Approved 8/21/07

February 6, 2007
Keyport, New Jersey

Mayor Bergen called the meeting to order at 7:20 P.M. and Mrs. Cinquegrana read the Sunshine Law Notice.

**ROLL CALL**

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

**RESOLUTION**

Resolution #82-07, 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. Borough Clerk's Office
2. Longevity Request
3. Police Department

**Litigation**
1. New Municipal Building
2. Aeromarine Site

**Labor Relations**

**Contract Negotiations**
1. Old Municipal Building

**WHEREAS,** the Governing Body has determined that within the provisions of the Open Public Meetings Law, the Public should be excluded from the discussion of said subjects.

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Council Chambers, Borough Hall for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations and Contract Negotiations

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

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

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

Mayor Bergen called the meeting to order at 8:14 P.M. and Mrs. Cinquegrana read the Sunshine Law Notice.

**ROLL CALL**

On Roll Call the following were present: Councilmembers Sheridan, Hill, Ortman, Walling, Bolte, Mayor Bergen. Absent: Councilman Hassmiller (arrived 8:31 P.M.) and Mayor Bergen. Others Present: Ken Ebner, Borough Attorney and Mr. Valesi, Borough Administrator.

The Pledge of Allegiance and a Moment of Silence for JJ Bedle was led by Councilman Hill.

**APPEARANCE AND DISCUSSION**

1. Keyport Central School Environmental Club - Osprey Nest

Verizon put out a Grant for Osprey Nests. Mr. Chudzik and his class jumped on this opportunity. They cleaned up the area near Stultz Fuel.

John Szeliga, from Verizon, said this is a special community. He is very impressed with the application and a full room with children. It is great to see the Osprey is coming back. Requests were made from both Monmouth and Ocean Counties for ten $500.00 Grants for materials. Keyport will be receiving a Grant for this project.

A Powerpoint presentation was given by Mr. Chudzik. He thanked Mayor and Council for the opportunity to give the presentation and for inviting the Central School Environmental Club. Handouts of the presentation were given out to the public. The 7th Graders, 6th Graders, and 5th Graders were introduced and narrated the presentation. Mr. Chudzik said the kids are all excited and will help build the Osprey nests. They are glad we received the Grant. The Mayor presented them with Certificates of Appreciation.

At 8:31 P.M. there was a five minute recess for anyone who needed to leave. Mr. Hassmiller arrived and all were present. The meeting reconvened at 8:34 P.M.

**HEARING ON ORDINANCES**

1. Ordinance #1-07, Land Use - Amend Minimum Lot Requirement

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

The Clerk reads the Ordinance by Title:

**AN ORDINACE AMENDING ORDINANCE NO. 22-03 OF LAND USE REGUALATIONS OF THE BOROUGH OF KEYPORT TO ESTABLISH A UNIFORM MINIMUM LOT WIDTH**

The Hearing was opened to the public at 8:37 P.M. Planning Board approved this Ordinance at their January 30th Meeting.

Mike Lane, First Street, asked when the unfairness will be justified. On February 20th RB & RC's will be addressed with an Introduction of an Ordinance.

Ed McNamara, Maple Place, asked what the Ordinance does; only two lots. Mayor Bergen explained increases frontage on lots. Recognized the pre-existing non-confirming lots.

John VanZweden, regarding the disposition of past lots, is there any cases now; not sure, but not a lot. There being no further comments or questions, it was closed at 8:44 P.M.

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

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

Nays: None

Abstain: None

Absent: None

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, February 8, 2007 moved by Mr. Hassmiller, second by Mr. Hill with Ayes by all present.

2. Ordinance #3-07, Stormwater Management Plan

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of January 25, 2007, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk reads the Ordinance by Title:

**ORDINANCE ESTABLISHING MINIMUM STORM WATER MANAGEMENT REQUIRMENTS AND CONTROLS FOR DEVELPPMENT OF PROPERTY IN THE BOROUGH OF KEYPORT**

The Hearing was opened to the public at 8:46 P.M. Mr. Valesi is complying with the DEP Regulations.

Andy Willner, said that he is in favor of this. Many towns have gone beyond the boiler plate language. The Baykeeper will work with Mayor and Council and the Borough Administrator. There are three hundred and nineteen Grants for Pilot Projects. There being no further comments or questions, it was closed at 8:48 P.M.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, February 8, 2007 moved by Mr. Sheridan, second by Mrs. Bolte with Ayes by all present.

3. Ordinance #4-07, Amend Yard Waste Ordinance

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of January 25, 2007, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk reads the Ordinance by Title:

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

The Hearing was opened to the public at 8:49 P.M. There being none, it was closed at 8:50 P.M.

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

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

3a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, February 8, 2007 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

## INTRODUCTION OF ORDINANCES

1. Ordinance #5-07, Amend Parking Ordinance for Seventh Street

The Clerk reads the Ordinance by Title:

**AN ORDINANCE AMENDING ORDINANCE NO. 20-06 (PERMIT PARKING ON CERTAIN STREETS AT CERTAIN TIMES) OF TRAFIC REGUALTIONS OF THE BOROUGH OF KEYPORT**

**WHEREAS**, the Mayor and the Borough Council are aware that the present Traffic Ordinances allow for permit parking on certain streets at certain times in certain areas of the Borough, and

**WHEREAS,** the Borough Police Department has produced recommendations to remediate the parking problem in the area of Green Grove Avenue, said recommendations are attached hereto and made a part hereof, and

**WHEREAS**, the Mayor and the Borough Council believe that permit parking as specified in this ordinance will benefit both the residents and business communities of the Borough, now therefore

**BE IT ENACTED** by the Mayor and Council of the Borough of Keyport that '7-3.13 of the Revised Ordinances of the Borough of Keyport are amended as follows;

**Permit Parking on Certain Streets at Certain Times.** No person except a resident displaying on the vehicle a valid permit issued by the Borough of Keyport for said purpose shall be permitted to park a vehicle on any of the following streets or parts of streets thereof.

Permits shall be issued only to vehicles registered to residences in the applicable areas or to a non-resident family member thereof. Exemptions for work vehicles required to be brought home are to be made to the police chief or his designee.

The number of permits issued to a residence, including non-resident family members thereof, is limited to three (3), except Williamson Street. Because there are only twenty two (22) parking spaces on Williamson Street, residents, including non-resident family members thereof, of Williamson Street would be issued one (1) permit for each residence; and the remaining spaces would be issued to those residents who own a second vehicle on a first come, first served basis.

Permits, other than temporary permits, will expire one (1) year after date of issuance.

Temporary permits for visitors are available upon application to the police chief or his designee, in advance of an event that requires additional parking. Said permit is of a different color and will specify the dates and times of validity.

(Amendments are underlined)

| *Name of Street* | *Side* | *Hours/Days* | *Location* |
|---|---|---|---|
| Jackson Street | Both | 7:00 a.m. -7:00 p.m Saturday and Sunday . August through December | Between Atlantic Street and its most easterly terminus |
| Williamson Street | Both | 24 hrs. | Entire length |

| | | | |
|---|---|---|---|
| Eighth Street | North | 24 hrs. | Entire length |
| Seventh Street | Both | 24 hrs. | Entire length |
| Manchester Ave. | Both | 24 hrs. | Between Eighth Street and Maple Place |
| Fulton Street | West | 24 hrs. | Between Eighth Street and Seventh Street |

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

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

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

Offered for adoption by Mr. Sheridan, second by Mrs. Bolte

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

.a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of February 8, 2007 for a Hearing to be held on February 20, 2007 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

**COMMUNICATIONS AND PETITIONS**

1. Letter from Raymond Laytham, Esq. on behalf of the Spanish/American Organization requesting an amendment to our ABC ordinance to allow for an additional Club License.

   Raymond Laytham, Esq. with Carlos Maldonado and Virginia Maldonado said club in existence for many years. The Town Ordinance restricts the number to five club licenses. The first step is to request an increase in the Ordinance. Refer to Police Commissioner; we need an Ordinance to be adopted in order to apply to the ABC.

   Motion to Refer to Police Commission moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

2. Letter of Retirement from Sgt. Stephen Wheeler effective August 1, 2007.

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

3. Letter of Resignation from Allyson M. Cinquegrana as Borough Clerk effective February 16, 2007.

   Mrs. Cinquegrana is leaving, good luck moving to the Greener Pastures. Mr. Walling said it is like watching your kid grow up for fourteen years.

   Motion to send Letter of Appreciation moved by Mr. Walling, second by Mr. Hill with Ayes by all present.

4. Request from Jesus the Lord Church to hold Holy Week processions on April 1st and April 6, 2007 (procession route included).

   Motion to Approve moved by Mr. Hassmiller, second by Mr. Sheridan with Ayes by all present.

5. Request from Aberdeen-Matawan Girls Softball to use Cedar Street field from the end of March through the end of June (5-9 P.M.)

   Motion to Refer to Recreation upon Approval moved by Mr. Sheridan, second by Mr. Hill with Ayes by all present.

6. Request from Keyport Spanish American Club for 10th Annual Spanish Festival:
   a. Use of Beach Park on August 11th from 12-8 P.M.
   b. Close First Street between Church and Broad Streets.

   Motion to Approve moved by Mr. Hill, second by Mrs. Bolte with Ayes by all present.

7. Letter regarding Bayshore Region Shared Service Website.

   Motion to Refer to Borough Administrator moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

8. Correspondence from Keyport Planning Board regarding Area in Need of Rehabilitation.

   Planning Board voted and submitted a Resolution.

   Motion to Receive and File move by Mr. Hassmiller, second by Mr. Hill with Ayes by all present.

9. Off Premise Cash Raffle License Application from the Keyport Kiwanis Club, April 1, 2007 at 7 P.M.

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

10. Off Premise Cash Raffle License Application from Eagle Hose Company, July 14, 2007.

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

11. Request from the Keyport First Aid Squad for a Waiver on the Borough's licensing fees for Bingos and Raffles.

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

12. Bingo License Application from the Keyport First Aid Squad May 2007-March 2008.

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

13. Instant Pull Tab Raffle License Application from the Keyport First Aid Squad April 2007-March 2008.

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

## ANNUAL NOTICE

Notice is hereby given that effective January 1, 2007, the Keyport Borough Council will hold its Work Agenda Meetings on the 1st Tuesday of the month at 7:00 P.M. in the Council Chamber, Municipal Complex, 70 W. Front Street, Keyport, N.J. and its Regular Agenda Meetings on the 3rd Tuesday of the month at 7:00 P.M. in the Council Chamber, Municipal Complex, 70 W. Front Street, Keyport, N.J. with the following exceptions listed below. Formal action may be taken at these meetings. This notice is provided in accordance with the requirements of P.L. 1975, Ch. 231, Open Public Meetings Act (Sunshine Law Notice).

**EXCEPTIONS:** The January 2, 2007 Meeting will be held on Tuesday, January 9, 2007.
The April 17, 2007 Meeting will be held on Monday, April 16, 2007.
The June 5, 2007 Meeting will be held on Monday, June 4, 2007.
The November 6, 2007 Meeting will be held on Monday, November, 5, 2007.

**NOTE:** 7:00 P.M. - Closed Meeting - Public excluded
8:00 P.M. - Regular Meeting - Public included

## RESOLUTION
-07

**BE IT RESOLVED** by the Keyport Borough Council that the Notice of its Agenda Work Meetings which will be held the 1st Tuesday of the month in the Council Chamber, Municipal Complex, 70 W. Front Street, Keyport, N.J. at 7:00 P.M. and its Regular Meetings which will be held on the 3rd Tuesday of the month at 7:00 P.M. in the Council Chamber, Municipal Complex, 70 W. Front Street, Keyport, N.J. be posted on the Bulletin Boards, in the Keyport Borough Hall, be mailed to the Asbury Park Press, the Two River Times, the Courier, the Newark Star Ledger and the Independent and be filed in the office of the Borough Clerk.

OFFERED BY: SECONDED BY:

ROLL CALL VOTE:
AYES:
NAYS:
ABSTAIN:
ABSENT:

14. Raffle License Applications for Keyport Fireman's Fair July 9th-14, 2007:
    a. Hook and Ladder Company - On Premise Cash Raffle
    b. Eagle Hose Company - On Premise Non Draw
    c. Liberty Hose Company - On Premise Non Draw

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

**ADMINISTRATOR'S REPORT**

Mr. Valesi reported on the following. The Payment of Bills for January 30, 2007 was read. The Bulkhead and Pier are going well, it is one hundred and eighty linear feet; need less ice. The DEP has an internal website with pictures of the progress. Mayor Bergen said Pete Massas could take pictures as well. Regarding the William Ralph Pier, we are looking over shop drawings. Birdsall is to conduct Field Services; they are the design engineer. Well #6 is no longer in use and it was not abandoned. There is a notice of violation and the diversion renewal is up in 2008. The website is complete for roll out and the domain will be switched on February 16th. This is a work in progress. It is easily accessible; comments and input are wanted. The Osprey presentation is on the website. Mr. Sheridan said regarding advertising on the Water Tower there is no progress. A decision is needed for where advertising would be. The finance committee and building and grounds need to decide. Mr. Sheridan said there is $20,000 for Birdsall; the bid is at $600,000.00. It could cost $600,000.00 to $700,000.00 at the end. It is 9-13% by the engineering firm (of a project). A surveyor is required and a mechanism. Mr. Sheridan said the next special meeting will be held March 6th for the Administrator to check in with the DEP. There needs to be a bulletin board to post notices on an electronic board. Mr. Sheridan would like a spread sheet of Keyport Projects. Mr. Walling asked Mr. Sheridan about the Birdsall cost. Mr. Valesi said $20,000.00 is reasonable, but it could be less on a as-needed basis. The Harbor Commission has a set.

**ATTORNEY'S REPORT**

Mr. Ebner had not report.

**NEW BUSINESS**

1. Mr. Ortman thanked Mrs. Cinquegrana, he also said thanks for the support of a new councilman. There will be a blood drive on February 7th and Bloodborne Training. Mr. Ortman said he contacted the Insurance Company for free training. Mr. Ortman also thanked Carlos and the Spanish American Club for the clean up at the Maple Place and Broad Street lot.

2. Mr. Walling said regarding the consent for removal of the plaque, it would be about $2,000.00 to remove. Mayor Bergen said he walks by the building everyday and never noticed the names on the plaque. That is a lot of money to spend and would gain negative press. Motion to list on the agenda made by Mr. Walling with no second.

3. Mrs. Bolte asked to readdress the garbage situation in the downtown area. There will be a meeting with Tom Mitchell to discuss and decide on a remedy. Something for the 20th will be done. Maybe a trash can for the downtown area; continuity. Mayor Bergen said to call for a Saturday Special Meeting. Mayor Bergen thanked everyone for cleaning up across for the 7-11. There should be a mural for the wall. Mr. Sheridan thanked Andrew Willner, Rowland Seckinger, and Kevin Penton for their help with the Ospreys. Mr. Sheridan also thanked the Keyport Fire Department for help with the Sea Bright Fire and a fire in Keyport. He also thanked Mrs. Cinquegrana for being very helpful, and doing a great job on the minutes. She will be missed.

4. Mr. Hill said that he talked to Pastor Williams who asked for slow down signs for elderly who cross on Atlantic Street. This matter was referred to the Administrator. Mr. Hill also thanked the Keyport Police Department for controlling traffic during JJ Bedle's Funeral.

5. Mr. Sheridan said regarding the Step Up program, five programs will begin on March 1st. There will be arts & crafts, karate, cooking, photography, and dance.

## RESOLUTIONS

2. Resolution #83-07, Payment of Bills

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

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

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

3. Resolution #84-07, Amend Resolution No. 70-07, VNA Contract - Contract Amount

**WHEREAS,** Resolution No. 70-07 approving a Contract with the Visiting Nurse Association of Central Jersey for the period of January 1st to December 31, 2007 was adopted by the Keyport Mayor and Council at a meeting held on January 23, 2007; and

**WHEREAS,** Resolution No. 70-07 stated the contact amount to be $7,000.00 for the contract year 2007 which is an error; and

**WHEREAS,** the Visiting Nurse Association has advised that a cost of living adjustment in the amount of $231.00 for the year 2007 is necessary.

**NOW, THEREFORE, BE IT RESOLVED** that the amount of the contract with the Visiting Nurse Association for the period of January 1, 2007 through December 31, 2007 is hereby amended to $7,231.00.

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

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

4. Resolution #85-07, Cancellation of Taxes - Rendina

**WHEREAS,** the Municipal Collector of Taxes of the Borough of Keyport, New Jersey, has determined that action is required as a result of a computer glitch in the Tax Assessors Office; and

**WHEREAS,** authorization was give to the Tax Assessor to settle these tax matters with the residents under resolution 40-07;

**WHEREAS,** the Tax Collector has certified with the Tax Assessor to the foregoing as well as to the amount of the tax cancellation which is set forth with the name and address of the taxpayer;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey that the required cancellation be completed

1. Formal authorization is hereby given to remove added/omitted taxes that were added to the Borough of Keyport resident's property twice due to a computer glitch in the Tax Assessor's Office:

| Block & Lot | Name | Amount |
|---|---|---|
| | | |
| 121-11 | Rendina | $3139.45 |

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

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

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

5. Resolution #86-07, Award Quote to AC Schultes for professional well services for Abandonment of Well #6

**WHEREAS**, the Mayor and Council of the Borough of Keyport have decided to abandon Well No. 6, and

**WHEREAS**, Well No. 6 has not been used the Borough of Keyport and has no mechanical means of use, and has no diversion rights under the Borough of Keyport's NJDEP permit, and

**WHEREAS**, the NJDEP has instructed the Borough of Keyport to abandon the well, and

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-3 permits the Borough of Keyport to award a contract without public advertising and bidding when the aggregate cost or price of a contract does not exceed $21,000.00 and, for all contracts that are less than the bid threshold of $21,000.00 but totaling 15 percent or more of that amount at least two competitive quotes should be solicited, if practicable. N.J.S.A. 40A:11-6.1(a), and

**WHEREAS**, the matter was referred to Hatch, Mott, MacDonald who obtained three price quotations for the above mentioned service, which is appended hereto and made a part hereof by reference, and

**WHEREAS**, A.C. Schultes, Inc. submitted a price quote of ten thousand three hundred and seventy two dollars ($10,372.00) for services for the abandonment of Well No. 6 which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, and

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

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute a contract with A.C. Schultes, Inc. for services for the abandonment of Well No. 6 for an amount not to exceed ten thousand three hundred and seventy two dollars ($10,372.00).

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

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

Nays: None
Abstain: None
Absent: None

6. Resolution #87-07, Award Quotes to LOC Pump & Equipment, Inc for Chemical Feed Pumps and related equipment

**WHEREAS**, the Mayor and Council of the Borough of Keyport have determined that the Perry Street Water Treatment Plant is in need of certain equipment to ensure its proper and safe operation, and

**WHEREAS**, the Borough of Keyport is to acquire chemical feed pumps and appurtenances for the lime slurry, polymer, and alum feed systems for the Perry Street Water Treatment Plant as a non-fair and open contract pursuant to the provisions of *N.J.S.A. 19:44A-20.5*; and,

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of the acquisition will exceed $17,500; and,

**WHEREAS**, the anticipated term of this contract is less than one year; and

**WHEREAS**, the Borough of Keyport obtained three price quotations for the above mentioned service, which is appended hereto and made a part hereof by reference, and

**WHEREAS**, Loc Pump & Equipment, Inc. submitted a price quote of nineteen thousand five hundred and seventy eight dollars ($19,578.00) for chemical feed pumps and appurtenances for the lime slurry, polymer, and alum feed systems for the Perry Street Water Treatment Plant which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, and

**WHEREAS**, Loc Pump & Equipment, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that Loc Pump & Equipment, Inc. has not made any reportable contributions to a political or candidate committee in the Borough of Keyport, N.J. in the previous one year, and that the contract will prohibit the Loc Pump & Equipment, Inc. from making any reportable contributions through the term of the contract, and

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

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute a contract with Loc Pump & Equipment, Inc. for the above referenced equipment for an amount not to exceed nineteen thousand five hundred and seventy eight dollars ($19,578.00).

**BE IT FURTHER RESOLVED** that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution, and

**BE IT FURTHER RESOLVED** A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Finance Officer, Loc Pump & Equipment, Inc., and a copy shall be maintained in the office of the Borough Clerk for public inspection.

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

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

7. Resolution #88-07, Appoint Alternates to the Recreation Commission

**WHEREAS,** Ordinance No. 2-07 created three alternate positions for the Recreation Commission; and

**WHEREAS,** the initial terms of the alternates will be staggered with Alternate #1 being appointed for a one year term; Alternate #2 being appointed for a two year term; and Alternate #3 being appointed for a three year term; and

**WHEREAS,** it is the desire of the Mayor and Council to fill these positions.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council that the following persons be appointed as follows:

**Debbie Triano** will be appointed as Alternate #1 for a term of January 1, 2007-December 31, 2007.

**Cerelle White** will be appointed as Alternate #2 for a term of January 1, 2007-December 31, 2008.

**Nancy Jones** will be appointed as Alternate #3 for a term of January 1, 2007-December 31, 2009.

**BE IT FURTHER RESOLVED** that once the initial terms have expired, each term will then become a five year term.

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

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

8. Resolution #89-07, Authorize Execution of Project Agreement for FY2007 Community Development Projects

**WHEREAS,** certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

**WHEREAS,** the County of Monmouth expects to receive an allocation for FY2007 from the United States Department of Housing and Urban Development; and

**WHEREAS,** the County of Monmouth has submitted its Annual Plan for FY2007 to the U.S. Department of Housing and Urban Development, which included a project hereinafter referred to as **Borough of Keyport** with a grant allocation of **$193,207.00.**

**WHEREAS,** the **Borough of Keyport** hereby met all the requirements for the release of funds to begin incurring cost for this project; and

**WHEREAS,** the **Borough of Keyport** has filed with the Monmouth County Community Development Program an acceptable "TIMETABLE FOR PROJECT COMPLETION AND EXPENDITURE OF GRANT FUNDS," which is included as Appendix I of the Project Agreement.

**NOW, THERFORE, BE IT ORDAINED**, that the Mayor and Municipal Clerk of the **Borough of Keyport** authorized to execute with the County of Monmouth the attached Project Agreement.

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

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

9. Resolution #90-07, Authorize Mayor to execute Certification prohibiting Use of Excessive Force and Prohibiting the Use of Federal Fund for Lobbying

**WHEREAS**, certain federal funds are potentially available to Monmouth County under the Housing and Community Development Act of 1974, as amended; and

**WHEREAS**, the United States Department of Housing and Urban Development has allocated funding to the County of Monmouth for FY2007; and

**WHEREAS**, the County is making some of these funds available to certain participating municipalities and non-profit agencies; and

**WHEREAS**, it is required that the **Borough of Keyport** execute a project agreement with Monmouth County to undertake a project known as **Street Improvements** and WHEREAS, the U.S. Department of Housing and Urban Development is requiring that the Mayor of the **Borough of Keyport** sign additional certifications in order to receive these funds; and

**WHEREAS**, the **Borough of Keyport** has adopted a policy prohibiting the use of excessive force by its law enforcement agency (police force) within its jurisdiction against any individual engaged in non-violent civil rights demonstrations; and

**WHEREAS**, a copy of that policy is attached to and made part of this resolution.

**NOW, THERFORE, BE IT RESOLVED**, that the **Borough of Keyport** has met the conditions of receiving a FY2007 allocation by adopting a police prohibiting the use of excessive force and by not using federal funds for lobbying or by disclosing that funds have been used for lobbying.

**BE IT FURTHER RESOLVED**, that the Mayor of the **Borough of Keyport** is hereby authorized to sign the attached certifications which will become part of the FY2007 Project Agreement.

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

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

10. Resolution #91-07, Approve Execution of Borough Attorney Contract

**WHEREAS**, the Mayor and Council of the Borough of Keyport and the Borough of Keyport have the need for legal services and pursuant to *NJSA* 40A:9-139 shall appoint a municipal attorney, and

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

**WHEREAS**, the Mayor and Borough Council of the Borough of Keyport have decided to utilize a fair and open process pursuant to *NJSA* 19:44A-20.5 to publicly solicit proposals or qualifications of persons interested in being appointed municipal attorney, and

**WHEREAS**, John S. Wisniewski, Esq., has submitted a proposal and contract to perform legal services for the Borough of Keyport for an annual retainer of $24,000.00 plus an hourly rate of $140.00 per hour for work not covered in the annual retainer, and

**WHEREAS**, the proposal of John S. Wisniewski, Esq., has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, and

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

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with John S. Wisniewski, Esq., as Borough Attorney.

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

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

11. Resolution #92-07, Change Order #2 - Library and Third Street

**WHEREAS**, on or about March 21, 2006 the Borough of Keyport awarded a contract to Pioneer General Contracting Co., Inc. for the Third Street reconstruction and Library site improvements project for the sum of Four Hundred and Forty Nine Thousand Four Hundred and Ninety Two Dollars and Fifty Cents($449,492.50), and

**WHEREAS**, on January 10, 2007 the project engineer, T&M Associates, recommended certain reductions and extras as more fully set forth in the January 10, 2007 change order request that is attached hereto and incorporated herein by reference, and

**WHEREAS**, Pioneer General Contracting Co., Inc. has submitted a change order (Change Order No. 2) which results in a net reduction to the original contract price of Six Thousand Thirty Three Dollars and Eleven Cents (- $6,033.11), and

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

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

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

**WHEREAS**, Change Order No. 2 does not materially expand on the size, nature or scope of the project as it was originally described in the bid specifications.

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

1. Change Order No. 2 of the Third Street reconstruction and Library site improvements project is hereby authorized for reduction and extras to be performed pursuant to the specifications contained in the Change Order request dated January 10, 2007, said request is attached hereto and incorporated herein by reference.

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

3. Change Order No. 2 will be attached to the original contract.

4. A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Finance Officer, Pioneer General Contracting Co., Inc., and a copy shall be maintained in the office of the Borough Clerk for public inspection.

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

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

Nays: None
Abstain: None
Absent: None

12. Resolution #93-07, Authorize Agreement with Allyson Cinquegrana

**WHEREAS,** Borough Clerk, Allyson Cinquegrana resigned effective February 16, 2007; and

**WHEREAS,** during her tenure, the Borough Clerk, Allyson Cinquegrana, had accrued unused vacation and other benefit time from previous years; and

**WHEREAS,** in accordance with the attached agreement and the analysis of the Borough Clerk's accrued time, as determined by the Borough Administrator of the Borough of Keyport is set forth below.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Keyport that the Borough Clerk, Allyson Cinquegrana, is to be compensated upon her resignation for her accrued time as follows:

1. One installment of $1,030.00, to be paid as part of the last payroll check paid to Ms. Cinquegrana, which represents payment for all time owed by the Borough as represented in the attached signed agreement.

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

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

Nays: None
Abstain: None
Absent: None

13. Resolution #94-07, Appoint Temporary Part Time Employees - Denise Nellis

**WHEREAS,** the Borough Council has identified a need to interview, select, and hire qualified part-time workers for clerical positions within the Borough for the smooth operation of various departments; and

**WHEREAS,** Mayor and Council wish to fill said vacancy in an effort to make the day to day operations in various departments smoother and more efficient to better serve the residents; and

**WHEREAS,** the Administrator has interviewed and selected a candidate to fill a part-time clerical position;

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

1. Denise Nellis is appointed as Temporary Part-Time Clerical Worker effective immediately, with a start date to be determined.
2. The starting hourly rate for Denise Nellis will be $12.00.

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

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

14. Resolution #95-07, Appoint Temporary Part Time Employee - Janet Vignes

**WHEREAS,** the Borough Council has identified a need to interview, select, and hire qualified part-time workers for clerical positions within the Borough for the smooth operation of various departments; and

**WHEREAS,** Mayor and Council wish to fill said vacancy in an effort to make the day to day operations in various departments smoother and more efficient to better serve the residents; and

**WHEREAS,** the Administrator has interviewed and selected a candidate to fill a part-time clerical position;

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

1. Janet Vignes is appointed as a Temporary Part-Time Clerical Worker effective immediately, with a start date to be determined.
2. The starting hourly rate for Janet Vignes will be $12.00.

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

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

15. Resolution #96-07, Authorize Stipend for Tammy O'Steen for three weeks in Borough Clerk's Office

**WHEREAS,** the Borough Clerk resigned her position effective February 16, 2007; and

**WHEREAS,** there is currently a vacancy in the Deputy Borough Clerk's position; and

**WHEREAS,** there is a need for an individual to learn and preserve the information regarding day to day activities, file locations, application processing and the like; and

**WHEREAS**, Tammy O'Steen has been identified as the individual to take on this task of learning the Clerk's Office activities for a three week period and redisseminating this information to the incoming Borough Clerk's Office personnel.

**NOW, THEREFORE, BE IT RESOLVED** that Tammy O'Steen shall act in this capacity and receive a $100.00 weekly compensation for performing this work.

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

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

16. Resolution #97-07, Authorize Birdsall Engineering to provide onsite field inspection and construction observation services for the William Ralph Pier Project.

**WHEREAS**, as determined by the Mayor and Council of the Borough of Keyport the William Ralph Pier is in need of reconstruction, and

**WHEREAS**, pursuant to the Local Public Contracts Law, *N.J.S.A.* 40A:11-1 et seq., the Mayor and Council of the Borough of Keyport awared the reconstruction project to Bird Contruction, Inc., and

**WHEREAS**, a project of this magnitude requires professional engineering services to administer the contract and provide insepction and construction observation services, and

**WHEREAS**, Birdsall Engineering, Inc. has the necessary expertise for onsite field inspection and construction observation services for said project, and

**WHEREAS**, Birdsall Engineering, Inc. was appointed as one of the consultants for 2007 for engineering services for waterfront development under a fair and open process, price and other factors considered, and

**WHEREAS**, Birdsall Engineering, Inc., was the design engineer for the pier plans and specifications, and

**WHEREAS**, Birdsall Engineering, Inc. is currently working with Bird Construction, Inc. and the NJDEP on the concurrent American Legion Drive project, and

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

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

1. Birdsall Engineering, Inc. is to provide onsite field inspection and construction observation services for the William Ralph Pier replacement project for an amount not to exceed twenty thousand dollars ($20,000). Said services will be provided on an as needed basis upon authorization by the Borough of Keyport Engineering Director.

2. A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Finance Officer, Birdsall Engineering, Inc., and a copy shall be maintained in the office of the Borough Clerk for public inspection.

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

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

**PUBLIC PARTICIPATION**

The meeting was opened to the public for comments or questions at 9:30 P.M. Mike Lane, First Street, said a few words about Mrs. Cinquegrana. She has a great attitude towards the public and deliverable. Events at Beach Park should be referred to the Harbor Commission. The Bulkhead Project toward Beach Park should begin around Memorial Day. Regarding the time frame for rehabilitation, what is the process. Mayor Bergen is to meet with the Redevelopment Committee to move forward. Mrs. Bolte said it is the same procedure as the Planning Board. Mr. Litwin said the Resolution will include a provision to require 200` notice if it affects zoning. Process is not addressed and Mayor and Council is not moving forward yet. Mrs. Bolte said she doesn't want to come to a meeting with blank pages, they are not full pages, but with a guide.

Bob Ludwig, 50 Beers Street, regarding redevelopment, something needs to be done at the top of the Highway 36 corridor. Mr. Valesi is to speak with the Department of Transportation on Highway's 35 & 36. $125,000.00 per year for five years through the NPP Grant. A plan should be put together and the Department of Transportation will work with us. Regarding the Woodmont project height is a concern; lapse in engineering performance and it should be recourse. Mayor Bergen asked Engineer Norbut to look at the site plan on height requirement. Mr. Valesi said the wording in the Resolution was convoluted checking on the plan to be sure it meets what should have been done. Mr. Valesi said he will make sure it's built in conformance with the Resolution. Mr. Valesi complimented Mayor Bergen on his Planning Board Appointments and said he will miss Mrs. Cinquegrana.

Andy Willner, said he was Planning Board Member when Woodmont was approved. They presented plans that conformed, but it appears to be much taller. There was then further discussion on this matter. Engineer Norbut said it might be related to finished grading. This matter is being investigated. The Ordinance calculates the eight and the brochure shows foundation out of the ground. We will get in touch with K Hovnanian on this matter.

Al Degracia, 23 Osborn Street, said the Beach Street Park is a public park and should be used; festivals and events have been held there for many years.

Angel Matos, wished Mrs. Cinquegrana good luck in her new position. Gratitude for the clean up near the 7-11.

Joseph Wedick, Therese Street, said Mrs. Cinquegrana is a great lady and Fair Haven is getting a good clerk. Mr. Wedick said to take down the plaque, his name is on it and he wants it taken down. It was aksed if there is a $600,000.00 bond on the water tower painting; payment next year. Mayor Bergen said there was a lead issue that required painting as to not poison our children. Showed a galvanized rusted pipe to the public. Regarding the Area in Need of rehabilitation, the language from Referendum Question is on it. Mrs. Bolte said the people will be made aware, it is a non-binding question. People can state their case and the Rehabilitation Meetings. Angel Matos said people understood the question. Mrs. Bolte said it is limited to their answer. Mr. Ludwig said including a blurb on election results.

Rowland Seckinger, Environmental Commission, said the Spring Beach Sweep will be on April 28th at the Boat Ramp at 9:00 A.M. Everyone should get involved. Mr. Seckinger said Mr. Sheridan did a good job with the Osprey Nest. He also thanked the Spanish American Club for the clean up. The Girl Scouts will clean up next weekend. Mr. Seckinger thanked Mrs. Cinquegrana for all the help with the Property Maintenance Officer and Environmental Commission.

Edna Bergen Cottrell, said vindictiveness is unbecoming, negative publicity. John Merla was Mayor and lost a lot.

Annabelle Tortorell, said she doesn't agree with what John Merla sis, but he was Mayor. Mrs. Tortorell said to move on and save money. He will pay for the crime, he is going to jail.

Al Degracia asked Mr. Valesi about the money from the cellular tower lease, and it was asked if we are gaining anything from the advertisement; yes. Mr. Degracia said to remember the billboard near Bill Wrights. Mr. Sheridan said it was voted based on advertising revenue and not done.

Todd Rotenborn, said he is new to Keyport. He owns an online advertising agency at 2 W. Front Street and is leasing above McDonagh's Pub. He signed the lease and is asking where his employees will park. There are no places for businesses to park. It was asked if there are permits for employees. Mayor Bergen said he hopes the company grows. The Division Street Lot and Main Street Lot are being looked into.

Gordon N. Litwin, as a member of the public, said he had the best years of service with Mrs. Cinquegrana. Carlos Maldonado also said thanks to Mrs. Cinquegrana and Mr. Seckinger for recognizing the Spanish American Club. There being no further comments or questions the meeting was closed to the public at 10:15 P.M.

**ADJOURNMENT**

Motion to Adjourn moved by Mr. Sheridan, second by Mr. Hassmiller with Ayes by all present.

Time of Adjournment: 10:19 P.M.