   Motion to Approve move by Mr. Walling, seconded by Mr. Sheridan with Ayes by all present.

UNFINISHED BUSINESS

1. **2007 Tow Truck Operator Licenses.** Approve for 6 months until 4/30/07 and final determination. Captain says issues with applicants sharing locations.

   Applicants sharing locations. Police Captain

   Approve until 6/30/07 and final detail moved by Mr. Walling, seconded by Mr. Sheridan with Ayes by all present. Add a resolution.

2. **Osprey Nests** Mr. Sheridan said the Grant application will be in Friday, a lot of people seem to be interested. Mr. Seckinger mentions that a person with F&G will help with location and tha alot of people are willing to help, Troop 364, Maryann DeVarti, Pete Massas - A member of Audubon Associate, Bob Ludwig - Environmental Commission, DCs at Bayshore Water shed

   Mr. Sheridan is working with Mr. Chudzik on the supply cost whi ranges from $75 - $125. Verizon will give us $500.00 for the nest.

Councilman Hassmiller; Buildings/Grounds/Library: Mr. Hassmiller reported that the Old Municipal not bid. Now in B&G Comm.

Councilman Hill; Recreation: Mr. Hill reported that there is a Skate Park meeting on January 29 at 7 P.M.

Councilman Ortman; Police: Mr. Ortman reported he had a meeting with the Captain last week to discuss Budget. Fire Chief Larkin helped with Blood Borne Pathogen training. Saturday night was the Fireman's Ball.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling reported that PMO complained on Francis Street contacted AMC who contacted Rowland. Rowland already had a report with DEP to investigate. A Stop Work Order was issued. Filling in Wetlands. Read Rowland Steckinger's report. Feels he is doing a great job.

Councilwoman Bolte; Finance, Grants and Redevelopment: Ms. Bolte reported that she will be attending a Budget Meeting and will report back. Intro on 3/12/07. Thomas Fallon and the Borough Clerk will discuss with Mr. Valesi for Preliminary numbers. The area is in need of Rehabilitation. Working on a draft for the New Jersey Public Advocate Paperwork. Tuesday, January 30th is the Planning Board will look at.

Administrator Valesi: Mr. Valesi reported the Bulkhead is proceeding, tie backs this week with hours of operation in conjunction with the tides. Pier has been demolished. Contractor will put sign for traffic route. The rear parking lots will be open for businesses.

Website training took place; it is in construction mode it will be live in February, 2007. It will be updated regularly.

Water main break at Monmouth and Walling Friday. DPW was diligent. Replaced troubled mains - run with DPW commission. Not water quality issue. Financial problem lets discuss a plan after meeting with DPW Commission.

Storm Water Ordinance a DEP requirements. We are late in getting it done.

Mr. Sheridan asked the date and time for that next meeting? The meeting will be Mid-March.

Mr. Valesi stated that a letter to DEP is written.

Mr. Walling asked what is the project time line. 39 tie backs in; things progressing. Whaler on site 1/29/07 and then will have a better handle on the timeframe. On February 6th a time line will be presented.

Mr. Walling and Mr. Ortman stated that there needs to be a better hold on the project.

Mayor Bergen: Mayor Bergen reported that the 1st KBA meeting was held last night. Will discuss website with Mr. Valesi.

Attorney Ebner: Nothing to report

REPORTS OF DEPARTMENTS

1. Borough Clerk gave her report for December 2006.
2. Tax Collector gave their report for December 2006.
3. Building Department gave their report for December 2006.

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing	CURRENT ACCT	$ 1,019,285.87
	WATER/SEWER ACCT.	$ 391,244.71
	ANIMAL CONTROL ACCT.	$ 1,093.75
	GENERAL CAPITAL ACCT.	$ 163,103.11
	TRUST ACCT.	$ 150.00
	WATER CAPITAL ACCT.	$ 935.38
	EDMUNDS ESCROW ACCT.	$ 805.25
	ACCUTRACK ESCROW ACCT.	$ 93.00
	BD. OF REC. COMM. TRUST	$ 7,675.00

PASSED: January 23, 2007 APPROVED: January 23, 2007

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

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

4. Resolution #69-07 2005 ANNUAL AUDIT BOROUGH OF KEYPORT COUNTY OF MONMOUTH

WHEREAS, NJSA 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of NJSA 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27 BB-34; and

WHEREAS, the Local Finance Board has promulgated regulation requiring that a Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

And

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the Governing Body; and

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 Associate in the amount of Seven Thousand Dollars ($7,000) to provide nursing related services to the Borough of Keyport and the Keyport Board of Health for the period of January 1, 2007 through December 31, 2007.

