December 21, 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 and Two River Times and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Councilman Hyer called the meeting to order at 7:06 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #379-04, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Construction Code Office

Litigation

1. DeFino (Washington Street Project)
2. Marrone Disposal
3. Constantine vs. Bass River Township (Class Action)

Labor Relations

1. PBA Contract

Contract Negotiations

1. Garbage Contract
2. Municipal Complex
3. Revaluation
4. State Aid Agreement for American Legion Drive Bulkhead

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, Litigation, Labor Relations, Contract Negotiations

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

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

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

Council went into Closed Session at 7:12 P.M. and this meeting was reconvened at 8:01 P.M. and will resume after the open session business is completed.

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

ROLL CALL

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

PRESENTATION

1. **Pop Warner.** This was deleted from the Agenda.

2. **Kathy Shaw, 2004 KBA Year End Accomplishments.** Jeff Fink said it was a successful year. It is the 5th year the KBA has been in existence. The Organization was formed in 1999 by Mayor and Council. The KBA takes ideas to use and make Keyport a better place. The Committee is all volunteers. A Powerpoint Presentation was given.

   Chris Fernicola, Front Porch; Pat Piney, Shrewsbury State Bank and Kathy Shaw, KBA spoke about the Downtown Network Company and the accomplishments that have been made. Unreal Productions has packed and marketed Keyport. KBA was created by an Ordinance and is 1 of 60 in New Jersey. There are public/private partners with the Municipality. The budget is approved by the Governing Body each year. There are Committee members. KBA is non profit organization(501.3c). There is a trust for Historic Preservation (design, organization, promotion, etc). An audit is required for the KBA. In 2004, Keyport was awarded the Downtown NJ Award. The KBA is working on special events, print advertising, TV advertisements, on line scrap book, sponsors, visitor guide, community newsletter, web site, etc. There are also newspaper circulars, innovative seasonal pieces, benchmark marketing data, visual improvement, economic development.

Mrs. Shaw reviewed the examples of cost and return to the commercial property owners (241 commercial properties). There is a KBA Budget in the amount of $220,000. There are real estate trends, KBA networking, a KBA Mission Statement. She reviewed 2005 priorities. There is an annual meeting which will be held on March 7, 2005. The Holiday House Tour is a priority. Vincent Cogliana, 58 Broad Street, asked if there is any support from the commercial businesses. Mayor Merla said he would like to hear from the KBA members first. Tim Ansell said businesses have come and gone and there are franchises in town (Dollar Store and Subway). Jack Straub, Lincoln Mercury, said the Keyport Business Alliance is the best investment made. People come to Keyport and are shuttled to the downtown area; Mr. Straub supports the KBA. Dr. Barbara Currie said she has received feedback on the advertisements that have been placed in the newspapers. She asked that the Borough pay a company to do the events. Sandra Shevlin said the Borough cannot fund all of the events and services of the KBA and the Borough cannot provide all of the information. Dorie Bianconila, Keyport Pizza, said she supports the KBA; their events bring people into her store. Mr. Hoffman said the quality of his clientele has improved with the KBA. Sunset Mortgage said their business has improved and Kathy Shaw

has helped a lot. Ann Marie Reedy, First Street, said she has been a resident for 23 years and supports the KBA and said she appreciates what Kathy Shaw has done. Kim Sullivan, tenant/business owner for 4 years, said business has improved. Sue Ashmore said she has a business on the Highway and Council does not have the time to market for the businesses. A resident recognized the passion of the members.

Councilman Bergen said KBA should look at expanding (street scape). There will be physical improvements in the 2005 budget to enhance the downtown. Mrs. Shaw said the start up takes time. Mayor Meral said in the 1960's Bill Pease would direct traffic on Friday nights; Council was pro business. The KBA and BID are doing an excellent job.

APPROVAL OF MINUTES

Motion to approve the minutes of the Closed Meetings of March 16th, June 1st, August 3rd, September 7th, November 9th and December 7th and the Work Meetings of September 7th and December 7, 2004 moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present. Mr. Strang abstained on the Minutes for September 7th and prior.

COMMITTEE REPORTS

Councilman Wedick; Police: Mr. Wedick reported on the following. There were 848 calls for November (60 motor vehicle, 44 first aid, 6 fire calls, 9 domestic calls, 184 cars stopped [158 summonses issued], 105 parking summonses, etc). The Public Safety Telecommunication Operators attended 911 refresher courses. Mr. Wedick request a resolution be listed for a part time Public Safety Telecommunication Operator.

