

Approved 12/21/04

December 7, 2004
Keyport, New Jersey

Minutes of a Work 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 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 Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:12 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #369-04, Closed Meeting - Personnel, Litigation, and Contract Negotiations

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

Personnel

1. Construction Code Office
2. Christmas Holiday Schedule
3. Administrator's Office

Litigation

1. DeFino (Washington Street Project)

Contract Negotiations

1. Garbage Contract
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 in the Council Chambers for the purpose of discussing the following subjects:

Personnel, Litigation, and Contract Negotiations .

BE IT FURTHER RESOLVED that the discussions on Personnel, 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 Mrs. Atkins, seconded by Mr. Doyle

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

Council went into closed session at 7:13 P.M. and this meeting was reconvened at 7:58 P.M.

Mayor Merla called the meeting to order at 8:01 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Doyle, Atkins, Strang, Hyer. Absent: Councilman Wedick.

Others present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer and Mr. Palamara, Administrator.

PRESENTATION

Mayor Merla and Councilwoman Atkins presented Certificates to the Keyport Union Beach Softball Teams, KUBS 16U for winning 1st Place in the Middletown Babe Ruth Classic and to the KUBS 10U for winning 2nd Place in the Clinton Jungle Rumble Classic and 1st Place in the Middletown Babe Ruth Classic. Certificates were handed out by the respective coaches. Mayor Merla said the Borough was very proud of the athletics, advising them to stay in school and sports, and parents, wishing them a good Holiday.

Councilman Hyer, who attended the Bayshore Conference of Mayors Meeting in Mayor Merla's stead, presented their plaque to Mayor Merla in appreciation for all his work.

APPROVAL OF MINUTES

Motion to approve the minutes of the Closed Meetings of May 4, May 18, June 15, July 6, July 20, September 21 and October 5, 2004, moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present except Mr. Strang abstained on the minutes from May through July and Mr. Doyle abstained on the minutes of June 15, 2004.

COMMUNICATIONS AND PETITIONS

1. Tow Truck Renewal Applications for 2005:
Roder's Motors, DJ's Towing, Bill Wright & Sons, Key Auto Body, D & D Towing and Bayshore Auto

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

2. Application and Permit for Street Openings from New Jersey Natural Gas, Fulton Street, installation of gas main and retirement of regulator station.

Motion to refer to the Borough Engineer, moved by Mr. Bergen, seconded by Mrs. Atkins, with Ayes by all present. Mr. Freda is to contact the NJ Natural Gas regarding paving the street from the center to the curb.

3. Application for Bingo License from American Legion Post #23, Raritan for 51 games in 2005.

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

4. Request from the Keyport Fireman's Fair Committee to hold Annual Volunteer Fireman's Fair the week of Monday, June 6-11, 2005.

Motion to approve, moved by Mr. Strang, seconded by Mrs. Atkins, with Ayes by all present.

5. Request from the Keyport Fire Department Fair Chairman Patrick DeNardo requesting the Mayor and Council to pass a resolution or proclamation making that week (see below) officially "Keyport Volunteer Fireman's" Week and to approve holding the fair on those dates: July 2006-8th thru 16th, July 2007-7th thru 15th, July 2008-5th thru 13th, July 2009-11th thru 19th and July 2010-10th thru 18th.

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

6. Letter from Richard Ayers, 184 Broad Street regarding water/sewer billing.

Motion to refer to the Public Works Committee for review, moved by Mr. Hyer, seconded by Mr. Strang, with Ayes by all present.

Mayor Merla said a tax appeal was filed due to a fire, and suppose he doesn't fix it, when does it go back on the tax roles. Mr. Palamara said the structure is empty and it would go back on the tax roles when it is substantially complete. Mr. Palamara is to check to verify it is vacant. There has been no flow for the last two quarters.

7. Correspondence from Mark Schultz regarding Brownfields Redevelopment Task Force.

Motion to refer to Mayor Merla and Councilman Bergen, moved by Mr. Doyle, seconded by Mrs. Atkins, with Ayes by all present.

8. Request from New Jersey State League of Municipalities to adopt resolution in support of a Property Tax Reform Convention.

Motion to list a supportive Resolution on the agenda, moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.

9. Results of the Keyport Fire Department Election held December 1, 2004.

Motion to receive and file, moved by Mr. Strang, seconded by Mr. Doyle, with Ayes by all present.

10. Letter of retirement from Errol Lamberson, Plumbing Sub Code Official/Plumbing Inspector/Fire Inspector, effective 12/31/04 requesting re-employment at later date.

Motion to accept, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

UNFINISHED BUSINESS

1. Water Leak/Fulton & Third Streets. Mr. Hyer reported that the leak was repaired by an outside company.
2. Bus. Mr. Hyer reported that the bus, which was donated, is in the Borough.
3. Public Works. Mr. Hyer reported that they are in need of two pick up truck; a current one is unsafe.
4. Parks Mr. Hyer reported that see saws have been placed in the Main Street and Veterans parks. Mr. Bergen asked about Beach Park and Mrs. Atkins said there is a recommendation.

ADMINISTRATOR'S REPORT

Mr. Palamara reported that memos were sent to the Mayor and Council regarding 25 Church Street and 75 Manchester Avenue.

ENGINEERS REPORT

Mr. Freda reported on the following. Sewer Lines. Oswald will start the sewer line evaluation tomorrow. They will clean the lines first and then tv and grout. They will do dthe whole town, minus a few streets, in a couple of months. Atlantic Street. The project needs striping, signage and punch list items addressed. Mayor Merla said he does not like the paving job; there are two seams (should be one), that it is rough looking and he doesn't

think they milled. Mayor Merla said he would like the County to look at Maple & Atlantic. Also there is flooding; there is no water run off and it is backing up onto Atlantic. Mr. Bergen recommended not making payment for the job and also advised there is a bump in the road. Mr. Freda said the contractor had to recreate the road. Mayor Merla asked about the sub base and doing paving in the spring. Mr. Freda said the water/sewer lines were replaced and that he was told the road had to be paved before the end of the year. Mr. Freda said adjustments have to be made and he didn't think it was that bad. Mr. Bergen said he wanted to walk the project with Mr. Freda. Mayor Merla said Orchard, Washington and May were paved and now there is a mark out. He asked if the utilities were notified of the project and Mr. Freda said yes. Mayor Merla said there are other methods that could be used instead of mark out paint. Mr. Freda advised that the mark out companies are independent of the utilities. Mr. Freda said there is a change order for the 2004 Road Program in the amount of \$9,489.43 for a catch basin and this was referred to the Finance Committee.

ATTORNEY'S REPORT

Mr. Kain had no report.

NEW BUSINESS

1. Keyport Fire Department. Mr. Strang reported that the Elections were held for 2005 and the results were: Chief-Mike Walling; 1st Asst. Chief-Timothy Regan; 2nd Asst. Chief-William Larkin; and 3rd Asst. Chief-William Vaughn.
2. 2004 Budget. Mr. Bergen said there will be no more spending for the rest of the year that the budget is tight.
3. Holiday Events. Mrs. Atkins advised that the Holiday Lighting Contest will be held 12/18/04 and there is a Christmas Party at Central School on 12/18/04 from 9 am-12 noon.
4. 22 Osborn Street. Mayor Merla said this was to be demolished and now there is work going on over the charred walls. Mr. Palamara is to obtain information from Mr. Bergen and issue a full report.
5. Christmas Decorations. Mayor Merla thanked all the volunteers for the work done in town.
6. Needy Families. Mayor Merla said if there are any families in need to give him a call.
7. Main/Broad Street Parking Lot. Mayor Merla said homes that face Main Street have put up restricted parking behind their homes in the parking lot which involves at least 6 parking spaces. He asked if this was illegal and can the Police enforce it. If someone is parked there are they legally parked. Mr. Bergen recommended that the Public Works Department put signs up that this is Borough property and that parking is permitted. A resident from the audience said that would be defeating the situation. Mayor Merla said you can't tell people they can't park there and Mr. Bergen said there is a time limit in the lot.
8. Duck Hunters. Mayor Merla said the Borough needs the parking spaces. Mayor Merla advised Police Chief Gajewski that the First Street residents called about the duck hunters shooting their guns at 5:50 am on Saturdays and Sundays. He asked that the patrols advise about the noise ordinance. Chief Gajewski said there is also a firearm ordinance. Mayor Merla said the residents called the Police Department. Chief Gajewski said he would also advise Aberdeen Township.
9. Serviceman. Mayor Merla advised he had received a Christmas Card from Jeff Kennedy, a Keyport resident, who is serving in the Middle East.
10. Candlelight House Tour. Mr. Doyle advised that his school chorus will be singing.
11. Recycling. Mr. Hyer reported that Tom Gallo, Recycling

Coordinator has submitted his year end report and Mr. Hyer recommended increasing the fee for tire next year.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 8:44 P.M. for comments or questions. Mike DeGenaro asked about the equipment being removed from the Therese Street Park. Mayor Merla said equipment was removed per the insurance company as it was obsolete and will be replaced. An application has been made to the County and State for funding for parks. Ed Burlew, 59 W. Front Street spoke on behalf of business owners. He said in 2000, the KBA was supposed to submit a survey and since they didn't, the group he represents did a survey. Of the 574 businesses, 357 were contacted representing 62.2%. 12 (3.4%) were for the BID, 292 (81.8%) were against it, 9 (2.5%) gave other answers, 19 (5.3%) were out of business and 25 (7.0%) refused to sign. Mr. Burlew said they don't want to pay any more and don't like the BID. He said the Keyport Chamber of Commerce was put out of business by the Keyport Business Alliance, that the KBA joined the Western Chamber of Commerce and paid a fee \$__. He requested that the BID be abolished. He said they were told to join the BID in order to dissolve it. Mr. Ludwig, Beers Street said the Planning Board said that Mr. Kain and Mr. Hilla were to work on a draft, a clarification of the height in the zoning ordinance and Mr. Kain said he would contact Mr. Menna, the Planning Board attorney. Mr. Ludwig also commented that staffing and personnel change when the majority changes and said the performance should be evaluated on merits.

RESOLUTIONS

2. Authorize Execution of State Aid Agreement between the Department of Environmental Protection and the Borough of Keyport, American Legion Drive Bulkhead Project No. 4117. Mayor Merla commented about County Aid. Mr. Bergen asked about perpendicular access and Mr. Freda shared the same concern. The Resolution was held over to the 12/21/04 meeting because of various questions.
3. Resolution #370-04, Special Meeting, January 1, 2005, 12 Noon, Reorganization Meeting

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

January 1, 2005, 12:00 Noon

in the All Purpose Room, Central School, Broad Street, Keyport, N.J. for the purpose of:

Reorganization, appropriate appointments and such other matters as are normal to a Reorganization Meeting, 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 All Purpose Room, Central School, Broad 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 Mrs. Atkins, seconded by Mr. Doyle

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

4. Resolution #371-04, Authorizing Cancellation of Tax Sale Certificate 92/35 and authorize execution by Mayor

WHEREAS, the Municipal Collector of Taxes, submits for cancellation Tax Sale Certificates; and

WHEREAS, it is necessary for the Mayor to sign for cancellation such Tax Sale Certificates that have been sold to the Borough of Keyport;

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. Sign the Tax Sale Certificate 92/35 paid for by the County of Monmouth after purchasing said property from Bushwick Realty Corporation
2. Certified copies of this Resolution to Municipal Collector of Taxes, Administrator and any other interested parties.

Offered for adoption by Mrs. Atkins, seconded by Mr. Doyle

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

5. Resolution #372-04, Authorize Lease of the Senior Center to Interfaith Neighbors for 2005 Nutrition Program and authorize execution by Mayor

WHEREAS, the Borough of Keyport is the owner of the property located at 110 Second Street, Keyport, N.J. which is more commonly known as the Keyport Senior Center; and

WHEREAS, Interfaith Neighbors, Inc., is an entity with a principal location of 810 Fourth Avenue, Asbury Park, desiring to continue its location in Keyport from which to operate a Nutrition Program funded by either the County of Monmouth, State of New Jersey, or the United States of America; and

WHEREAS, Interfaith Neighbors, Inc., Mr. Joseph Marmora, Executive Director and Treasurer acting as its agent, desires to rent specific portions of the Keyport Senior Center, in Keyport for the purpose of operating a Nutrition Program; and

WHEREAS, the Mayor and Council have reviewed and considered the renting of the Keyport Senior Center to Interfaith Neighbors, Inc. for the purpose as previously stated, and have determined this rental to be appropriate; and

WHEREAS, the Mayor and Council are satisfied with the terms and conditions as set forth in the Lease Agreement reviewed by the Borough Attorney for the time period from January 1, 2005 to December 31, 2005; and