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. Walling, second by Mr. Ortman.
Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte

Nays: None
Abstain: None
Absent: None

6. Resolution #71-07

WHEREAS, Administrative Clerk, Virginia Febo retired on December 31, 2006; and

WHEREAS, during her tenure, the Administrative Clerk, Virginia Febo, had accrued unused sick, vacation and compensation time; 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 Administrative Clerk's accrued time, as determined by the Borough Administrator of the Borough of Keyport is set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Administrative Clerk, Virginia Febo, is to be compensated upon her retirement for her accrued sick, vacation and compensatory time as follows:

1. Two equal installments of $15,534.14; the first to be paid in February 2007 and the second to be paid in September 2007.

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

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

Nays: None
Abstain: None
Absent: None

7. Resolution #72-07 RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR WARREN STREET AND COLUCO PLACE IMPROVEMENTS

WHEREAS, on or about May 16, 2006 the Borough of Keyport awarded a contract to Lucas Brothers, Inc. for the improvements to Warren Street and Coluco Place for the sum of Three Hundred and Fifty-Thousand Three-Hundred and Six Dollars ($350,306.00), and

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Municipal Collector of Water and Sewer Utility Rents;

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. Formal authorization is hereby given to refund $1,551.13 in water/sewer charges for account 60008000-0(formerly 1-1836006) - Brancato/Vallinin - 103 Main Street. The customer asked that the Borough go to his residence and check for leaks, due to a high water/sewer bill. Mr. Anthony Davino went to the site and discovered that the inside meter reading (212440) was lower than the outside register reading (236980). Therefore, and adjustment to his reading had to take place and it was determined that he is due a refund of $1,551.13.

2.

ACCOUNT #	NAME	AMOUNT	REASON
60008000-0	Brancato/Vallinin	1,551.13	Inside meter and outside register not matching customer due refund.

3. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

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

Nays: None
Abstain: None
Absent: None

9. Resolution No. 74-07 SET MILEAGE REIMBURSENT RATE FOR BOROUGH TRAVEL TO STANDARD REIMBURSEMENT RATE PUBLISHED BY INTERNAL REVENUE

WHEREAS, the Borough of Keyport current reimburses employees and other officials on Borough Business for mileage traveled in personal vehicles; and

WHEREAS, it is a benefit to the Borough for employees and officials on Borough business to utilize their personal vehicles while conducting business; and

WHEREAS, the United States Internal Revenue Services sets and consistently adjusts the allowable mileage reimbursement rate on a regular basis to account for inflation and price indexes.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council set the allowable mileage reimbursement rate to be in accordance with the prevailing rate set by the Internal Revernue Service.

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

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

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

13. Resolution #78-07 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT IMPLEMENTING A SETTLEMENT IN THE MATTER OF ST. JOHN'S UNITED METHODIST CHURCH V. BOROUGH OF KEYPORT

WHEREAS, St. John's Methodist Church filed a law suit against the Borough of Keyport alleging the overpayment of sewerage fees to the Borough of Keyport in the amount of Twenty-Seven Thousand Thirty-Five dollars and Thirty Nine Cents ($27,035.39), and

WHEREAS, the matter was mediated and a settlement offer was made on behalf of the Borough of Keyport to refund one half (1/2) of the amounts allegedly overpaid by St. John's Church, and

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the proposed settlement is in the best interests of the Borough of Keyport and its citizens,

WHEREAS, sufficient funds are available for this settlement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that St. John's United Methodist Church shall be reimbursed for one half (1/2) of their alleged overpayment of sewer charges in the sum of Thirteen-Thousand Five Hundred and Seventeen Dollars and Seventy cents ($13,517.70) to be paid by March 31, 2007.

A copy of the within resolution are to be supplied to the Business Administrator, the 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. Walling, second by Mr. Ortman

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

14. Resolution #79-07 TO AUTHORIZE SPECIAL MEETING

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the Governing Body on the following dates and times:

Tuesday, February 6, 2007, 6:00 P.M.

In the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, N.J. for the purpose of:

Holding a Hearing for Trinity, LLC - Person to Person and Place to Place Liquor License Transfer and other Business which may come before the Governing Body;

And

NEW BUSINESS

1. **Mr. Sheridan** asked about weekly meetings being posted on the Front Door. There was a complaint from 104 Warren Street regarding ice on the road. Mr. Valesi said that draining hazards and sump pump issue for freezing conditions and ice creating unlevel situation.

   Several option for sump pumps. Some sump pumps to must flow onto the street, but should be over land first. No ordinance for sump pumps.

   Mayor - sump pumps connected to sewer and creating a problem. All sump pumps connected to underground drainage on 3rd Street. Look at the area. Do not scrape 3rd Street ice as it will ruin the street. Mr. Sheridan and Mayor Bergen had pictures of the area. Speak with Mr. Anderson about draining sump pump on his property.

   Mr. Walling wanted to know didn't the Engineer report any possible problem at Warren & Coluco? None

   Model Ordinance - Red Bank Pay to Play redevelop Borough Clerk referred to CB of Finance.

2. **Mr. Walling** - Borough Clerk get pricing to replace Ex-Mayors name from Borough building. Mr. Merla pleads guilty and said he was innocent, Mr. Walling felt that was a disgrace.

3. **Ms. Bolte** - Pump out Boat meeting at Yacht Club from Sandy Hook to Perth Amboy. No funding is needed. Recreational boater can have someone get the boat cleaned without dumping into the Ocean.

   NJ Incident Management System Class by Mr. Marr. How to handle emergency from top to bottom. Good class and required by the state.

   Mayor - Hazlet Governing Body - Interlocal for their Swim Club. Please advise if interested.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 8:53P.M.

Brian of 7th Street, petition objecting to the Parking Ordinance. Many people would speak about it now. The petition was presented.

Mayor Bergen, it is the understanding to address parking at Green Grove apartments 1/3 of the spaces are open. Life threatening situation with parking on Green Grove. CF was to meet with residents and letters were to go out. Try to eliminate parking by apartment members and commuters on Side Street.

Seventh Street resident pushed off street by Police and ticketed not Green Grove Avenue. Intent to make Green Grove Parking illegal. Assumed would park on side streets parking. Permit would help homeowners.

Kathleen Ryan, she has a one car driveway and has two cars. She claims she can't park near her street.

Mayor, we will have special meeting to discuss and address these issues.

Capitan Mitchell addressed the residents who had issues. Residents brought a map of the area and the yellow zones. Parking on both sides of 7th would solve the problems. As of February 6, 2007 Keyport Police Department looks at and allows parking on the 7th Street both sides with permit.

George Walling, ask George Sappah to measure the radius. Mr. Wedick can get Fire Apparatus down the street. Mr. Walling, CF said he delivered letters to the residents.

Donald Blanks, felt comments regarding the former Mayor were a disgrace. He did a lot for Keyport. Give him respect. He stayed in office until the end. Mr. Blanks commented that Mr. Merla took the right road by pleading and that we shouldn't judge an individual. Mr. Walling commented that Mr. Merla had a chance to step down and come back once his name was cleared. Mr. Blanks, look at the overall picture, the State is undefeated in these cases, and you take a deal if it is offered. Mr. Merla has young children that he spends time with and the Community has benefited a lot.

Mr. Walling replied that his name should be removed from building.

Bob Ludwig, stated Mr. Merla had threatened him many times. He disagrees with Mr. Blanks. Feels we were exploited.

Joe Wedick, contact U.S. Attorney of Videotapes on this matter. Put these videos on the website or download them. Let the Keyport residents research them. Rehabilitation is being looked for and need to start with confessed felon. Don't emulate him, Mr. Merla can work a room and win you over.

Mayor, close the Chapter and move on.

Mike Lane, regarding Land Use Ordinance – gave handout and CD Rom on set backs. Fundamental error in the ordinance 4-05 introduced by Mayor Bergen for RB & RC zones to 7500' to 75'. Mr. Lane worked with John Doyle, Mr. VanZweden and other Councilmember to introduce the Ordinance. Discussion on Ordinance 1-07.

Mayor, in 2004, requested an amendment to 22-03 to make lots conform. Don't need to add to set back table. Reviewed Planning Board approval process.

Mike Lane, why are you passing an ordinance for one property owner? Main Street homes did not go before the Board 50x150. The mayor will look at. Mr. Lane, concerned that 90% of the lots in Keyport will go for zoning and come before the Board.

Mr. Manasas, not many people introduce themselves. Address council by introducing themselves.

Bob Ludwig, Planning Board meeting is January 30 and open appointments. Need announcement? Mayor will appoint by January 30, 2007 meeting.

Rowland Seckinger, Environmental Commission, we need volunteers for the Beach Clean Up on April 28 at 9 A.M. Thank you Mr. Sheridan for the Osprey Nest. Girl Scout Troop Environment Badge The Borough Clerk suggested that they clean the corner of Broad and Maple Place. They will adopt a corner. Arbor Day is on Presidents Day. The Borough Clerk gave the Mayor a Press Release to send out.

BE IT FURTHER RESOLVED that the discussions of 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. Sheridan, second by Mr. Ortman

Roll Call Votes: Ayes: Councilmembers Sheridan, Hassmiller, Ortman, Walling, Bolte
Nays: None
Abstain: None
Absent: Councilman Hill

2. Resolution #67-07, AUTHORIZE PAYMENT TO BROWNTOWN BUS COMPANY AND SHAMROCK STAGE COACH

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that:

WHEREAS, the Borough of Keyport utilized bus services through the Keyport Recreation Commission for their 2006 summer recreation program for transportation to and from events, and

WHEREAS, these services were rendered from both Browntown Bus Company and Shamrock Stagecoach, Inc. for individual bus services, in the aggregate amounts of $5,180.00 and $2,495.00, respectively; and

WHEREAS, receipt of quotations for said services are required by the Local Public Contract Law when practicable, and

WHEREAS, the aforementioned companies provided services to the Borough of Keyport in good faith, and

WHEREAS, in the future the summer recreation program will solicit quotes for these services in advance when it is expected that the securing of individual bus services will aggregate to exceed the maximum threshold for quotations.

NOW THEREFORE BE IT RESOLVED that the Mayor and Council authorize payment to Browntown Bus Company and Shamrock Stagecoach, Inc. in the amounts listed above.

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

Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte
Nayes: None
Abstain: None
Absent: None

3. Resolution #68-07, Payments of Bills

BE IT RESOLVED by the Mayor and the Council of the Borough of Keyport, New Jersey that the following numbered vouchers be paid to the person therein respectively and hereinafter named, for the amounts set opposite their respective names, and endorsed and approved on said vouchers.

Carlos Maldonado, Middletown, asked about Maple and Broad Street. The Borough Clerk and Al DeGracia would clean up. Annabelle Tortorell has a city contact. Would like to seed. Need volunteers, January 27, 2007 at 8 A.M. We will be meeting at the Spanish American Club.

Mike Lane, Grandfather RB & RC zones; why just RA? Mayor stated it should be all not just RA. Can we amend before adoption?

Todd Smith, 119 Broad Street, asked about the downtown area panhandling and loitering. Any plans by governing body to adopt an ordinace? Police have responded quickly to issues. There have been 10 panhandlers, 31 loitering and 5 illegal transactions. Mr. Smith understands that the governing body doesn't want to impede on their rights, but asks what about his rights.

Mayor Bergen, some court hearing upcoming - awaiting decision. Need to address issues. Mayor Bergen wants to be sure ordinances are upheld before we introduce anything.

Councilwoman Bolte, asked Capitan Mitchell about having strong police presence. Need two times a day walk thru.

Mayor Bergen, bring to KBA Board. Hire special police to patrol. The situation is getting worse. A lot of vagrants hanging out. Bikes being chained to poles. Ordinances can help enforce. Let's address this soon. Captain has no resources and some don't have homes.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 10:01 P.M.

RESOLUTIONS

1. Resolution #66-07 CLOSED EXECUTIVE SESSION

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

Personnel
1. Fire Official
2. Police Administration
3. Public Works Department

Litigation
1. St John's vs. Keyport
2. Green Grove Apartments

Labor Relations
1. Clerical Negotiations

Contract Negotiations
1. Old Municipal Building
2. Interlocal Agreements

WHEREAS, the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded form 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, Litigation, Labor Relations, and Contract Negotiations

Keyport, New Jersey
January 23, 2007

NUMBER OF VOUCHERS	BANK ACCOUNT	AMOUNT
See attached listing	CURRENT ACCT	$ 1,019,285.87
	WATER/SEWER ACCT.	$ 391,244.71
	ANIMAL CONTROL ACCT.	$ 1,093.75
	GENERAL CAPITAL ACCT.	$ 163,103.11
	TRUST ACCT.	$ 150.00
	WATER CAPITAL ACCT.	$ 935.38
	EDMUNDS ESCROW ACCT.	$ 805.25
	ACCUTRACK ESCROW ACCT.	$ 93.00
	BD. OF REC. COMM. TRUST	$ 7,675.00

PASSED: January 23, 2007 APPROVED: January 23, 2007

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

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

4. Resolution #69-07 2005 ANNUAL AUDIT BOROUGH OF KEYPORT COUNTY OF MONMOUTH

WHEREAS, NJSA 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of audit for the year 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of NJSA 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27 BB-34; and

WHEREAS, the Local Finance Board has promulgated regulation requiring that a Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

And

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold a Special Meeting as stated in the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, NJ.

BE IT FURTHER RESOLVED that notification of said meetings be mailed or faxed forthwith to the Asbury Park Press, The Courier, The Independent, The Star Ledger and The Two River Times.

BE IT FURTHER RESOLVED that notice of said meetings be posted on the Bulletin Board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings, scheduled or revisions thereof, and any advanced written notice of any Regular, Special or rescheduled meetings of the Governing Body by law.

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

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

Nays: None
Abstain: None
Absent: None

14. Resolution #80-07 Resolution of the Mayor and Council of the borough of Keyport approving the lease entered into with Phillip Richiuso t/a Philly's Franks for concession on the Borough's waterfront.

WHEREAS, N.J.S.A. 40:68-22, et seq. permits a municipal Harbor Commission to enter leases for public property for certain purposes and under certain conditions, and

WHEREAS, the Harbor Commission of the Borough of Keyport wishes to enter into a lease with Phillip Richiuso trading as Philly's Franks, of Matawan, New Jersey to provide a hot dog concession on the Borough's waterfront during the summer months pursuant to the terms and conditions set forth in the proposed lease agreement which is attached hereto and made a part hereof by reference, and

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor and Council hereby approve of the agreement by the Harbor Commission, subject to approval by the New Jersey Department of Environmental Protection Green Acres Program. A copy of this resolution shall be kept on file for public inspection in the office of the Borough Clerk along with copies of the lease agreement.

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

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

Nays: None
Abstain: None
Absent: None

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 Associate in the amount of Seven Thousand Dollars ($7,000) to provide nursing related services to the Borough of Keyport and the Keyport Board of Health for the period of January 1, 2007 through December 31, 2007.

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. Walling, second by Mr. Ortman.
Roll Call Vote: Ayes: Councilmembers Sheridan, Hassmiller, Hill, Ortman, Walling, Bolte

Nays: None
Abstain: None
Absent: None

6. Resolution #71-07

WHEREAS, Administrative Clerk, Virginia Febo retired on December 31, 2006; and

WHEREAS, during her tenure, the Administrative Clerk, Virginia Febo, had accrued unused sick, vacation and compensation time; 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 Administrative Clerk's accrued time, as determined by the Borough Administrator of the Borough of Keyport is set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Administrative Clerk, Virginia Febo, is to be compensated upon her retirement for her accrued sick, vacation and compensatory time as follows:

1. Two equal installments of $15,534.14; the first to be paid in February 2007 and the second to be paid in September 2007.

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

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

Nays: None
Abstain: None
Absent: None

7. Resolution #72-07 RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING CHANGE ORDER NO. 1 TO THE CONTRACT FOR WARREN STREET AND COLUCO PLACE IMPROVEMENTS

WHEREAS, on or about May 16, 2006 the Borough of Keyport awarded a contract to Lucas Brothers, Inc. for the improvements to Warren Street and Coluco Place for the sum of Three Hundred and Fifty-Thousand Three-Hundred and Six Dollars ($350,306.00), and

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

Nays: None
Abstain: None
Absent: None

10. Resolution No. 75-07 BANK RESOLUTION/SOVEREIGN - CHANGE IN SIGNATORIES

11. Resolution No. 76-07 APPOINT TEMP ACTING FIRE SUB CODE INSPECTOR - ERROL LAMBERTSON

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

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

Nays: None
Abstain: None
Absent: None

12. Resolution #77-07 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT APPROVING THE AMENDMENT TO THE COLLECTIVE BARGAINING AGREEMENT FOR CLERICAL WORKERS BETWEEN THE BOROUGH OF KEYPORT AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS LOCAL NO.68

WHEREAS, the Mayor and Council of the Borough of Keyport wish to amend Article 16, personal days of the above titled Collective Bargaining Agreement, and

WHEREAS, the Borough of Keyport and The International Union of Operating Engineers Local No. 68 agree to said amendment as set forth in the Letter of Agreement which is incorporated herein and attached hereto by reference, and

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

1. The International Union of Operation Engineers Local No. 68 Collective Bargaining Agreement for Clerical Workers is amended as follows:

   a) The amendment will be to Article 16, Personal Days, Part B.

   b) Remove the entirety of Part B and replace with: New employees hired into the Bargaining Unit after January 1, 2007 shall receive the following personal day benefit. (Any current Borough employee who transfers into the Bargaining Unit shall be entitled to six (6) personal days per year).

1^{st} year	3 Personal days
2^{nd} year	4 personal days
3^{rd} year	5 personal days
4^{th} year	6 personal days

2. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and the Borough Clerk, who shall retain a copy for public inspection.

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Municipal Collector of Water and Sewer Utility Rents;

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. Formal authorization is hereby given to refund $1,551.13 in water/sewer charges for account 60008000-0(formerly 1-1836006) - Brancato/Vallinin - 103 Main Street. The customer asked that the Borough go to his residence and check for leaks, due to a high water/sewer bill. Mr. Anthony Davino went to the site and discovered that the inside meter reading (212440) was lower than the outside register reading (236980). Therefore, and adjustment to his reading had to take place and it was determined that he is due a refund of $1,551.13.

2.

ACCOUNT #	NAME	AMOUNT	REASON
60008000-0	Brancato/Vallinin	1,551.13	Inside meter and outside register not matching customer due refund.

3. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

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

Nays: None
Abstain: None
Absent: None

9. Resolution No. 74-07 SET MILEAGE REIMBURSENT RATE FOR BOROUGH TRAVEL TO STANDARD REIMBURSEMENT RATE PUBLISHED BY INTERNAL REVENUE

WHEREAS, the Borough of Keyport current reimburses employees and other officials on Borough Business for mileage traveled in personal vehicles; and

WHEREAS, it is a benefit to the Borough for employees and officials on Borough business to utilize their personal vehicles while conducting business; and

WHEREAS, the United States Internal Revenue Services sets and consistently adjusts the allowable mileage reimbursement rate on a regular basis to account for inflation and price indexes.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council set the allowable mileage reimbursement rate to be in accordance with the prevailing rate set by the Internal Revenue Service.

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

WHEREAS, on December 13, 2006 the project engineer, T&M Associates, recommended certain reductions and extras as more fully set forth in the December 13, 2006 change order request that is attached hereto and incorporated herein by reference, and

WHEREAS, Lucas Brothers, Inc. has submitted a change order (Change Order No. 1) for said reductions and extras in the net amount of ten thousand two hundred and sixty two dollars ($10,262.00), and

WHEREAS, the aforementioned is a condition that could not be foreseen at the time the specifications were written and the contract awarded, and

WHEREAS, if this problem is not addressed a substantial amount of construction will be delayed which would result in substantial increase in costs above the original contract amount and substantial inconvenience to the public would result if bidding to correct said problem were required, and

WHEREAS, extra work cannot be reasonably be effectuated by a separate bid contract without unduly disrupting the basic work or imposing adverse cost consequences, and

WHEREAS, Change Order No. 1 does not materially expanded on the size, nature or scope of the project as it was originally described in the bid specifications.

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

1. Change Order No. 1 of the Warren Street and Coluco Place improvements contract is hereby authorized for reduction and extras to be performed pursuant to the specifications contained in the Change Order request dated December 13, 2006 for a cost not to exceed ten thousand two hundred and sixty two dollars ($10,262.00), said request is attached hereto and incorporated herein by reference.

2. The foregoing award of Change Order No. 1 is subject to the written certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Lucas Brothers, Inc., executing and delivering on Change Order No. 1.

3. Change Order No. 1 will be attached to the original contract.

4. A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Finance Officer, Lucas Brothers, Inc., and a copy shall be maintained in the Office of the Borough Clerk for public inspection.

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

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

Nays: None
Abstain: None
Absent: None

8. Resolution #73-07 RESOLUTION WATER/SEWER REFUND ACCOUNT 60008000-0

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

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

13. Resolution #78-07 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT IMPLEMENTING A SETTLEMENT IN THE MATTER OF ST. JOHN'S UNITED METHODIST CHURCH V. BOROUGH OF KEYPORT

WHEREAS, St. John's Methodist Church filed a law suit against the Borough of Keyport alleging the overpayment of sewerage fees to the Borough of Keyport in the amount of Twenty-Seven Thousand Thirty-Five dollars and Thirty Nine Cents ($27,035.39), and

WHEREAS, the matter was mediated and a settlement offer was made on behalf of the Borough of Keyport to refund one half (1/2) of the amounts allegedly overpaid by St. John's Church, and

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the proposed settlement is in the best interests of the Borough of Keyport and its citizens,

WHEREAS, sufficient funds are available for this settlement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that St. John's United Methodist Church shall be reimbursed for one half (1/2) of their alleged overpayment of sewer charges in the sum of Thirteen-Thousand Five Hundred and Seventeen Dollars and Seventy cents ($13,517.70) to be paid by March 31, 2007.

A copy of the within resolution are to be supplied to the Business Administrator, the 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. Walling, second by Mr. Ortman

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

14. Resolution #79-07 TO AUTHORIZE SPECIAL MEETING

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the Governing Body on the following dates and times:

Tuesday, February 6, 2007, 6:00 P.M.

In the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, N.J. for the purpose of:

Holding a Hearing for Trinity, LLC - Person to Person and Place to Place Liquor License Transfer and other Business which may come before the Governing Body;

And

WHEREAS, such resolution of certification shall be adopted by the Governing body no later than forty-five (45) days after receipt of the annual audit as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, the failure to comply with the promulgations of the Local Finance board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 - to wit:

"R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services) under the provisions of this Article,shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year or both in additional shall forfeit his office"

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Keyport, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered for adoption by Mr. Walling second by Mr. Ortmann

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

5. RESOLUTION #70-07 APPROVE VISITING NURSE ASSOCIATION OF CENTRAL JERSEY CONTRACT FOR JANUARY 1ST THROUGH DECEMBER 31, 2007

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 to enter 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 of the Borough of Keyport 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, 2007 through December 31, 2007; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed and proposed Contract with the Visiting Nurse Association to provide nursing related services in the amount of seven Thousand Dollars ($7000) which will provide the expected required services to the Borough of Keyport; and