

Approved 12/5/2006
October 17, 2006
Keyport, New Jersey

Minutes of the Regular 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 Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, Two River Times and Newark Star Ledger and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:00 P.M. and read to Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Sheridan. Absent: Councilman Ortman (arrived 7:06 P.M.) Others Present: Mr. Valesi, Borough Administrator and Mr. Wisniewski, Borough Attorney (arrived 7:07 P.M.).

RESOLUTION

1. Resolution #299-06, 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. Construction Code Office
2. Department of Public Works
3. Police Department

Possible Litigation

1. Liability Exposure - Proposed Ordinance
2. Tax Appeals
3. Election Claim
4. Roder's Motors

Labor Relations

Contract Negotiations

1. Kara Homes
2. Seventh Street Lot

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:

Labor Relations 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. Sheridan, second by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan

Nays: None

Abstain: None

Absent: Councilman Ortman

The meeting was called to order at 8:10 P.M by Mayor Merla. Councilman Bergen led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Sheridan, Ortman. Others Present: Mr. Valesi, Borough Administrator and Mr. Wisniewski, Borough Attorney.

Mayor Merla stated the Keyport Pop Warner Cheerleaders went to Trenton for Competition and took 2nd Place.

PROCLAMATION

1. Red Ribbon Week

Jessica Walling handed out Red Ribbons to the Mayor and Council. Mayor Merla read the Proclamation. Mayor Merla reminded children to be Drug Free; keep the society safe. Lifeline is a group that teaches awareness to students; role models are needed.

Issue of an Ordinance. Mayor and Council have had the opportunity to fix and Council will delete indefinitely. The Borough has enough local laws to enforce or better enforce. Council feels good landlords will be rewarded and bad landlords will be punished. We can fine and bring into court locally; Federal Government should handle. There is no intent by Council to "slur" an ethnic group; never a biased vote. The community is made up of many nationalities and they support one another. Mr. Wedick said he started this talk; he wanted to give a voice to those treated sub-humanly. He wanted to address greedy landlords with dangerous conditions; he wanted to speak on their behalf. Mr. Wedick said he would not threaten employment or anyone being fined or arrested. People are in terrible situations. Mr. Wedick said he has been called a racist; his intention is to keep people safe. There is a price for the American dream; we understand and want to help. Mr. Wedick said the Federal Law precludes the Borough for this Ordinance. The Mayor and Council are just trying to do the right thing. Mayor Merla said Mr. Valesi asked to speak with the Police Department to enforce laws on the books. There is a news letter about landlords and most are absentee landlords. The time has come when we have a high rental property rate. The Borough will enforce laws on the books to the fullest potential. Councilman Wedick is not a racist. We did a Proclamation for Race Equality Week. Anabela Tortorell spoke with the County to clean the area and eyesore. She will speak with Mr. Valesi and the area will be cleaned. Mayor Merla said the graffiti turned out to be "Please do not Litter." Angel Matos said he supports Mr. Wedick and there is no racist intent. He thinks things through and is glad that this was "nipped in the bud." There have been lawsuits in other towns on this issue. Mr. Matos applauds Mr. Wedick for his thoughts and Mayor and Council for not going through with the Ordinance. Mr. Matos said many discussions have taken place between him and Mr. Wedick. Mayor Merla said we can do things within our power; he thanked all who came out. There was a one minute recess for all who needed to leave. The Mayor and Council reconvened at 8:37 P.M.

2. Make a Difference Day - October 28, 2006

Karen Walling said the residents put the food outside their house and they will pick it up. The Keyport High School Seniors will send out flyers. Last year the Mothers Club collected 5,000 pounds of food. Mrs. Walling said to please support their efforts and thanked everyone for last years support.

3. Halloween Curfew

APPROVAL OF MINUTES

Minutes of the Regular Meeting of February 15th and Work Meeting of April 5th, 2005.

Motion to accept by Mr. Bergen, second by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen

Nays: None

Abstain: Councilmembers Ortman and Sheridan

Absent: None

INTRODUCTION OF ORDINANCE

1. Ordinance No. 20-06, Green Grove Avenue Parking Permits

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH OF
KEYPORT ORDINANCE NO. 23-05 FIXING THE SALARIES OF THE VARIOUS
OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J.
IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

WHEREAS, the Mayor and Borough Council wish to amend Ordinance No. 23-05 fixing the salaries of the various officers, clerks and employees of the Borough of Keyport.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance No. 23-05, Section 2 is hereby amended as follows:

	MINIMUM SALARY	MAXIMUM SALARY
Chief of Police	\$75,000	\$125,000 annually

If any part or parts of the Ordinance are for any reason held to be invalid, such adjudication shall not affect the validity of the remaining portions of this Ordinance.

All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

This Ordinance shall become effective immediately upon its final passage and publication as required by law.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick,
Bergen, Sheridan, Ortman

Nays: None

Abstain: None

Absent: None

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of October 19, 2006 for a Hearing to be held on October 6, 2006 moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

REPORTS OF COMMITTEES

Councilman Bergen; Fire: Mr. Hassmiller said to Mr. Bergen the end of the year is taking place. There should be a spending freeze with no new redevelopment.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling reported on the following. A few signs were vandalized which Mr. Sappah from the Department of Public Works addressed. Mr. Walling asked Mr. Valesi to set up a meeting on 3 Maple Place with the Departments. There was a KBA Meeting on October 17th and they are on track.

Councilman Wedick; Police: Mr. Wedick reported on the following. There was 1,020 calls for the Police Department on September.

Councilman Hassmiller; Finance and Redevelopment: Mr. Hassmiller had no report.

Councilman Sheridan; Library/Recreation & Parks: Mr. Sheridan reported on the following. The library is working with Mr. Valesi on the bathroom issue. Regarding the Recreation Commission, Mr. Sheridan asked who is running the Memorial Day Parade; the Borough and the KBA. Mayor Merla said there is a proposed schedule. West Front Street needs to be closed for these events. It cannot be closed for a long amount of time. Mr. Valesi said there is a clear indication of the Bulkhead timeline. Mr. Sheridan said he is trying to budget for the 2007 events. Recreation offered the P.B.A. for their event. All should attend the Hunted House.

Councilman Ortman; Buildings & Grounds/Health: Mr. Ortman reported on the following. Mr. Ortman thanked Mr. Sheridan for the flu shot on the website. Mr. Ortman said he helped with the Bloodborne Pathogen training with the Police Department; he worked with Mr. Valesi on this as well.

Administrator Valesi: Mr. Valesi reported on the following. Mr. Valesi said the Fire Meeting issues have been given to him. Mr. Valesi read the Payment of Bills for October 10th. Mr. Valesi said he met with Union Beach regarding the Property Maintenance Officer, Councilman Wells and Mr. Parcels are still negotiating. Personnel positions will be advertised and have been posted on the Bulletin Board. Regarding the NPP Grants Coordinator we are working on a cost share with the KBA. The feasibility phase report will be done on November 6th. Regarding the Bulkhead, the preconstruction meeting was held on October 16th, the meeting went well. They walked the site and the State runs the project; we have little control. Mr. Valesi will be in constant contact with the State and the groundbreaking will be in conjunction with the public meeting. It might possibly be the end of next week. Regarding the garbage contractor, Mr. Valesi spoke with M&S and penalties will be enforced. There will be a change in the pick up schedule; also changing unsafe practices such as picking up both sides of street at once. Regarding phone issues, the Borough is consolidating service for huge savings; hoping to cut 40% of the bills. SPS will get need of the lines. Mr. Sheridan asked if this includes the library; Mr. Valesi said that he cancelled services that were unneeded. Regarding the Forestry Grant it is a \$4500 Grant. The current proposal doesn't go over the grant; trying to get head way. There will be a compliance inspection on the water/sewer system; minor violations are being addressed. Regarding the light pole, Mr. Valesi received the payment for removing signs from the pole on the corner. Mr. Ortman said to Mr. Valesi regarding Q-Scend, Mr. Ortman spoke with them and invoicing issues. Training has to be set up with the school.

Attorney Wisniewski: Mr. Wisniewski reported on the following. Mr. Wisniewski said regarding the signs on poles he researched and read the Ordinance. Regarding the owner of the pole, the Ordinance doesn't address it. The Utility could be made responsible per BPU registers, the Ordinance will be amended. BPU will approve and issue of an order on our Ordinance. Mayor Merla said with the State Guidelines and Borough Ordinance we should not have to remove signs or have an accident because someone is trying to get a number for services. They addressed leaning poles and broken poles also. Mr. Seckinger, the Property Maintenance Officer said he has been in touch with various people who posted signs and made them aware of the violations. There have been some positive responses. Mr. Valesi is to work with the Attorney and Mr. Seckinger on this matter. Mr. Valesi said a Blanked Ordinance is to be created.

Mayor Merla: Mayor Merla reported on the following. A lot was accomplished at the KBA meeting on October 16th. There is an ad in a magazine for November. Captain Mitchell is on visual improvements to the community. They want to purchase a Santa's Workshop display for the mini park. This is not in the KBA budget but they want to get two quotes between \$2600-\$2700 through Green Acres and the RBIT Account. The park is within 500 feet of the waterfront. Mr. Bergen asked if there was going to be a cost share. Deliver within three days after the quote is received. Signs need to be ordered for pedestrian crossing for children. Mayor Merla said he called the County since Broad Street and West Front Street are County roads for Pedestrian Crossing. Captain Mitchell said there are portable signs in the middle of the road. The cost is \$277.00 for each sign in the middle of the street. Mr. Walling said he has noticed other towns have solar radar signs, we should look into that. The Woodmont Groundbreaking was held on October 13th; Bird Construction is doing both jobs. Second and Church Street is the clean up site. There are sidewalks cracked near Atlantic Street. T&M photographed the damage and the Borough will go after a Maintenance Bond. There was a letter from the school superintendent, Mayor Merla read the letter. The superintendent said he appreciates the Keyport Police Department and Mayor Merla thanked Chief Gajewski and Captain Mitchell. Mayor Merla read a letter regarding litter on Broad Street and the receptacle. Mr. Bergen said regarding 3 Maple Place plans from the developer have been given to their neighbors. Mr. Sheridan said there will be a meeting on shared services with Amy Handlin on October 24th at 6:45 in Holmdel.

REPORTS OF DEPARTMENTS

September 2006

1. Borough Clerk

	<u>WATER/SEWER ACCOUNT</u>
WATER CONNECTION	\$ -0-
TURN ON CHARGE	40.00
WATER METER	63.58
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	-0-
WATER METER W/TO	-0-
OTHER: DEMOLITION	-0-

TOTAL WATER/SEWER	\$ 103.00	
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CK #3706

	<u>CURRENT ACCOUNT</u>
BINGO LICENSE	\$ -0-
FIREARM & FINGERPRINTING	-0-
LIMO LICENSES	-0-
PHOTOCOPIES	103.75
POSTAGE	1.00
RAFFLE LICENSE	-0-

TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT. ACCIDENT RPT	400.00
SEARCHES	-0-
VENDING LICENSE	-0-
LIQUOR LICENSE	326.83
STREET OPENING	300.00
RECYCLING PERMITS	140.00
PARKING PERMITS	10.00
AUCTION	-0-
OTHER: ABC Cards	-0-
OTHER	
OTHER	

TOTAL CURRENT	\$ 1,281.58	CK #3707
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ESCROW ACCOUNT

CASH REPAIR	\$ 108.00	CK #3708
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RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT RAMP PASSES	\$ 2550.00
BAIT	362.50
ICE	21.00
WATER	12.50

TOTAL RBIT	\$ 2946.00	CK #3709
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TOTAL RECEIPTS	\$ 4,439.16
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Submitted by Allyson M. Cinquegrana, Borough Clerk

2. Tax Collector

2007 TAXES	\$ 7,554.46
2006 TAXES	2,311,996.37
2005 TAXES	23,077.02
INTEREST AND COSTS	10,531.60
MUNICIPAL COURT FINES	21,987.81
UNIFORM FIRE SAFETY	3,662.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	30,062.00
UNIFORM CONSTRUCTION CODE	39,007.00
LANDLORD REGISTRATION FEES	1,050.00
ADMINISTRATIVE FEES	4,930.00
LOAN FROM GENERAL CAPITAL	33,194.00
CMPTRA - STATE AID	169,495.50
SUPPLEMENTAL ENERGY RECEIPT TAX	140,860.20
ALL OTHER MISCELLANEOUS REVENUE	37,157.28
TOTAL CURRENT RECEIPTS	\$2,834,565.24

WATER/SEWER RENTS	\$ 236,807.93
INTEREST AND COSTS	828.68
TURN ON CHARGE	.00
NSF CHECK CHARGES	40.00
POOL FILL PERMITS	15.00
METER WITH TURN ON CHARGE	100.00
WATER/SEWER CONNECTION FEES	17,500.00
DEMOLITION FEES	900.00
CELLULAR TOWER LEASE	1,800.00
TOTAL WATER/SEWER RECEIPTS	\$ 257,991.61

Submitted by Keri Stencel, Tax Collector

3. Building Department

PERMIT TYPE	# ISSUED	AMOUNT
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State DCA Fee	45	\$ 769.00
Construction Certificates	4	755.00
Plumbing	22	3,413.00
Electrical	31	3,961.00
Building	29	7,084.00
Fire Sub Code	15	1,895.00
Code Enforcement C of O	40	1,085.00
Transfer of File C of O	13	455.00
Smoke Detector Inspector	40	1,920.00
Zoning	14	140.00
200 Ft. Property List	1	10.00
Miscellaneous	4	100.00
Copies	0	0.00
Const. Debris Deposit	6	300.00
Construction Violations	0	0.00
Re-Inspection	0	0.00
Total		21,914.00

ACCOUNTS PAYABLE

Amount Paid to Borough:	CK #2567	\$ 20,818.00.00
Debris Deposit to Borough:	CK #2565	300.00
State Fee Due	CK #2566	3,824.00

Submitter by Carole Cerase, Senior Permit Clerk

4. Property Maintenance

See full copy of this report on file in the Borough Clerk's Office.

Submitted by Rowland Seckinger, Property Maintenance Officer

. Board of Health

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$ 3685.80
DOG LICENSES	\$ 55.60
CAT LICENSES	8.20
MARRIAGE LICENSES	112.00
BURIAL PERMITS	170.00
DEATH CERTIFICATES	2610.00
MARRIAGE CERTIFICATES	430.00
DOMESTIC PARTNERSHIP AFFIDAVITS	-0-
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	-0-
MISCELLANEOUS	300.00

DISBURSEMENTS

CHECK #2902	- BOROUGH OF KEYPORT MISC. ACCT.	\$ 3522.00
CHECK #2903	- BOROUGH OF KEYPORT TRUST ACCT.	\$ 100.00
CHECK #2904	- BOROUGH OF KEYPORT DOG ACCT.	\$ 60.20
CHECK #2905	- NJ STATE DEPT. OF HEALTH	\$ 3.60

. Municipal Court

STATE FINES	\$ 300.00
STATE SURCHARGE	\$ 271.00
STATE UNINSURED	\$ 410.00
COUNTY FUNDS	\$ 4,409.66
COUNTY FINES	\$ 5,807.50
MUNICIPAL FINES	\$ 7,868.50
MUNICIPAL COSTS	\$ 3,884.50
MUNICIPAL PARKING	\$ 1,724.00
MISCELLANEOUS	\$ 5,105.84

Submitted by Kathie Coffey, Court Administrator

7. Police Department

See full copy of this report on file in the Borough Clerk's Office.

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

COMMUNICATIONS & PETITIONS

1. Certification of Added/Omitted Tax Bill Mailing from Keri Stencel, Tax Collector.

Motion to Accept by Mr. Bergen, second by Mr. Sheridan with Ayes by all present.

2. Letter from NJ League of Municipalities regarding Increase in fees for Organizations conducting Legalized Games of Chance.

Motion to Receive and File by Mr. Wedick, second by Mr. Sheridan with Ayes by all present.

3. Letter from Harry Aumack, II, Keyport Hook and Ladder Secretary advising of nomination for 3rd Assistant Chief

Motion to Accept and Receive and File by Mr. Wedick, second by Mr. Sheridan with Ayes by all present.

UNFINISHED BUSINESS

1. **Tax Exemption/St. Joseph Church.**
2. **Proposed Rate Schedule/NJ Water Supply Authority.**

RESOLUTIONS

2. Resolution #317-06, Payment of Bills

(See full copy of this Resolution on file in the Borough Clerk's Office)

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick,
Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

3. Resolution #318-06, Appoint Special Municipal Counsel to include litigation matters

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

WHEREAS, proposals were solicited through a fair and open process to publicly solicit proposals or qualifications of persons interested in being appointed Special Municipal Counsel in accordance with NJSA 19:44A-20.5, and

WHEREAS, various proposals were submitted on October 13, 2006 to the Borough of Keyport for Special Municipal Counsel which would include litigation matters; 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 following professionals be authorized as Special Municipal Counsel for the Borough of Keyport for the remainder of the calendar year 2006 and calendar year 2007 and the Mayor is authorized to execute contracts for same:

1. **Gordon N. Litwin, Esq.**
Ansell Zaro Grimm and Aaron
60 Park Place
Newark, New Jersey 07102
2. **Joseph P. Baumann, Jr., Esq.**
McManimon and Scotland, LLC
One Riverfront Plaza, Fourth Floor
Newark, New Jersey 07102-5408
3. **Philip G. George, Esq.**
Eric M. Bernstein & Associates, LLC
Two North Road, P.O. Box 4922
Warren, New Jersey 07059

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick,
Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

4. Resolution #319-06, Appoint Engineer - Waterfront Development

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

WHEREAS, proposals were solicited through a fair and open process to publicly solicit proposals or qualifications of persons interested in being appointed Engineer for Waterfront Development in accordance with NJSA 19:44A-20.5, and

WHEREAS, various proposals were submitted on October 13, 2006 to the Borough of Keyport for Engineering-Waterfront Development; and

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

WHEREAS, the Borough intends to appoint the following list of contractors as viable professionals with the necessary qualifications:

1. **Birdsall Engineering**
Industrial Way
Eatontown, New Jersey 07724
2. **DW Smith & Associates**
149 Yellowbrook Road
Suite 101
Farmingdale, New Jersey 07727
3. **CME Associates**
1460 Route 9 South
Howell, New Jersey 07731
4. **Dresdner Robin**
371 Warren Street

- NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport that the following professionals be authorized as Engineers for Waterfront Development for the Borough of Keyport for the remainder of the calendar year 2006 and calendar year 2007 and the Mayor is authorized to execute contracts for same. Offered for adoption by Mr. Bergen, second by Mr. Wedick

Nays: None
Abstain: None
Absent: None

- Nays: None
Abstain: None
Absent: None

- WHEREAS**, there have been negotiations between the Borough of Keyport and the International Union of Operating Engineers (Public Works/Police Public Safety Telecommunications Operator Employees)

for a proposed contract for the period of January 1, 2005 to December 31, 2007; and

WHEREAS, the Borough of Keyport and the International Union of Operating Engineers have reached an agreement as to the terms of the said contract.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey that the contract between the Borough of Keyport and the International Union of Operating Engineers, all as attached hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED that the Mayor, Borough Clerk and Public Works Chairman be and hereby are authorized to executed said contract on behalf of the Borough of Keyport, same having been ratified and signed by the International Union of Operating Engineers.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick,
Bergen, Sheridan, Ortman

Nays: None

Abstain: None

Absent: None

7. Resolution #322-06, Authorize Retention of Gordon N. Litwin, Esq. as a Special Municipal Counsel for New Municipal Building

WHEREAS, proposals were solicited and received through a fair and open process to publicly solicit proposals or qualifications of persons interested in being appointed Special Municipal Counsel (to include litigation matters) in accordance with NJSA 19:44A-20.5 on October 13, 2006; and

WHEREAS, in response to the aforementioned Request for Proposals by the Borough of Keyport, Gordon N. Litwin of the law firm Ansell Zaro Grimm & Aaron made a timely submission on or before October 13, 2006 and his qualifications were found to be consistent with those desired by the Borough for that position; and

WHEREAS, the Mayor and Council desires to engage Mr. Litwin as litigation counsel in the pending matter of A&K Excavation et al. v. Borough of Keyport et al., Superior Court of New Jersey, Law Division, Monmouth County, which relates to claims arising from the construction of the new municipal building located at 70 West Front Street; and

WHEREAS, the Borough presently has legal representation in this litigation on an hourly fee basis; and

WHEREAS, given the early stage of the litigation and the specialized nature of the case with varying certainty as to the degree of the outcome, the Borough wishes to retain new counsel on a contingency fee basis; and

WHEREAS, Mr. Litwin is an experienced and competent litigator, has previously handled litigation concerning the building in question, is familiar with the file in this matter, and has agreed to undertake the representation of the Borough on a contingency fee basis; and

WHEREAS, in a contingency fee arrangement there is no immediate cost or price to the Borough for legal services, and if the Borough does not succeed in the litigation, there will be no

cost or price to the Borough except for reimbursement of disbursements incidental to the litigation; and

WHEREAS, assuming the Borough were eventually to succeed in the litigation, the cost or price to the Borough (on an annual basis) cannot be determined at this time; and

WHEREAS, given the cost and professional nature of the services to be tendered by Gordon N. Litwin, a contract may be awarded without public advertising for bids or bidding therefore; and

WHEREAS, the Borough and Mr. Litwin are agreeable to the terms and conditions of the attached professional services agreement; and

WHEREAS, given his extensive experience representing municipalities, the Borough desire for Mr. Litwin to represent the Borough in other Borough matters in accordance with the terms of his proposal, and Mr. Litwin is agreeable to same.

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

1. The Borough appointed Gordon N. Litwin of the law firm of Ansell Zaro Grimm & Aaron as Special Municipal Counsel in accordance with the terms of his proposal and as otherwise set forth herein as per Resolution No. -06

2. The Borough hereby authorizes a contract with Mr. Litwin for services as litigation counsel in the pending matter of A&K Excavation et al. v. Borough of Keyport et al. in accordance with the agreement attached hereto.

3. The Mayor and Borough Clerk are hereby authorized to execute any and all necessary documents pursuant to said agreement.

4. A certified copy of the within Resolution shall be forwarded to Gordon N. Litwin, the Borough Attorney and the Municipal Finance Officer, and a copy of the Resolution shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick,
Bergen, Sheridan, Ortman

Nays: None

Abstain: None

Absent: None

PUBLIC COMMENT PORTION

This meeting was opened to the public for comments or questions at 9:23 P.M. Pat DeNardo, regarding the roof and leaks with the new municipal building there should be a permanent company for the building, not a temporary one. Someone asked why should there be a permanent company when the punchlist items are pending. Mr. Bergen said there are two dates and no permanent company if they are eight months apart. The Borough will look into operating on temperature company. It was also asked for the results of the mold testing; we are clean. Mr. Wisniewski said A&K Excavating is a subsidiary of M&K and deferred to siplast for the roof; all were named defendants. There are three law firms for the roofing contractor, sub contractor and the general contractor. The Borough is not suing Badger Roofing. Mr. Bergen said there are other ways that water gets into the building; the case is not going to be discussed. Mr. Bergen gave a synopsis that led to the hiring of

Badger. Mr. DeNardo said there are thirty-five photos of the roof leaking. Why are the residents not aware of the roof leaking

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constantly. Mr. DeNardo said he is a concerned tax payer and wants answers; it is a public building and they should know about it. Mr. Bergen said we aren't hiding it; the Resolutions and Ordinances have been passed and advertised. Mr. DeNardo said we are going to need a third roof soon and he will investigate this matter himself.

Warren Chamberlain, said he went through the reports with Mr. DeNardo and mold was used in the reports. CO is issued in this and RTK is out there. They want the mold test reports; fill out an OPRA request. It was asked if the mold gets worse will the workers be notified. Mr. Wedick said to waive the fees for Mr. Chamberlain's OPRA request. Mr. Valesi said the mold reports show a mold count inside and outside.

Ron Kmetz, Second Street, apologized for the outburst toward the public. Mr. Kmetz said he was looked for an apartment in Keyport and abided by the laws; one year to get whole family together. Mr. Kmetz applauded Mr. Wedick for his efforts. Everyone should abide by the laws and the Ordinances. Mayor Merla said we can enforce our laws and Ordinances. We are videotaping our revaluation to see what is happening in town and dwellings. The Borough is addressing the issues and not always showing them to the public. We are reorganizing the Building Department and analyze enforcement. Good landlords should be rewarded and bad landlords should be punished; we will work on correcting this. Most of the employees are part time. We are not targeting a certain ethnicity, everyone is held accountable.

Mike Lane, First Street, spoke on some Planning Board issues. Mr. Lane gave several instances of multifamily conversions; only get one way input. Mr. Valesi should report on these issues. The work order on Main Street was stopped and work is still being done. A house on Broadway was turned into a three family house which is illegal; they withdrew from the Planning Board. Mr. Bergen said Mr. Valesi has a lot on his plate and will address this matter. The Planning Board Secretary should report at the following meeting. Mr. Lane asked regarding redevelopment, what project are they talking about. Mr. Bergen said to get a proposal, the contractor is on a list and can be referred to someone. T&M is to evaluate the quality of the Borough in need of Rehabilitation.

Donna Wedick, Therese Street, regarding landlord and tenant violations who do the residents report to; Zoning Ordinance and Code Enforcement. They involve the Police if needed. Go through Administrator and he will the matter. Mrs. Wedick said she has reported to the Code Enforcement Official and is not allowed into the dwelling. There are many violations; the town is small, why can't this be addressed. Mr. Bergen said they need a plan and must follow it to solve the problems. Mrs. Wedick said to stop talking and show some action.

Gaylee Benedict, said fees for Planning Board are inadequate, Mayor and Council should address this issue. Coming up with new fee schedule; Mr. Valesi is addressing this matter and restricted Ordinances.

Bob Ludwig, 50 Beers Street, a Resolution was distributed and it was asked why does the Mayor get to pick the professionals. Regarding Option A for the Bulkhead, what is the finance for the Bulkhead. Mr. Bergen gave a synopsis of grants and funding process. County will pay 10% share. The Borough will fund all of the Option A. Mr. Valesi said no State representative can guarantee funding for future.

Carlos Maldonado, asked about information on rent; there is no rent control. Local Real Estate Company can give information, it varies on the location.

Chief Gajewski, spoke with Tim Ryan at the County; there is no weight limit with the bridge near the Ye Cottage Inn. There is no truck weight on construction vehicles. There was an article about the vest grant in the Asbury Park Press; this is a continuing reimbursement grant. We have \$15,000 and are good for a while.

Mr. Lane, First Street, said at high tide you could not get across the bridges because water is past the line. It was asked if we could build higher bridges due to the moon tides. Mr. Olsen said it is being replaced by County. With there being no further comments or questions this meeting was closed to the public at 10:13 P.M.

ADJOURNMENT

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

Time of Adjournment: 10:14 P.M.