Councilman Bergen; Finance: Mr. Bergen reported on the following. Shorelands issued a $52,000 check on Diversion Rights (this will offset the budget as an emergency appropriation). A sewer repair was needed at the intersection of Fulton and Third Streets ($22,000). The Borough wanted to buy Shorelands Water Contract, but the NJDEP would not approve it. The Water Plant is in good shape. The Borough bought $60,000 in water which includes a contract for the operation of the plant; rates may need to be raised next year.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle reported on the following. With regard to the Library, two estimates were obtained to repair the stairs at the Library. The bookshelves are being repaired.

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins was absent.

Councilman Strang; Fire: Mr. Stalter reported on the following. The Fire Election was held on December 1, 2004 and the Chiefs will be sworn in on January 1, 2005. There were 200 runs for the year 2004 which are inclusive of all teams. As Fire Commissioner, Mr. Strang said he was proud of these men and women who volunteer their time.

Councilman Hyer; Public Works/Recycling/Property Maintenance: Mr. Hyer reported on the following. He will not be able to attend the January 1, 2005 Reorganization Meeting. He thanked the residents for allowing him to represent them. He thanked George Sappah and Dave Rooke for all that they have done. He said in 1965-1966 he worked for Public Works. He thanked Mayor and Council for the courtesies they extended to him. Mr. Hyer said in his report he made recommendations for Public Works and Property Maintenance. He wished everyone a Happy Holiday.

Administrator Palamara: Mr. Palamara said he distributed memos. With regard to the Public Works trucks, there are no State Contracts on hand; it will take 6 weeks to receive. Two Pick Up Trucks will be replaced; $15,000 each without a plow ($3,000 additional with a plow). This should be put in the 2005 budget. Mr. Hyer said some streets cannot take big trucks going down them. This matter was referred to Mr. Bergen and CFO Fallon. Mr. Palamara said he has spoken with John Lambert regarding insurance.

Engineer Freda: Mr. Freda reported on the following. He submitted a monthly report. He recommended Ace Manzo as the contractor for Atlantic Street, Phase II, who would be able to begin the work in February or March 2005. Mr. Hyer asked that this be held for two weeks so that Mr. Bergen can review the options. Oswald Sewer has begun TVing the Sewer lines. Mayor Merla asked if Borough time is being documented; Administrator Palamara said yes, connections are being identified as well as leaks and Mr. Sappah has been advised to enable corrections.

Attorney Kain: Mr. Kain did not have a report.

Mayor Merla: The Mayor reported on the following. He complimented the residents and businesses for their Holiday Decorating. A letter was received from the Princeton Area Walkers to do a walking tour; this will be listed on the January 4, 2005 agenda. Verizon has been doing work and may hurt some businesses during the Holiday season; today was the final day and they will only tend to emergencies. The Mayor wished Mr. Hyer the best of luck. He wished the residents and businesses a Merry Christmas and Happy New Year.

REPORTS OF DEPARTMENTS

September and October 2004

1. Property Maintenance Officer

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

Submitted by William R. Cerase, Property Maintenance Officer

November 2004

2. Borough Clerk's Report For February, 2004

WATER/SEWER ACCOUNT

WATER CONNECTION	$ 6,000.00
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	-0-
WATER METER W/TO DEMOLITION	-0-
TOTAL WATER/SEWER, CHECK #3628	**$6,000.00**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	30.00
LIMO LICENSE	-0-
PHOTOCOPIES	119.75
POSTAGE	.74
RAFFLE LICENSE	-0-
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	382.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	109.30
STREET OPENING	675.00
FISH & GAME	2.00
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	220.00
PARKING PERMITS	-0-
AUCTION LICENSES	-0-
TOTAL CURRENT, CHECK #3629	**$1,538.79**

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$
BAIT	
ICE	
ICE CREAM	
SODA	
TOTAL RBIT, CHECK # -	**$ -0-**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3630	$ 270.00
TOTAL RECEIPTS	**$ 7,808.79**

Submitted by Judith L. Poling, Borough Clerk

3. Tax Collector's Report

2005 TAXES	$ 12,032.17
2004 TAXES	2,432,550.43
2003 TAXES	51,849.91
INTEREST AND COSTS	14,344.75
MUNICIPAL COURT FINES	19,750.00
UNIFORM CONSTRUCTION CODE FEES	10,626.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	29,117.98
POLICE ACCIDENT REPORTS	743.00
LANDLORD REGISTRATION	1,450.00
NJ STATE AID	103,327.95
VETERANS/SR CITIZENS PAYMENT FROM STATE	76,638.36
ADMINISTRATIVE FEES	3,622.77
ALL OTHER MISCELLANEOUS REVENUE	30,393.76
TOTAL CURRENT RECEIPTS	**$2,786,447.08**

WATER & SEWER RENTS	$ 86,942.33
INTEREST AND COSTS	1,415.48
WATER/SEWER CONNECTION FEES	7,800.00
TURN ON CHARGES	550.00
NSF CHECK CHARGES	40.00
POOL FILL PERMITS	15.00
WATER METERS/WITH TURN ON	-0-
NEW METER CHARGE	-0-

METER TEST CHARGE	70.00
CELLUAR TOWER LEASE	3,900.00
DEMOLITION PERMIT	300.00
BUDGET REIMBURSEMENT	27,147.52
TOTAL WATER/SEWER RECEIPTS	**$ 128,180.33**

Submitted by Keri R. Stencel, Tax Collector

4. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
STATE DCA FEE	43	$ 343.00
CONSTRUCTION CERTIFICATES	2	522.00
PLUMBING PERMITS	25	2738.00
ELECTRICAL PERMITS	22	3063.00
BUILDING PERMITS	23	3253.00
FIRE SUB CODE	20	1175.00
CODE ENFORCEMENT/C OF O	38	1030.00
TRANSFER OF TITLE	10	380.00
SMOKE DETECTORS	38	1270.00
ZONING	16	160.00
200 FT PROPERTY LIST	01	10.00
MISCELLANEOUS	08	200.00
COPIES	00	-0-
CONST. DEBRIS DEPOSIT	07	350.00
CONST. VIOLATIONS	00	-0-
CONST. REINSPECTION	00	-0-
TOTAL		**$14494.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2486	$13801.00
STATE FEE DUE - PAID QUARTERLY	343.00

Submitted by Carole Cerase, Senior Permit Clerk

5. Board of Health

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE $2289.00

DOG LICENSES	$ -0-
CAT LICENSES	-0-
MARRIAGE LICENSES	84.00
DOMESTIC PARTNERSHIP AFFIDAVITS	-0-
BURIAL PERMITS	140.00
DEATH CERTIFICATES	1025.00
MARRIAGE CERTIFICATES	115.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	100.00
FOOD HANDLERS	450.00
MISCELLANEOUS	375.00

DISBURSEMENTS

CHECK #2821 - BOROUGH OF KEYPORT MISC. ACCT	$2214.00
CHECK #2822 - BOROUGH OF KEYPORT TRUST ACCT	75.00
CHECK # - BOROUGH OF KEYPORT DOG ACCT	-0-
CHECK # - NJ STATE DEPT OF HEALTH	-0-

Submitted by Anne R. Biagianti, Treasurer

6. Librarian's Report

On file in Borough Clerk's Office for review.

Submitted by Jacqueline LaPolla, Librarian

7. Municipal Court Report

STATE FINES	$ 219.00
STATE SURCHARGE	358.00
STATE UNINSURED	271.00
COUNTY FUNDS	2793.34
COUNTY FINES	3895.00
MUNICIPAL FINES	3895.00
MUNICIPAL COSTS	3031.00
MUNICIPAL PARKING	888.00
MISCELLANEOUS	2346.66

Submitted by Kathie Coffey, Court Administrator

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

COMMUNICATIONS & PETITIONS

1. Application for Off Premise Cash Raffle License from Eagle Hose Company/2005 Firemen's Fair

Motion to Approve moved by Mr. Strang, second by Mr. Hyer with Ayes by all present.

2. Request for Handicapped Parking Space at 351 Maple Place from After Care Medical Equipment, LLC

Motion to refer to Traffic Safety moved by Mr. Hyer, second by Mr. Wedick with Ayes by all present.

3. Draft 2004 Cross Acceptance Report, Revised Population and Employment Projects from the Monmouth County Planning Board comment period deadline: January 9, 2005).

Motion to Receive and File moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

4. Resolution supporting the Rights of our Immigrant Neighbors and Resolution for Establishment of NJ Arab Heritage Commission from the State Division on Civil Rights.

Motion to list on January 4, 2005 Agenda moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

5. Resolution in Opposition to A-2121/S-911 which would expand local responsibilities under the Condo Services Act from the New Jersey State League of Municipalities.

Motion to list a Resolution of Support on January 4, 2005 moved by Mr. Hyer, second by Mr. Bergen with Ayes by all present.

6. Response from Gerald Freda, Borough Engineer regarding NJ Natural Gas Company application for street opening permit #1919, installation of gas main on Fulton Street.

Motion to refer to George Sappah and relist on January 4, 2005 moved by Mr. Hyer, second by Mr. Strang with Ayes by all present.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:38 P.M. Ed Burlew, West Front Street, said Kathy Shaw is a hard worker, but he will speak against the KBA because he does not want to pay as a business owner and would like the residents to pay as well. The business people are being told they have to pay the fees and it is something they do not want. The KBA put the Chamber of Commerce out of business. The Mayor said the Chamber of Commerce did not provide events in town. Mr. Burlew noted that in the presentation, there are no people walking. Earl Swift said the business owners do not want the KBA or the additional cost. The Mayor said in March 2005 this matter will be undertaken and reviewed at budget time. Some businesses who signed were told their taxes would go down. Mr. Swift said he assesses his tenants a proportionate portion and they have a say. It should be voluntary; it is not right to make the businesses become a member. Mr. Doyle said he was never approached for a survey. Mr. Terry Musson said the KBA did not conduct a survey, the businesses did. The Chamber of Commerce sponsored the events in town. Mayor and Council should have supported the Historical Society and Chamber of Commerce. The KBA took over the Chamber of Commerce events and Historical Society House Tour. Kathy Shaw is paid and there are also consultants for the KBA that are paid. Mr. Bergen said the KBA went through a process and he encouraged the businesses get involved. He asked what the businesses are against. Mr. Swift said he is against being taxed for the events that take place downtown. Mayor Merla said the good outweighs the bad; the business owners should get involved and vote no. Mr. Wedick said from day one, the businesses had the option to vote on the assessment. Mr. Musson said the board was formed before the KBA expanded so the business owners did not have the opportunity to vote on the budget. There was not a quorum at the Board Meeting. Mr. Bergen said he hears the business owners please loud and clear, but if the downtown goes down, the Borough will not survive. Mr. Burlew said the residents should be included in the additional assessment; Mayor and Council divided the businesses and the residents. Mr. Bergen recommended a luncheon be set up and he will meet with everyone. Mr. Burlew said he did say the Borough should try to lower taxes. Sandra Shevlin said there is a division of the businesses and the KBA may not have communicated with the Historical Society regarding the House Tour; they are more than welcome to join the meetings and committees. Mr. Hyer said the points made were well taken and he heard everything that was said.

Mike Lane, First Street, thanked Mr. Hyer for his efforts on behalf of the Borough. Mr. Lane asked about Mr. Dubleski's property; the parking lot. Administrator Palamara said

inspections have been performed. Mr. Dubleski is scheduled to go before the Planning Board on January 27, 2005, but he needs to advertise. There is a court date scheduled to assess fines for December 29^{th}; there will not be any more adjournments. Mr. Bergen questioned the adjournment that was given. Mr. Lane said the neighbors concerns are the buffer, dumpster and parking spaces.

Robert Ludwig, Beers Street, said he is impressed with the staffing of the Borough employees i.e. Robert Burlew, Construction Code Official; Dave Palamara, Borough Administrator; Robert McLeod, Municipal Court Judge; Mr. Hilla and Mr. Freda for the Planning Board.

A resident thanked the KBA and Mayor and Council for the Santa mailbox; 75 letters were received.

Kathy Shaw said the KBA worked with the Historical Society and the Museum was featured in the brochure and on the website. There is a collaboration on the catalogs.

George Walling, 54 Second Street, asked if there is a loading zone for the Dollar Store? There was a tractor trailer parked outside with its motor running. Mayor Merla said this has been referred to Traffic Safety and a loading zone is not needed.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 10:26 PM. Mayor Merla wished everyone a Merry Christmas and Happy New Year.

PRESENTATION

There was an Insurance presentation from Smith, Gatta and Gelok who worked with Administrator Palamara. A proposal was submitted to the Borough of Keyport and it is very good. Costs went up due to the new Municipal Complex and the new vehicles increased the umbrella to $15 million. Mr. Bergen said he is not ready to approve or vote on this matter tonight and requested a Special Meeting be held.

RESOLUTIONS

2. Resolution #380-04, Payment of Bills

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

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

3. Resolution No. 381-04, Remove Uncollectible Taxes, Block 50.01, Lot 25

WHEREAS, the Municipal Collector of Taxes, 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 Taxes.

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 remove uncollectible taxes as per NJSA 54:4-91.1. Block 50.01, Lot 24 was subdivided into two parcels - block

50.01, Lot 24 and Block k50.01, Lot 25. Even though the taxes were divided in the Tax Duplicate, the mother lot information did not follow the correct parcel in the computer causing an overbill and subsequent overpayment of taxes on Block 50.01, Lot 25. Therefore I must request that the erroneous overbilling be cancelled and the overpayment refunded.

Block and Lot		Name	Amount
50.01	25	Trodden	$1324.58

2. Certified copies of this Resolution to Municipal Collector of Taxes, Administrator and any other interested parties.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

4. Resolution No. 382-04, Authorization to Charge $100.00 at termination of Water Service when meter is pulled.

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits for approval the charging of an additional fee of one hundred dollars ($100.00) at termination of service for non payment if the Department of Public Works cannot shut off service from the curb, but must actually pull an individual meter; and

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, suggests this resolution because it will most likely cut down on having to terminate service for non payment; and

WHEREAS, it is the desire of the Mayor and Council to approve such requests.

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 charge one hundred dollars ($100) at termination of service when an individual meter must be pulled.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

5. Resolution No. 383-04, Authorization to waive interest due on taxes and Water/Sewer Rents less than 50 cents.

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents submits for approval the waiving of interest less than fifty (50) cents on Tax and Water/Sewer payments; and

WHEREAS, the Municipal Collector of Taxes and Water and Sewer Utility rents suggests this resolution because it is economically sound to waive such interest due to the cost of delinquent notifications and such; and

WHEREAS, it is the desire of the Mayor and Council to approve such requests.

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 waive any interest due that is less than fifty (50) cents.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

6. Resolution No. 384-04, Atlantic Street Improvements-Change Order No. 3 ($19,935.61)

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized certain improvements to Atlantic Street based on funding received from the New Jersey Department of Transportation; and

WHEREAS, the Mayor and Council have received a written request from the Borough Engineer recommending approval of Change Order No. 3 for the improvements to Atlantic Street as it relates to the contractor, Ace Manzo, Inc. and D. Manzo & Son, Inc; and

WHEREAS, the Mayor and Council have reviewed the proposed change order request and have determined to approve the change order request relative to the within project which was the result of the necessity to remove and dispose of certain wood sheathing which interfered with the installation of the new sewer line as determined by the contractor and confirmed by the Borough Engineer; and

WHEREAS, based upon the review of the Mayor and Council and the recommendation of the Borough Engineer, the Mayor and Council are inclined to approve the within change order in the amount of $19,935.61 which would result in a final revised contract total of $409,188.98, inclusive of the base contract, together with all change orders approved in reference to the within project; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution approving the change order and authorizing the Borough Engineer to proceed with the completion of the within project, based upon Change Order No. 3 dated December 9, 2004.

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 approve Change Order No. 3 as recommended by the Borough Engineer for the Improvements to Atlantic Street based upon a change order dated December 9, 2004.

2. The Mayor and Council hereby approve the change order which provides for the removal and disposal of certain wood sheathing interfering with the installation of the new sewer line in the amount of $19,935.61. The total current contract between the Borough of Keyport and Ace Manzo, Inc. and D. Manzo & Son, Inc. is hereby increased to the sum of $409,188.98 inclusive of all change orders.

3. That the Mayor is hereby authorized to execute the within Change Order upon certification as to the availability of funds by the Municipal Finance Officer.

4. That a copy of the within Resolution, duly certified, be forwarded to the Borough Engineer and the Municipal Finance Officer.

5. That a copy of the within resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

7. Resolution No. 385-04, Approve Interlocal Services Agreement with County of Monmouth for MOD IV Tax System and authorize execution by the Mayor and Borough Clerk

WHEREAS, the State of New Jersey has mandated the use of the MOD IV System for all New Jersey municipalities; and

WHEREAS, the Board of Chosen Freeholder of the County of Monmouth, in conjunction with the County Board of Taxation and the County Department of Information Services, is offering the County's services to the municipalities of Monmouth County to facilitate compliance by the municipalities with the MOD IV Tax System; and

WHEREAS, an Interlocal Services Agreement has been proposed for this purpose, pursuant to NJSA 40:8A-1 et seq.; and

WHEREAS, it is in the best interest of the Borough of Keyport to enter into such an Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the Agreement entitled "Agreement between the County of Monmouth and Certain Municipalities located therein for Computer Services for the MOD IV Tax System", a copy of which is attached hereto, be executed by the Mayor and Municipal Clerk.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

8. Resolution No. 386-04, Therese Street Improvements - Change Order No. 2

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized certain Improvements to Therese Street based upon funding received from the 2003 Monmouth County Community Development Block Grant Program which was contracted to Ace Manzo, Inc. and D. Manzo & son, Inc., based upon their low bid submission; and

WHEREAS, the Mayor and Council did further authorize Change Order No. 1 by Resolution No. 273-04 which provided for an increase in the sum of $60,700.00, the result of additional work necessary to complete the improvements required on the project which increased the total project to $560,486.50, inclusive of Change Order No. 1; and

WHEREAS, the Mayor and Council have received a request from the Borough Engineer to consider Changer Order No. 2 (final), which upon final computation of the scope of the work and materials used will result in a reduction of the total price of the project in the sum of $25,759.40 for a total final project cost of $534,727.10 for the improvements to Therese Street; and

WHEREAS, the Mayor and Council have reviewed Changer Order No. 2 (final) which will further reduce and thereafter fix the cost of the Therese Street Improvement Project and have resolved to approve the within final change order and finalize the total cost.

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 approve Change Order No. 2 (final) as recommended by the Borough Engineer for the improvements to Therese Street dated December 8, 2004 which reduces the final cost of the project by the sum of $25,759.40.

2. The Mayor and Council approve the within change order which decreases the total contract by the amount of $25,759.40 and which results in a final project cost, inclusive of all change order, in the sum of $534,727.10 for the completed improvements to Therese Street.

3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

9. Resolution NO. 387-04, approve State Aid Agreement between the Department of Environmental Protection and the Borough of Keyport, Project No. 4117 and authorize execution by the Mayor and Borough Clerk

WHEREAS, the Mayor and Council of the Borough of Keyport have previously been notified of the award of funding through the Department of Environmental Protection for the replacement of the bulkhead along American Legion Drive within the Borough of Keyport which will be utilized to replace approximately 1800 linear feet of bulkhead; and

WHEREAS, the Borough of Keyport would receive the sum of One Million Six Hundred and Twelve Thousand, Nine Hundred and Fifty Dollars which represents 75% of the estimated project cost inclusive of construction and project advertising; and

WHEREAS, the Mayor and Council have supported the bulkhead replacement project which would provide significant long term benefits to the residents of the Borough of Keyport and provide permanent improvement to the Keyport waterfront inclusive of the construction of the waterfront promenade; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed a proposed State Aid Agreement between the Department of Environmental Protection and the Borough of Keyport which will authorize the necessary funding grant and authorize the commencement of the bid process by which to obtain the requisite quotes to undertake the project; and

WHEREAS, both the Borough Engineer and Borough Attorney have reviewed said agreement and recommend the execution of the within agreement with certain minor modifications approved by the Department of Environmental Protection; and

WHEREAS, the Mayor and Council are resolved to authorize the execution of the State Aid Agreement with the Department of Environmental Protection relative to the bulkhead project.

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 the State Aid Agreement with the Department of Environmental Protection, which will result in the receipt of approximately $1,612,950.00 in State Aid toward the replacement of approximately 1800 feet of linear bulkhead along American Legion Drive.

2. The within State Aid Agreement shall reflect certain minor amendments as between the Department of Environmental Protection and the Borough of Keyport.

3. Copies of the within Resolution and executed copies of the State Aid Agreement shall be forwarded to the State of New Jersey, Department of Environmental Protection, Municipal

Finance Officer and Borough Attorney 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. Hyer, second by Mr. Doyle

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

10. Resolution No. 388-04, Transfer of Appropriations/Current and Water/Sewer Accounts

WHEREAS, NJSA 40A:4-58 permits transfers of appropriations to be made during the last two months of the fiscal year from appropriations which are in excess of the amount deemed to be necessary to fulfill he purpose of such appropriation and to those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the transfers in the amount of $50,400 be made between the 2004 budget appropriations as follows:

	Budget Appropriation	**From**	**To**
0101.101	Administrative & Executive-S&W		$ 800.00
0103.101	Municipal Clerk-S&W		1100.00
0103.299	Municipal Clerk-O/E		2300.00
0105.101	Finance - S&W	$ 600.00	
0105.299	Finance - O/E		400.00
0107.101	Assessor - S&W		20.00
0107.299	Assessor - O/E		100.00
0109.101	Collector - S&W	2700.00	
0113.299	Legal - O/E	10000.00	
0119.299	Engineering-O/E		10000.00
0117.101	Municipal Prosecutor-S&W	500.00	
0121.299	Public Buildings & Grounds-O/E	3000.00	
0125.101	Planning Board - S&W	300.00	
0134.101	Garbage & Trash Removal - S&W		1100.00
0134.299	Garbage & Trash Removal - O/E	1100.00	
0137.101	Police - S&W		2800.00
0137.299	Police - O/E		1600.00
0143.101	Streets & Roads - S&W	28000.00	
0144.291	Landfill Disposal Costs		9000.00
0145.101	Board of Health - S&W		850.00
0145.299	Board of Health - O/E		1750.00
0153.299	Parks & Playgrounds - O/E	2000.00	
0155.101	Recreation - S&W		120.00
0171.227	Police & Firemen's Retirement System		60.00
0171.225	Social Security		1100.00
0172.101	Property Maintenance Code-S&W	400.00	
0172.299	Property Maintenance Code-O/E	1000.00	
0176.101	Construction Code-S&W	800.00	
0177.710	Natural Gas		6000.00
0178.720	Electricity		4000.00
0181.723	Street Lighting		7300.00
		50400.00	**50400.00**

BE IT FURTHER RESOLVED by the Governing Body of the Borough of Keyport that transfers of appropriations in the amount of $55,000.00 be made between the 2004 Budget appropriations of the Municipal Water-Sewer Utility as follows:

	Budget Appropriation	From	To
1001.101	Salaries and Wages		36000.00
1001.299	Other Expenses		19000.00
1010.298	Acquisition of Water	55000.00	
		55000.00	**55000.00**

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

11. Resolution No. 389-04, Emergency Appropriation/Acquisition of Water - $60,000

WHEREAS, an emergency has arisen with respect to the Acquisition of Water and no adequate provisions was made in the 2004 Water/Sewer Utility Operating budget for the aforesaid purpose and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created including the appropriation to be created by this resolution is $60,000 and three (3) percent of the total operating appropriations in the budget for 2004 is $268,202.87; and

WHEREAS, the foregoing appropriation together with prior appropriations (including utility operating appropriations) in the budget for 2004.

NOW, THEREFORE, BE IT RESOLVED that in accordance with NJSA 40A:4-48:

1. An emergency appropriation is hereby made for the Acquisition of Water in the Water/Sewer Utility Budget in the amount of $60,000

2. That said emergency appropriation shall be provided for in full in the 2005 Water/Sewer Utility Budget.

3. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

12. Resolution No. 390-04, Emergency Appropriation/Repair of Water Lines - $22,000

WHEREAS, an emergency has arisen with respect to the Repair of Water Lines and no adequate provisions was made in the 2004 Water/Sewer Utility Operating budget for the aforesaid purpose and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created including the appropriation to be created by this resolution is $22,000 and three (3) percent of the total operating appropriations in the budget for 2004 is $268,202.87; and .

WHEREAS, the foregoing appropriation together with prior appropriations (including utility operating appropriations) in the budget for 2004.

NOW, THEREFORE, BE IT RESOLVED that in accordance with NJSA 40A:4-48:

1. An emergency appropriation is hereby made for Other Expenses in the Water/Sewer Utility Budget in the amount of $22,000

2. That said emergency appropriation shall be provided for in full in the 2005 Water/Sewer Utility Budget.

3. That two (2) certified copies of this Resolution be filed with the Director of the Division of Local Government Services.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

13. Resolution No. 391-04, Authorization for Emergency Repairs/Water Line

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised by the Superintendent of Public Works of a rupture of a Borough Water Main situated at or about the intersection of Fulton Street and Third Street in the Borough of Keyport; and

WHEREAS, as the result of the water line rupture, numerous homes in the surrounding area were left without water and the ability to provide adequate fire protection for the surrounding community due to the inability to deliver water; and

WHEREAS, the Superintendent advised that due to the nature and extent of the rupture, the Department of Public Works were unable to undertake the requisite necessary repairs; and

WHEREAS, the Superintendent did act to retain a contractor to complete the repairs necessary on an emergency basis so as to restore water and fire protection services to the surrounding area on an expedited basis as required under the circumstances; and

WHEREAS, the Superintendent did contact three (3) local contractors capable of undertaking such emergency repairs as were required to restore water availability and fire protection services with B&W Construction Company, Matawan, New Jersey, being the contractor selected to perform with within emergency repairs; and

WHEREAS, the Mayor and Council have the authority to enter into agreements to provide services without public bidding where an emergency affects public health and safety pursuant to the provisions of NJSA 40A:11-6; and

WHEREAS, the Mayor and Council of the Borough of Keyport desire to recognize the emergency based on the facts set forth herein, confirm the entry of the emergency contract with B&W Construction and authorize such payment as required.

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

1. The Mayor and Council hereby declare that the massive rupture of the water main situated at or about the intersection of Fulton Street and Third Street which threatened the health and safety of residents within the immediate area due to the lack of potable water and the ability to have water available for fire protection services constituted an emergency condition within the Borough of Keyport.

2. The Mayor and Council hereby authorize a contract between the Borough of Keyport and B&W construction, Matawan, New Jersey which contract is awarded without public bidding in accordance with NJSA 40A:11-6 based upon the within emergency condition.

3. The Mayor is hereby authorized to sign the appropriate contract for the aforesaid emergency repairs and the Chief Financial Officer to pay to the contractor, B&W Construction for the cost associated with this emergency repair in the sum of $21,000.00.

4. That copies of the within Resolution duly certified be forwarded to the Borough Attorney, Municipal Finance Officer and to B&W Construction, Matawan, New Jersey and a copy of the resolution be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

14. Resolution No. 392-04, Adjustment to Water/Sewer Account, Rose Olini, 44 Walnut Street/Water Leak

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 reading for the property listed below does not fairly show sewerage discharge because the water was used to fill a swimming pool; and

WHEREAS, the Public Works Superintendent has reviewed the usage for the pool and the appropriate credit has been determined as per the Borough's sewer fee ordinance.

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. This cancellation is contingent upon the payment of the appropriate pool fill permit fee to the Borough Clerk.

Rose Olini, 44 Walnut Street
Sewerage amount billed for October 2004 bill - $369.25
Sewerage amount cancelled - $63.92

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

15. Resolution No. 393-04, Hire Part Time Public Safety Telecommunications Operator

WHEREAS, there is a present need for Public Safety Telecommunications Operators; and

WHEREAS, to allow greater scheduling flexibility and to allow sufficient time for required background checks on applicants, it is recommended by the Police Chief, Captain and Lieutenant that Part Time Public Safety Telecommunications Operators be hired on a temporary basis; and

WHEREAS, the Chief Captain and Lieutenant have recommended that Mary Gillard be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

WHEREAS, Ms. Gillard has experience as a police dispatcher in Keyport and neighboring towns; and

WHEREAS, sufficient funds have been provided in the 2004 budget for this Part Time position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Mary Gillard is hereby hired as a temporary Part Time Public Safety Telecommunications Operator effective December 21, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $7.00 per hour during training and shall increase to $10.00 per hour when the employee is fully trained, that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

16. Resolution No. 394-04, Hire Supervisor Public Works-Scott Hicks

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that the position of Supervisor, Department of Public Works, remains open for appointment with the Department of Public Works; and

WHEREAS, the Mayor and Council have received a recommendation from the Superintendent of Public Works and the Public Works Committee recommending the appointment of Scott Hicks, a current employee of the Department of Public Works to fill the position of Supervisor, Department of Public Works; and

WHEREAS, the Mayor and Council of the Borough of Keyport have considered the recommendation of Scott Hicks to serve as Supervisor in the Department of Public Works and are resolved to make this provisional appointment.

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 make the provisional appointment of Scott Hicks, Supervisor, Department of Public Works, effective immediately.

2. The provisional appointment is subject satisfaction of any and all requirements of the Department of Personnel and the Borough of Keyport relative to the appointment process and probationary period, as applicable.

3. Copies of the within Resolution shall be forwarded to Scott Hicks, George Sappah, Superintendent, Department of Bublic Works and to 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. Hyer, second by Mr. Doyle

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

17. Resolution No. 395-04, Reject Garbage Bids

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the collection of Solid Waste and Recyclable Materials within the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk of November 8, 2004, consistent with the advertised Notice to Bidders; and

WHEREAS, the Mayor and Council have reviewed the within bids received and have determined that it is in the best interest of the Borough of Keyport to reject the bids received which were in excess of the estimates anticipated by the Borough of Keyport and based upon a decision of the Borough of Keyport to revise and reduce the number of bid options to be included to further promote clarity and competition as set forth in NJSA 40A:11-13.2; and

WHEREAS, the Mayor and Council are resolved to reject all bids received for the within project for the reasons set forth herein, including, primarily that the bids received substantially exceeded the cost estimates calculated by the Borough for the collection of solid waste and recyclable materials.

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

1. The Mayor and Council hereby reject the bids received by the Borough Clerk for the work in connection with the Collection of Solid Waste and Recyclable Materials for the reasons incorporated in the within body of this resolution.

2. The Borough Clerk is authorized to notify the bidders of the decision of the Mayor and Council and to return all relevant documents to the bidders consistent with this resolution.

3. Certified copies of the within resolution shall be forwarded to all bidders submitting bids, the Borough Attorney and Municipal Finance Officer and a copy of the within resolution shall be retained by the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mr. Doyle

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

18. Resolution No. 396-04, Authorize Certain Emergency Repairs to Municipal Complex Roof and authorize Borough Attorney to notice General Contractor

WHEREAS, the Mayor and Council of the Borough of Keyport have been apprised as to the condition of the current municipal complex roof and the continued problems relative to water penetration through the new roof which poses a serious threat to the integrity of the roof and threatens further damage to the municipal complex; and

WHEREAS, the Borough of Keyport has retained a roofing expert and authorized numerous tests, including water tests, to determine the integrity of the current roof and to identify immediate areas of concern for the Borough; and

WHEREAS, the expert, Henry Vitale, RRO, did conduct certain tests and evaluations of the roof with representatives of the manufacturer, Siplast, the general contractor, A&K and the roof installer, Coffey Brothers to identify concerns and to further identify areas in need of emergency repairs prior to the onset of winter; and

WHEREAS, the recommendations of Henry Vitale, RRO, were memorialized in a report dated November 19, 2004 which called upon the general contractor to perform certain emergency repairs including replacement of scuppers improperly installed during the installation of the roof together with additional emergency repairs detailed in this report; and

ADJOURNMENT

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

Time of Adjournment: 11:10 P.M.

Respectfully submitted,

Judith L. Poling, RMC/CMC
Borough Clerk

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk