Approved 11-23-04

November 9, 2004
Keyport, New Jersey

Minutes of a Special Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the adoption of Resolution #354-04 at the Work Meeting of November 1, 2004, on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, The Newark Star Ledger and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Council President June Atkins called the meeting to order at 7:18 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Atkins, Strang, Hyer. Absent: Councilmembers Bergen, Doyle. Others present were Mr. Kain, Borough Attorney and Mr. Palamara, Administrator.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 7:19 PM. There being none, the meeting was closed at 7:19 PM.

COMMUNICATION & PETITIONS

1. Amendment to Raffle License #16-04, St. Joseph PTA Calendar Raffle (Change in prizes)
2. Amendment to Raffle License #13-04, St. Joseph PTA Off Premise Draw Raffle (Change in date)

Motion to approve, moved by Mr. Hyer, seconded by Mr. Wedick, with Ayes by all present.

RESOLUTION

1. Resolution #357-04, Closed Meeting - Personnel and Contract Negotiations

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

Personnel

1. Disciplinary Hearing-William Cerase and Anthony Vecchio

Contract Negotiations

1. Garbage Contract Bids
2. Municipal Complex

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, in the Council Chambers, for the purpose of discussing the following subjects:

Personnel and Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel and Contract Negotiations conducted at said Closed Session shall be disclosed when (X) the matters discussed are resolved, and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Hyer, seconded by Mr. Wedick.

Roll Call Vote: Ayes: Councilmembers Wedick, Atkins, Strang,

Hyer
Absent: Councilmembers Bergen, Doyle,

Council went into closed session at 7:21 P.M. and this meeting was reconvened at 9:04 P.M.

Council President June Atkins called the meeting to order at 9:04 P.M.

ROLL CALL

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

RESOLUTIONS

1. Resolution #358-04, Special Meeting, Tuesday, November 30, 2004, Hearing on Disciplinary Matter

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, November 30, 2004, 6:30 PM

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

holding a Hearing on a Disciplinary Matter

and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by said 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 re-scheduled meetings of the Governing Body as required by law.

Offered for adoption by Mr. Wedick, seconded by Mr. Strang

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Atkins, Strang, Hyer
Absent: Councilman Doyle

ADJOURNMENT

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

Time of Adjournment: 9:05 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk

THE ATTACHED MINUTES OF THE REGULAR MEETING OF NOVEMBER 23, 2004 WERE PREPARED IN JANUARY OF 2006.

DUE TO THE FACT THAT THERE WERE AN INSUFFICIENT NUMBER OF 2004 COUNCIL MEMBERS SERVING IN JANUARY OF 2006 TO VOTE ON THEIR APPROVAL, PER BOROUGH ATTORNEY, JOHN WISNIEWSKI, ESQ., THESE MINUTES CANNOT BE APPROVED.

THEY HAVE BEEN TYPED AND INSERTED INTO THE MINUTE BOOK.

TO THE BEST OF MY KNOWLEDGE, THEY ARE CORRECT.

JUDITH L. POLING, RMC
BOROUGH CLERK

November 23, 2004
Keyport, New Jersey

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, The Newark 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.

Mayor Merla called the meeting to order at 7:13 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Strang, Hyer. Absent: Councilwoman Atkins, Mr. Kain, Borough Attorney and Mr. Palamara, Administrator.

RESOLUTION

1. Resolution #359-04, Closed Meeting - Personnel, Possible Litigation, Litigation, and Contract Negotiations

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

Personnel

1. Administrator's Office

Possible Litigation

1. Brian Mullen, Former Planning Board Attorney

Litigation

1. Marrone Disposal

Contract Negotiations

1. Garbage Contract Bids
2. Municipal Complex
3. Revaluation

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, for the purpose of discussing the following subjects:

Personnel, Possible Litigation, Litigation, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Possible Litigation, Litigation, and Contract Negotiations conducted at said Closed Session shall be disclosed when the matters discussed are resolved, and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle Strang, Hyer
Nays: None
Abstain: None
Absent: Councilwoman Atkins

Council went into Closed Session at 7:14 P.M. and this meeting was reconvened at 7:57 PM.

Mayor Merla called the meeting to order at 8:06 P.M. and read the Sunshine Law Notice. Councilman Strang led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer. Others present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer, and Mr. Palamara, Administrator.

PRESENTATION

1. Ptl. Ken Marr/CERT Program. Ptl. Marr reported on the Halloween Parade which the Borough contributed funds. There were 100 in attendance and gift certificates were awarded. The grand prize winner was Rebecca Eliger who was in attendance with her parents. Her costume was a valentine heart filled with candy. Ptl. Marr also reported on the CERT Program. 45 people signed up and various classes were held. On December 14^{th} there will be 30 graduates and the State Police will attend. Ptl. Marr invited the Mayor and Council to attend.

APPROVAL OF MINUTES

Motion to approve as read, the Closed Meeting minutes of the April 6, April 19, November 1, 2004, Work Meeting minutes of November 1, 2004, and Special Meeting minutes of November 9, 2004 moved by Mrs. Atkins, seconded by Mr. Wedick, with Ayes by all present, except Mr. Doyle who abstained on the November 9^{th} minutes and Mr. Strang who abstained on the April 6^{th} and April 19th minutes.

PROCLAMATION

1. Mayor Merla read a Proclamation declaring the month of December, 2004 as Drunk and Drugged Driving Prevention Month.

COMMITTEE REPORTS

Councilman Wedick; Police: Mr. Wedick reported that Prosecutor Lane submitted a letter regarding implementation of Alcotest 7110 MK III-C Breath Testing Instrument. The equipment will cost approximately $11-12,000 and there is no State assistance. The Prosecutor needs training and only the State Police can certify the machines. Police Chief Gajewski said the deadline is May, 2006. Mr. Bergen recommended contacting all county municipalities regarding purchasing.

Councilman Bergen; Finance: Mr. Bergen had no report.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle had no report but advised Saturday will be the kick off of the Tree Lighting.

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins advised that there was no quorum at the Recreation Commission meeting. The First Aid ran 532 calls during October. Mrs. Atkins attended the Veteran Day ceremony at the American Legion. Mrs. Atkins advised that the Board of Health had questions regarding the VNA Agreement, that they were not asked for imput and questioned the Mayor signing the Agreement instead of the Board of Health.

Councilman Stalter; Fire: Mr. Strang reported that the last Fire Department meeting was held on November 19^{th}. Fire Department elections will be held on December 1^{st} and the new Fire Chiefs will be sworn in on January 1, 2005. In 2004, the Fire Department had 180 or more runs. There are 146 members plus associates plus cadets and they do a great job.

Councilman Hyer; Public Works/Recycling/Property Maintenance: Mr. Hyer reported that there was a water main break at Fulton and Third Streets, that it was trenched yesterday, valves were inserted and they could not shut it down. Ace Manzo paved Atlantic Street today. The position of Public Works Supervisor was posted and a provisional appointment will be made. The 6" signs on Broad Street have been completed and all other signs have been done. The Christmas decorations are being put up. Mr. Hyer reported that Vicky Thompson of the Monmouth County Mosquito Commission did an inspection of the Marina and advised that the permit was not handled correctly. There will be further investigation by the Department of Environmental Protection. The Monmouth County Mosquito Commission will be in the next few weeks and will make corrections. Mr. Bergen advised Mr. Hyer that there is a big lip at the intersection of Atlantic and Thirds Streets. Mr. Bergen asked Mr. Hyer about the Supervisor position in the Public Works Department. Mr. Hyer said that Bertram Morris has been doing the job for a year and recommended he be appointed provisionally.

Administrator Palamara: November 9, 2004 Payment of Bills: Current Account-$145,625.98; Water and Sewer Account-$25,733.48; General Capital Account-$96.89; RBIT Account-$73.32.

Engineer Freda: There is a punch list for the 2004 Road Program. A driveway will be replaced on Main Street. Mr. Freda said he will check on the lip at the intersection of Atlantic and Third Streets.

Attorney Kain: Mr. Kain reported that the Keyport Plaza Tax Appeal has been settled. The garbage contract with Bridge Disposal will be extended. The November 30th Special Meeting will be cancelled; a new date is needed. All discovery has been received by counsel. Mr. Bergen said he will look at the dates and Mrs. Atkins is to advise the Borough Clerk on the new date. Mr. Doyle will listen to the tapes.

Mayor Merla: Mayor Merla attended the Memorial Day services at the American Legion and read a letter he received from Jeff Kennedy who is serving in the armed forces. He also attended a ribbon cutting for a new business Family Dollar Store. He attended the installation of the new pastor Robert Williams at the Second Baptist Church. He thanked the Public Works and the Business Improvement District for the Christmas decorations. He applauded the Pee Wee and Jr. Pee Wee Keyport Pop Warner teams on participating in the Eastern National finals. Mayor Merla asked Mrs. Atkins about the Recreation plan for equipment to be submitted to Woodmont. Mrs. Atkins said a letter was put together and she will ask the Recreation Secretary about it. Mr. Bergen requested that a copy of the letter be given to Council for review. Mayor Merla reported that Captain Dayback advised that the section of Beers Street by Toms Ford and Straub Motors (which is in need of being paved) is still being used by the car dealers to unload trailers. This should be made a No Loading Zone. The State Aid Agreement, Project 4117, American Legion Drive Bulkhead, has been received and will be reviewed by the Borough Attorney and will be listed on the December 7th Agenda. Mr. Bergen recommended asking the County for funding. On January 1, 2005 a temporary budget will be adopted. He asked the Councilmembers to forward now to Mr. Bergen, Finance Chairman any requests for 2005. Michael Walling, incoming 2005 Fire Chief has recommended that Anthony Vecchio continue as Fire Marshal.

REPORTS OF DEPARTMENTS

October, 2004

1. Borough Clerk Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ 800.00	
TURN ON CHARGE	500.00	
WATER METER		
SEWER CONNECTION	1,000.00	
SEWER/POOL PERMIT	15.00	
WATER METER W/TO		
OTHER - DEMOLITION	300.00	
TOTAL WATER/SEWER,	**$2,615.00**	CK#3624

CURRENT ACCOUNT

BINGO LICENSE	$
FIREARM & FINGERPRINTING	9.00
LIMO LICENSES	40.00
PHOTOCOPIES	34.75
POSTAGE	7.08

RAFFLE LICENSE	10.00	
TAXI LICENSE, DRIVER		
TAXI LICENSE, OWNER		
POLICE DEPT. ACCIDENT RPT	361.00	
SEARCHES		
VENDING LICENSE	30.00	
LIQUOR LICENSE		
STREET OPENING	225.00	
FISH & WILDLIFE		
RECYCLING PERMITS	140.00	
PARKING PERMITS		
AUCTION		
OTHER_____		
OTHER_____		
OTHER_____		
TOTAL CURRENT	**$ 856.83**	CK# 3625

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING	$ 300.00	
BAIT	25.00	
ICE	1.75	
SODA		
ICE CREAM		
TOTAL RBIT	**$326.75**	CK# 3626

ESCROW ACCOUNT

CASH REPAIR **$54.00**
CK#3627

TOTAL RECEIPTS $3,852.58

ALL FUNDS DEPOSITED IN THE SUNDRY ACCOUNT AT FLEET BANK

Submitted by Judith L. Poling, RMC/CMC, Borough Clerk

2. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	42	$ 260.00
CERTIFICATE OF OCCUPANCY	07	1058.00
PLUMBING PERMITS	15	1379.00
ELECTRICAL PERMITS	17	1375.00
BUILDING PERMITS	30	3216.00
FIRE SUB CODE	09	473.00
CODE ENFORCEMENT/C OF O	40	1060.00
TRANSFER OF TITLE	13	470.00
SMOKE DETECTORS	39	1290.00
ZONING	18	170.00
200 FT PROPERTY LIST	01	10.00
MISCELLANEOUS	05	125.00
COPIES	00	-0-
CONST. DEBRIS DEPOSIT	09	450.00
CONST. VIOLSATIONS	00	-0-
CONST. REINSPECTION	00	-0-
TOTAL		**$11,336.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2485	$10,626.00
STATE FEE DUE - PAID QUARTERLY	260.00

Submitted by Carole Cerase, Senior Permit Clerk

3. Tax Collector

2005 TAXES	$ 5,229.50
2004 TAXES	961,749.05
2003 TAXES	29,945.03

INTEREST AND COSTS	10,397.68
MUNICIPAL COURT FINES	20,310.72
UNIFORM CONSTRUCTION CODE FEES	12,485.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	19,117.98
POLICE ACCIDENT REPORTS	400.00
LANDLORD REGISTRATION	2,350.00
NJ STATE AID	355,177.85
NSF CHECK CHARGES	20.00
ADMINISTRATIVE FEES	665.00
ALL OTHER MISCELLANEOUS REVENUE	28,674.77
TOTAL CURRENT RECEIPTS	**$1,466,522.58**

WATER & SEWER RENTS	$ 667,007.66
INTEREST AND COSTS	3,010.63
WATER/SEWER CONNECTION FEE	-0-
TURN ON CHARGES	100.00
NSF CHECK CHARGES	60.00
POOL FILL PERMITS	45.00
WATER METERS WITH TURN ON	200.00
NEW METER CHARGE	-0-
METER TEST CHARGE	35.00
CELLULAR TOWER LEASE	9,651.51
ANNUAL FIRE CONNECTION CHARGE	5.42
DEMOLITION PERMIT	300.00
TOTAL WATER/SEWER RECEIPTS	$ 680,415.22

Submitted by Keri R. Stencel, Tax Collector

4. Board of Health

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE $2611.20

DOG LICENSES	$ 23.20
CAT LICENSES	1.00
MARRIAGE LICENSES	112.00
DOMESTIC PARTNERSHIP AFFIDAVITS	-0-
BURIAL PERMITS	155.00
DEATH CERTIFICATES	1325.00
MARRIAGE CERTIFICATES	305.00
BIRTH CERTIFICATES	90.00
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	300.00
MISCELLANEOUS	300.00

DISBURSEMENTS

CHECK #2817 - BOROUGH OF KEYPORT MISC. ACCT	$2487.00
CHECK #2818 - BOROUGH OF KEYPORT TRUST ACCT	100.00
CHECK #2819 - BOROUGH OF KEYPORT DOG ACCT	23.00
CHECK #2820 - NJ STATE DEPT OF HEALTH	1.20

Submitted by Anne R. Biagianti, Treasurer

5. Municipal Court

STATE FINES	$ 400.00
STATE SURCHARGE	1223.00
STATE UNINSURED	365.00
COUNTY FUNDS	944.18
COUNTY FINES	5307.48
MUNICIPAL FINES	5905.00
MUNICIPAL COSTS	5905.50
MUNICIPAL PARKING	5385.50
MISCELLANEOUS	1388.50

Submitted by Kathie Coffey, Court Administrator

6. Librarian Report

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

Submitted by Jacqueline LaPolla, Librarian

Motion to accept all reports as read, moved by Mr. Hyer, second by Mr. Wedick, with Ayes by all present.

COMUNICATIONS & PETITIONS

1. Letter from Keyport Fire Department Fair Chairman Patrick DeNardo requesting approval to hold the Firemen's Fair in 2006 the week of July 10-15, 2006.

   Motion to approve and forward a copy to the Special Events Committee, moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

2. Letter from Tina F. Fidalgo requesting permission to use Borough Property on Second and Church Streets to park cars during holiday party on Sunday, December 4, 2004.

   Motion to approve moved by Mr. Doyle, second by Mr. Hyer with Ayes by all present.

3. Application for Bingo License from St. Joseph Church (2005 dates), Wednesdays, 12-2 PM.

   Motion to approve moved by Mr. Bergen, second by Mr. Strang, with Ayes by all present.

4. Application for Bingo License from St. Joseph PTA (2005 dates), Sundays, 2-4 PM.

   Motion to approve moved by Mr. Bergen, second by Mr. Strang, with Ayes by all present.

5. Letter from Jennifer Henning, Corresponding Secretary/Environmental Commission regarding a change in the Chairman and request to replace member.

   Motion to refer to Mayor Merla moved by Mr. Strang, second by Mrs. Atkins, with Ayes by all present.

6. Letter from John T. Lane, Jr., Borough Prosecutor regarding implementation of Alcotest 7110 Breath Testing Instrument.

   Motion to refer to the Police Committee moved by Mrs. Atkins, second by Mr. Bergen with Ayes by all present.

7. Letter from Interfaith Neighbors, Inc. enclosing 2004 report and requesting renewal of lease for 2005 at same rate.

   Motion to approve and list Resolution on 12/7/04 moved by Mrs. Atkins, second by Mr. Strang with Ayes by all present.

8. Letter from Department of Community Affairs regarding New Jersey's Statewide Transfer of Development Rights Act Program.

   Mayor Merla advised that he and Mr. Bergen will go to the State and advised them Keyport is interested. Wetlands sites could be transferred to redevelopment areas thereby preserving wetlands forever. The deadline is December 8th.

   Motion to refer to Mr. Bergen moved by Mrs. Atkins, second by Mr. Hyer with Ayes by all present.

9. Letter from NJ Transit regarding 2005 FTA Section 5310 Grant Notification (application for accessible vehicle).

   Motion to receive and file moved by Mr. Bergen, second by Mr. Hyer with Ayes by all present.

10. Resolution adopted by the Hazlet Township Committee proclaiming

December, 2004 as Drunk and Drugged Driving Prevention Month.

Motion to receive and file moved by Mrs. Atkins, second by Mr. Strang, with Ayes by all present.

11. Letter from Jason Sherman regarding Atlantic Estates II and release of Performance Guarantees.

Mr. Doyle said the houses look exactly alike and they are not supposed to. Certificates of Occupancy were issued. Mayor Merla said the houses are different. Mr. Wedick said to ask the Planning Board if they have complied and Mr. Bergen recommended referring the matter back to the Planning Board.

Motion to refer to the Borough Engineer and the Unified Planning Board (to advise if they are satisfied on the issuance of Certificates of Occupancy and if the project is in compliance with the Boards approval) moved by Mr. Wedick, second by Mr. Doyle with Ayes by all present.

UNFINISHED BUSINESS

1. **Downtown/Waterfront Redevelopment Plan.** There will be a meeting in the Council Chambers on November 30th at 7 PM. It was asked why the Special Counsel has not been involved yet. Councilmembers Wedick and Doyle and Mayor Merla will attend and new Councilmembers elect will also be asked to attend.

PUBLIC COMMENT PORTION

The meeting was opened to the public at 8:50 PM. Mr. Ludwig, Beers Street said it was a good idea to refer the Atlantic Estates matter back to the Planning Board. Mike Lane, 51 First Street asked about the Dubleski matter. Mr. Palamara said next Wednesday, 12/1/04, there will be a court hearing. Inspections are complete, except for electric and building. Mr. Dubleski said he would submit an application to the Planning Board and he didn't. Mr. Lane said he is still operating illegally. Mr. Bergen said he wants Judge McLeod to sit on the 12/1/04 court date. Mayor Merla asked if the Judge could mandate that Mr. Dubleski go to the Planning Board; no. Mr. Kain said that the Judge can levy fines. Mr. Bergen recommended after the Wednesday court date, go to the Superior Court. Mr. Lane said drawings were submitted and to work with Woodmont on the lighting (along the bulkhead) and to also consider the railing at Beach Park, that the park should be the same as the bulkhead. Mayor Merla said that Green Acres approval is needed and that Woodmont is looking for suggestions that Council can submit to Green Acres for approval. Residents within 200' also looked at the plans. There are three different lights. Mr. Freda said you have to wait until the job is bid, a contractor identified and cut sheets submitted (to be the same as the bulkhead plans). Mr. Bergen recommended asking Woodmont to design the park and the Recreation Commission send them a letter; Mr. Slotnick should present the plan. George Walling, 54 Second Street said they are still doing work at the Manchester/Maple site. Mr. Palamara said they are removing wood, securing the area and the sprinkler system is isolated. Mr. Bergen asked that the Construction Code Official do an inspection. Joanne Staeger, 424 Main Street asked about the garbage contract being extended. She said she filed a complaint with the Police Deparment and the Police Chief issued a memo. She said the garbage truck is coming in too early and is also picking up items other than garbage. It was said that the truck can take a certain percentage of other items in with the garbage and Mrs. Staeger said this is unacceptable to her. She said she is constantly asking about enforcement and that an effort should be put into recycling. Police Chief Gajewski said he told the garbage company not to come in before 6 am (they have been coming in 5:20-5:30 am). Mrs. Staeger asked about the chain link fence at Beach Park and Mayor Merla said the insurance company said there was a safety factor and not to allow people on the boardwalk section of Firemen's Park. Mr. Bergen said the insurance company is making the town unusable and the Borough should look for another company. Mrs. Staeger said it takes away from using the facility. Eleanor Cosgrove, First Street said they are dumping garbage from a dump truck at 25 Church Street and she called the police. Captain Dayback investigated; the materials came from two jobs in Keyport. Mr. Palmara said moving garbage from one truck to another is not permitted and he spoke with Mr. Alfano. Mrs. Cosgrove submitted photos. Mr. Bergen asked Chief Gajewski about enforcing the ordinance. Chief Gajewski said Captain Dayback said if it is within Keyport it is ok. Mr. Bergen said you cannot cart and store and the site can't be used as a transfer site, that they need to get a dumpster. Mr. Kain said the courts will decide. Mr. Bergen said he will research with the DEP on transfer stations. Mrs. Cosgrove said the residents on First Street are trying to keep up their houses and on December 11th there is the Holiday House Tour (with a garbage truck there?). Mrs. Cosgrove said trucks are left idling while they make deliveries. Vechicles are also going too fast down First Street. At the site, the sidewalk is cracked due to tractor trailers going over the sidewalk onto First Street (3:30-4:00 PM). She said the speed should be lowered on First Street (County Road). Mr. Bergen asked Chief Gajewski to check to see if Church Street is a light traffic street. Mrs. Cosgrove requested radar be set up after 3:30 PM on First Street. Mr. Bergen asked Chief Gajewski to put together a plan on radar and Chief Gajewski said he rather not, but he will advise where it has been. Mr. Ludwig, Beers Street requested that the issue on the ordinance be reviewed in conjunction with the Board of Health Ordinance. Mr. Ludwig said there are two lots on Church Street and parking in the one lot could be a violation. Peggy Hayes, First Street said if the police spoke to Mr. Alfano, they must advise the owner and tenants. The situation has gone beyond and something has to be done quickly that this has been gone over again and again. Ms. Hayes said the DEP and the EPA cover idling and she also said the speed limit should be lowered on First Street. Mayor Merla said the Council has made great strides in the last year. The Mayor and Council create the ordinances and the police enforce them. If the police need legal advice to interpret an ordinance they should contact the Borough Attorney. The ordinances must be enforced everywhere. Mr. Bergen said let them tell it to the Judge. Ms. Hayes said this has been going on for six years. Mayor Merla said he lived on First Street, that there are historic homes and some homes are now four family. Mayor Merla said the Borough cleaned a lot on Main Street and put a lien on the property which the current owner is fighting. He found out about the lien after he had his closing. Mayor Merla said don't be discouraged, that we are fighting the fight. Mr. Walling said that 25 Church Street does not have a C of O and he should be told to move out. Mr. Kain said a court order is needed. Mr. Dubleski was taken to court and he hasn't complied and he has to go back to court. A Judge has to remove him. Mr. Walling said someone will get hurt and there are people in there with no C of O. Mr. Palamara gave an update on the matter. Mayor Merla said Mr. Dubleski lied to him and the residents. Mayor Merla said they are dropping off sewing machines, assembling and packaging them and sending them out. Mr. Lane said Mr. Dubleski said he was repairing sewing machines. Mr. Lane asked about the benches being outside the fence at Beach Park instead of inside. Mrs. Staeger said the fence should be put on the outside of the property. Mr. Ludwig asked if the issues regarding 25 Church Street are in the local court and should they go the County. Mayor Merla wished everyone a Happy Thanksgiving. The meeting was closed to the public at 9:39 P.M.

RESOLUTIONS

2. Resolution #360-04, Payment of Bills

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

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen*, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: *Mr. Bergen abstained on the payments to
Hill Wallack
Absent: None

3. Resolution #361-04, Renewal of Risk Control Agreement for September 1, 2004 to August 31, 2005

WHEREAS, the Borough of Keyport has received a proposal from the NIA Group, LLC ("NIA"), a risk control consultant with offices at One Executive Drive, P.O. Box 6728, Somerset, New Jersey 08875-6728 with regard to the provision of risk control services and insurance company liaison, to the Borough of Keyport for the period from September 1, 2004 through August 31, 2005; and

WHEREAS, the Mayor and Council have examined said proposal and approve of same; and

WHEREAS, the annual charge for said services by NIA will be $14,400.00 for the period September 1, 2004 through August 31, 2005 payable as per Contract; and

WHEREAS, the Local Public Contracts Law requires the Resolution authorizing the award of contracts for extraordinary unspecifiable services without solicitation of bids and the contract itself must be available for public inspection; and

WHEREAS, the Mayor and Council deem it advisable to enter into an agreement with NIA to provide risk control services to the Borough of Keyport for the period September 1, 2004 to August 31, 2005 at a fee of $14,400.00 pursuant to the proposal annexed hereto.

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

1. The Mayor and appropriate Borough officials are hereby authorized and directed to accept the proposal of NIA to provide risk control services to the Borough of Keyport in accordance with the annexed proposal for a fee of $14,400.00 for the period September 1, 2004 through August 31, 2005 payable as per Contract.

2. This contract is awarded without soliciting competitive bids because it is for extraordinary unspecifiable services in accordance with N.J.S.A. 40A:11-5(1)(a)(ii) of the Local Public Contracts Law, because the nature of the services require extensive experience in the field of Risk Loss Control Consulting, extensive training in same and a proven reputation in the field of Risk Loss Control. A notice of this award shall be advertised as required by law.

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

4. Resolution #362-04, 2003 Audit/Certification

WHEREAS, N.J.S.A. 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 2003 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per the requirements of N.J.S.A. 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. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that the governing body of each municipality shall, be 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

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

As evidenced by the group affidavit form of 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, 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 addition 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. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

5. Resolution #363-04, Adjustment to Water/Sewer Utility Bill, Pearl Dixon, 86 Second Street

WHEREAS, sewerage charges for the Borough of Keyport are based upon water consumption unless it can be shown that the water consumed does not enter the sewerage system; and

WHEREAS, the Borough has received and confirmed information that the water consumption readings for the property listed below does not fairly show sewerage discharge because breaks in their water lines caused water to be discharged into the ground rather than in the sanitary sewer; and, WHEREAS, the Utility Collector has reviewed the usage for the past year and determined the appropriate consumption for this property for period shown,

NOW, THEREFORE BE IT RESOLVED by the Governing Body of the Borough of Keyport, County of Monmouth, State of New Jersey, that the Utility Collector is hereby authorized and directed to cancel the following sewerage charge. The water consumption charge for this property shall remain as originally billed.

Pearl Dixon, 86 Second Street-
Sewerage amount billed for January 2004 bill - $467.81
Sewerage amount cancelled - $259.39

Sewerage amount billed for April 2004 bill - $375.41
Sewerage amount cancelled - $166.99

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

6. Adjustment to Water/Sewer Utility Bill, Rose Olini, 44 Walnut Street - (Deleted)

7. Resolution #364-04, Accept Donation of Van from Richard Clay for Keyport First Aid

WHEREAS, through the Keyport First Aid Squad, Unlimited Autos Inc. has offered to donate a 1991 passenger Van to the Borough Keyport; and,

WHEREAS, this van can legally be used without commercial driver's license; and,

WHEREAS, the Borough Mechanic has inspected and driven this van and finds it is in very good condition; and,

WHEREAS, this van could provide beneficial, safe and economical transportation for Keyport residents and activities.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Keyport, County of Monmouth, State of New Jersey, that the donation of this bus is graciously accepted and that the bus be made available for Keyport First Aid activities and, subject to approval of the Borough Administrator, for other senior, youth, and recreation activities and for other transportation needs beneficial to Keyport.

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

8. Resolution #365-04, Accept Donation of Bus from International Trucks of Central Jersey for Borough Use

WHEREAS, International Trucks of Central Jersey has offered to donate a 1993 passenger bus to the Borough Keyport; and,

WHEREAS, this bus is handicapped accessible and has air-conditioning, important and necessary features for use by senior citizens and others; and,

WHEREAS, the Borough Mechanic has inspected and driven this bus and finds it is in very good condition; and, WHEREAS, this bus could provide beneficial, safe and economical transportation for Keyport residents, including senior, youth and recreation activities.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Keyport, County of Monmouth, State of New Jersey, that the donation of this bus is graciously accepted and that the bus be made available for Keyport senior, youth and recreation activities and, subject to approval of the Borough Administrator, for other transportation needs beneficial to Keyport.

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

9. Resolution #366-04, Extend Contract for Solid Waste and Recyclable Materials Collection Service with Bridge Disposal

WHEREAS, the Mayor and Council of Borough of Keyport did advertise certain bid specifications for garbage and recyclable materials collection in and for the Borough of Keyport which were received on November 8, 2004; and

WHEREAS, the Mayor and Council are in the process of reviewing the within bids to determine qualifications and compliance with bid specifications in order to evaluate the bids received and determine the award of a contract for Solid Waste and Recyclable Materials Collection within the Borough of Keyport; and

WHEREAS, the Mayor and Council have determined that it will not be in a position to award a contract and commence collection under a new contract prior to December 1, 2004; and

WHEREAS, Bridge Disposal has consented to extend the term of the contract for an additional period through February 28, 2005, on the same terms and conditions and further will agree to continue to perform all solid waste and recyclable services for the Borough of Keyport, with the additional option to extend said period an additional 90 days through May 31, 2005 at the request of the Borough; and,

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that it is in the best interests of the Borough of Keyport to extend the within contract in order to insure solid waste and recyclable collection pending the evaluation and determination of the current bids received by the governing body; and

WHEREAS, the Mayor and Council having been advised that Bridge Disposal has consented to the within extension at the same terms and conditions for the period specified herein.

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

1. The Mayor and Council of the Borough of Keyport hereby agree to extend the Solid Waste and Recyclable Materials Contract previously assigned to Bridge Disposal for an additional period through February 28, 2005 under the same terms and conditions contained in the within agreement., with the right to an additional 90 Day extension through May 31, 2005 under the existing terms .

2. The Mayor and Borough Clerk are hereby authorized to sign an addendum to extend the within contract consistent with the terms of this Resolution.

3. That copies of the within resolution duly certified by the Borough Clerk, be forwarded to Bridge Disposal, Inc., Borough

Attorney and the Municipal Finance Officer.

4. That a copy of the within resolution be retained in the office of the Borough Clerk for public inspection as required by law.

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

10. Resolution #367-04, Settlement of Keyport Plaza Tax Appeal

WHEREAS, the Mayor and Council of Borough of Keyport are aware of certain litigation pending in the Tax Court of New Jersey, in the matter captioned Keyport Plaza Associates v. Borough of Keyport, concerning the assessment of properties identified as Block 110, Lots 27.01 and 27.03 for tax years 2003 and 2004; and

WHEREAS, the Borough of Keyport has retained an expert to review and evaluate the claims presented in the within matter and has recommended settlement based upon the current ratios in this matter, which settlement would include the dismissal of all claims in 2003 and a reduction in the current 2004 assessment for both properties; and

WHEREAS, the Mayor and Council have reviewed the within recommendation based upon the current municipal ratios and have determined that it is in the best interest of the Borough to authorize the Borough to Attorney to conclude a settlement on such terms as are acceptable to the Borough in consultation with the Tax Assessor and expert; and

WHEREAS, the Mayor and Council have considered the opinion of the Tax Assessor who concurs in the within settlement based upon the current existing ratios in the Borough of Keyport for 2003 and 2004.

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

1. The Mayor and Council hereby authorize the Borough Attorney to settle the within Tax Court matter based upon the recommendation of Steven Rubenstein, an expert retained by the Borough, which settlement will result in a dismissal of the 2003 tax matter and a reduction based upon the assessment in 2004.

2. The Borough attorney is authorized to execute any documents necessary to effectuate the within settlement.

3. A copy of the within Resolution shall forwarded to the Borough Attorney, Tax Assessor and Municipal Finance Officer and a copy shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Doyle, seconded by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

11. Resolution #368-04, Cancel November 30, 2004 Special Meeting

WHEREAS, a Special Council Meeting was scheduled for Tuesday, November 30, 2004 at 6:30 PM in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, NJ for the purpose of holding a Hearing on a Disciplinary Matter; and

WHEREAS, Michael R. Hobbie, Esq., representing Anthony Vecchio has requested that the Hearing date of November 30, 2004 be adjourned and rescheduled for another date in December, 2004 due to the fact that Mr. Vecchio is scheduled for a New Jersey Department of Personnel test on the same date at 6:00 PM.

NOW, THEREFORE, BE IT RESOLVED that the Special Meeting scheduled for Tuesday, November 30, 2004 at 6:30 PM is hereby cancelled and will be rescheduled to another date and time.

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle, Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Motion to Adjourn moved by Mr. Hyer, seconded by Mr. Doyle, with Ayes by all present.

Time of Adjournment: 10:42 P.M.

Respectfully submitted,

Judith L. Poling, RMC/CMC
Borough Clerk
Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk