Approved 9/5/06
February 7, 2006
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 7:03 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Walling, Wedick, Bergen, Sheridan, Ortman. Absent: Councilman Hassmiller. Others present were Mr. Wisniewski, Borough Attorney and Mr. Antonucci, Borough Administrator.

RESOLUTION

1. Resolution #77-06, Closed Meeting - Personnel, Litigation, Contract Negotiations

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

Personnel
1. Eleanor Sappah, PSTO (Hearing)
2. Business Administrator 2006 Personal/Vacation Days
3. Borough Clerk Appointment
4. Deputy Borough Clerk Vacancy
5. Emergency Management request for a meeting
6. Police Captain/2005 Sick Time
7. Tuition Reimbursement
8. Public Works Facility
9. Police Policy

Litigation
1. Magic Touch vs. Borough of Keyport
2. Century Land vs. Borough of Keyport

Labor Relations

Contract Negotiations
1. Bond Counsel Contract
2. E-Mail Server
3. St. John's Methodist Church Sewer Overpayment
4. Water/Sewer Bill - 43 Atlantic Street (Yurowski)

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 and Contract Negotiations

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

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

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

Council went into closed session at 7:03 P.M. and this meeting was reconvened at 8:05 P.M.

Mayor Merla called the meeting to order at 8:10 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Walling, Wedick, Bergen, Sheridan, Ortman. Absent: Councilman Hassmiller. Others present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer and Mr. Antonucci, Borough Administrator.

PRESENTATION

1. Roy Jimenez - Recreation Commission. Mayor Merla said Mr. Jimenez was on the Recreation Commission for 14 years. Mayor Merla presented him with a plaque and thanked Mr. Jimenez for all the work he has done.

HEARING ON ORDINANCES

1. Ordinance No. 1-06, Amend Chapter 12-1.6 - Construction Fees/Permit Schedule

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of January 12, 2006 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 read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE BOROUGH OF KEYPORT ORDINANCE 12-1.6 CONSTRUCTION FEE PERMITS SCHEDULE

The Hearing was opened to the public for comments or questions at 8:12 P.M. There being no one who wished to be heard, the hearing was closed at 8:12 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of February 9, 2006 moved by by Mr. Walling, second by Mr. Wedick with Ayes by all present.

2. Ordinance No. 2-06, Salary Ordinance - Various Part Time Employees

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of January 12, 2006 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 read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH

AND STATE OF NEW JERSEY

The Hearing was opened to the public for comments or questions at 8:14 P.M. There being no one who wished to be heard, the hearing was closed at 8:14 P.M.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of February 9, 2006 moved by Mr. Walling, seconded by Mr. Ortman with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance No. 3-06, Create the Position and Salary for Deputy Municipal Department Head. Mr. Wedick asked that the Ordinance be held until the February 21st meeting.

COMMUNICATIONS AND PETITIONS

1. Letter of Retirement from Annette Kovacks, Senior Permit Clerk effective June 1, 2006.

   Motion to accept and send a letter moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

2. Letter from NJDEP regarding Green Acres Funding (application deadline 4/14/06).

   Motion to refer to Finance & Recreation Committees to submit projects moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

3. On Premise Raffle License Application from St. Benedict School PTA, February 25, 2006, 8 P.M.

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

4. Street Opening Application #2949 from NJ Natural Gas Company/82 Manchester Avenue/New Construction

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

5. Street Opening Application #2950 from NJ Natural Gas Company/324 Main Street/Oil Conversion

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

6. Request for release of the Performance Bond from Joyce Wright.

   Motion to refer to Engineer moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

7. Letter from Keyport Kiwanis Club requesting permission to conduct Flea Markets (April - December, Firemen's Park, W. Front Street)

   There was a meeting held for the Calendar of Events. Mr. Antonucci said the Festival of Sails location was moved. The Kiwanis will relocate for 3 weeks in July. Mr. Bergen said the Ye Cottage Inn is concerned about the lot. We have to accommodate everyone. The Flea Market vendors should be charged by car or van.

Motion to refer to the Finance Committee and Administrator moved by Mr. Bergen, second by Mr. Sheridan with Ayes by all present.

8. Request from Tax Collector for Clarification of Ordinance 34-84 Meter Testing.

Mayor Merla addressed Keri Stencel stating he was on the Council when the Ordinance was adopted. We are charging $70.00 to test the meters and if it comes back faulty then we are responsible for the cost. Mrs. Stencel said $35 covers Shorelands charge; not our time. Mr. Bergen advised Mrs. Stencel to charge what the Ordinances states ($70.00 and $100.00).

Motion to refer to Finance Committee moved by Mr. Bergen, seconded by Mr. Sheridan with Ayes by all present.

9. Request for Water/Sewer Bill Adjustment from Sherry Morio, 53 Highway 36.

Motion to refer to Department of Public Works and Finance Committees moved by Mr. Bergen, seconded by Mr. Sheridan with Ayes by all present.

10. Letter of Resignation from William Quinn, Recreation Commission.

Mr. Sheridan said he was told Mr. Quinn is resigning because Mr. Jimenez was not reappointed. This matter was held until Mr. Sheridan speaks with Mr. Quinn.

11. Letter from Bayshore Bandits requesting use of Cedar Street Park:
    a. March through June (Sundays, Monday and Thursdays)
    b. July through November (Saturdays, Mondays and Thursdays)

Motion to refer to Recreation Committee moved by Mr. Bergen, second by Mr. Sheridan with Ayes by all present.

UNFINISHED BUSINESS

1. **Water/Sewer Bill/45 Beers Street, Apartment 2.** This matter will be listed on the February 21st agenda.

2. **St. John's Methodist Church Sewer Overpayment.** This matter will be discussed in Closed Session.

3. **Water/Sewer Bill - 43 Atlantic Street (Yurowski).** Mr. Bergen said he will be meeting with Mr. Yurowski on February 10th regarding this matter.

4. **Mayor's Appointment to the Environmental Commission**

WHEREAS, the Mayor and Council of the Borough of Keyport have established, by Ordinance, an Environmental Commission consisting of seven members; and

WHEREAS, the Ordinance provides that the Mayor shall appoint all members of the Commission; and

WHEREAS, on January 17, 2006 Roy Cadoo was appointed as a member of the Environmental Commission for a term of three (3) years from January 1, 2006 to December 31, 2008; and

WHEREAS, Roy Cadoo has declined said appointment.

NOW, THEREFORE, BE IT RESOLVED that I, John J. Merla, Mayor of the Borough of Keyport do hereby appoint the following member of the Environmental Commission for a three year term.

	TERM
DONALD BLANKS	**1/1/2006-12/31/2008**

5. **Snow Removal.** Mr. Wedick said he spoke with Mr. Walling who spoke to Mr. Sappah. There is a list of snow removal that has been done for the last 1 ½ years. This matter was turned over to the Chief for research. The information was forwarded to Mr. Antonucci. There will be a generic letter to the residents about no parking when the road is snow covered; the matter has not been resolved yet. Kathie Coffey said the Prosecutor wants a declaration of guilty or not guilty. There should be a generic letter to remind those to attend court or plea to the court so it is on record. The Council said there shouldn't be a letter and it should be the responsibility of the person to read the ticket. Mayor Merla said some tickets have been taken care of and Mr. Antonucci has a letter. There were 95 tickets issued; some have been vacated. Mr. Wedick said the Department of Public Works should deliver the generic letters prior to the February 15th court date. The snow removal Ordinance should be reviewed and revised. The Ordinance states "snow covered" which could be a dusting or a full storm. Captain Dayback gave a proposal years ago and nothing was done. The Department of Public Works did not think it would work; there are major thoroughfares that need to be plowed first. Mr. Wedick said there are three sources to be used; one is the 101.5, the second is the weather channel and third is the newspapers. Mayor Merla said the Police Department calls the Department of Public Works out; Chief Gajewski said not necessarily. Mayor Merla said the Parkway relies on the State Police to make the call when there is ice, snow, or hail. George Sappah usually surveys the streets on his own. There was a recap of the meeting on January 17th regarding this matter. There was a motion to refer this matter to the Department of Public Works and the Police Chief moved by Mr. Bergen, second by Mr. Walling with Ayes by all present. The Chief will talk with George Sappah on this matter. Mr. Wedick asked if a letter will be sent out? Mr. Walling said no, the tickets explain the violation. The Mayor asked if officers have rectified the matter. The Chief stated he spoke with the Sergeant and Patrolmen. The Officer can ask for a ticket to be vacated, but a plea is needed. Mr. Wisniewski stated the Officer can make a request in court. Mr. Wedick said the Department of Public Works should deliver a letter to those who received tickets that they must submit a plea. Mr. Bergen and Mr. Walling said that is a bad precedent. The Judge can be lenient and not issue a warrant. The Chief can also send a letter. Mr. Antonucci is to speak with the Court Administrator.

ADMINISTRATOR'S REPORT

Mr. Antonucci reported on the following. The Payment of Bills of January 31st was as follows: CURRENT - $132,244.27, WATER/SEWER - $17,442.51 and UNEMPLOYMENT TRUST - $1,210.02. The Board of Education and Borough of Keyport will have an Interlocal Agreement for the Janitorial Services for Borough Hall and the Senior Center. Last week an Environmental road show was held and it was very informative. There was an Avaya T-3 Line down. There was a problem with calls coming into the Police Department; this problem was rectified at 10:00 A.M. on February 3rd. Mr. Antonucci thanked David Sorber for help with rerouting the calls. Mayor Merla clarified what happened on February 3rd; all lines were out (this problem should never have happened). The phones went down in the early hours of the morning; we need phone availability at all times. The Police Chief stated the County advised us we had a problem. The County called Verizon and they said the Police number

732-264-0706 did not exist. There was a problem with the original switch and our lines. There will be a meeting with Verizon and Avaya to formalize a plan. There will be an Emergency Management Procedure made between the Police, Fire Department and First Aid Squad. The recycling brochure on the Website was updated; the website will be updated with information and forms. With regard to the 2004 Audit, there was a staffing issue; we have a new Auditor. The Chief Financial Officer will stay on track; Audits are due by June 30th of each year. Mr. Antonucci said he attended the Fireman's Ball.

The Water Tower on Cass St. will be repainted in April. There will be a meeting with the Cellular Tower owners on removing the antennas. It was asked if there should be a color committee; there was talk about it being the Historical Preservation Committee. With regard to the Bulkhead, it was advertised by the NJDEP on February 2nd for Receipt of Bids on February 22nd. With regard to the Pier, Birdsall will accept Bids in March. There are more issues on the Municipal Complex roof; it should be completed in 3 weeks, weather permitting. The Atlantic Street project will be bid in February. Third Street will be Bid at the end of February. Regarding the Library, T&M will be authorized tonight to replace the sidewalk and Street Lights. The Garbage Contractor is to check in with the Police when they are in town. The Police are to look in the truck to make sure it is empty. Mr. Bergen said the Administrator and Police Chief should do random checks. Mr. Wedick stated there should be constant checking of the truck down at the Waterfront. Mr. Antonucci said this would take resources from the Keyport Police Department if an Officer is on a call. A spot check could take a half an hour. Mr. Bergen said the Chief and Administrator should come up with a procedure. We need to know tipping fees to the dime. The Monmouth County Shade Tree sent a letter, a tree will be removed on February 13th and the trees will be trimmed. Mr. Bergen thanked Mr. Antonucci for his work with the School Board. Mr. Antonucci said we can talk about other shared services also.

ENGINEER'S REPORT

Mr. Norbut reported on the following. With regard to the lighting subcommittee, we need a decision quickly. The project for the Library site and Third Street reconstruction can advance; bids will be received in 3 to 4 weeks. Poles and fixtures for the lights need to be selected. Mr. Ortman said he will meet with the Department of Public Works and he will bring up the matter on Thursday, February 9th. For decorative lighting, we must make sure the base is sturdy. Mr. Ortman asked if the Harbor Commission looked at the lighting; no. Regarding the Bulkhead, the Borough typically gets 10% on the funding. We have applied to Monmouth County for the costs and we are waiting for a response. The DEP has included a new Bulkhead for the boat ramp; the DEP will revise their plan. The Warren Street project is on tonight's agenda; there is a resolution for Atlantic Street to Green Grove. We have received $150,000 for new curbs and sidewalks. The drainage will also be looked at in accordance to the Municipal Master Plan. We will work with Monmouth County to have them include funds. This could be Bid on in mid-April; depending on the County. Regarding Monmouth County Community Development, the next application for the Grant Cycle is coming up. We should meet in April to work on the Application for July. Third Street is partially County funded. Regarding Broad Street traffic calming, there is a focus on Jackson Street and Hurley Street with brick to slow traffic down. Pedestrian traffic is close to the road. Engineer Norbut said there will be a rumbling noise with rumble strips and residents may complain about the noise; we should get public input on this matter. Areas near the school should be addressed first The Monmouth County Community Development Application should be filed for First Street to raise the road. Engineer Norbut said there was a meeting with Woodmont last week and improvements are still being coordinated. There will be a donation given for the streetscape and improvements. Areas near the school should be addressed first. Church and Broad Streets near First Street will be looked at for rumble strips. We will speak to County about contributing money since First Street and Broad Street are County Roads. It was asked if we should test rumble strips near the schools first. Engineer Norbut said work is being done on the First Street raising and we are trying to get funds together.

ATTORNEY'S REPORT

Mr. Wisniewski reported on the following. Last year there was a request from Verizon to have additional antennae. We must move to conclude the matter and make them aware of Keyport's plan.

NEW BUSINESS

1. **Televise Council and Planning Board Meetings.** Mr. Ortman said he is working with Mr. Antonucci to televise the Council and Planning Board Meetings. Mr. Antonucci said the Cable contract allows us to show video feed. Mr. Antonucci said he spoke with Mr. Westerley who will provide us with the student's names. A price for stipends is being obtained.

2. **Touring Public Buildings.** Mr. Ortman said he will be touring public buildings with George Sappah; the Old Municipal Building and land for the Department of Public Works Facility.

3. **Various Matters.** Councilmembers asked the Mayor to resign while his court case is pending. Mr. Walling said the Mayor should step down due to the new charges; he should put Keyport first. Mr. Bergen said he was subpoenaed on the matter and it is very important. The Jury will render a decision and Mr. Bergen will give factual information at a hearing before the Jury. Mr. Bergen said he has no opinion on this matter.

   Mr. Wedick said he attended the Dinner of the Monmouth County Clerks Association on January 27th and Christopher Christie, Attorney General, spoke about "Turning a new page". Those who were arrested on February 22, 2005 and are pleading not guilty will have a trial in the spring. Mr. Christie said the trial will take two weeks from beginning to end. There is an 86 - 0 record on convictions since Mr. Christie took over. Mr. Wedick asked the Mayor to step down for the good of the town and for his own good until he is declared innocent. The Mayor is innocent until proven guilty. The case is going before a Federal Court. A lot of people are doing well for the town and we are shaded by what is going on with the Mayor. Mr. Wedick said April 10th at 4:00 P.M. is the deadline to file for Office.

   The Mayor said he would love to comment on the allegations but it could be used against him. He said he would take under consideration all the comments and will step aside when he thinks he should.

   Mr. Wedick said he has attended the First Aid Meeting and they would like to work on getting a new ambulance (a new rig takes 9-12 months to be built) and chassi overhaul; it will cost $225,000-$250,000 to accomplish. The First Aid Squad would also like $3,000 for their heating bills like the Fire Department receives. The First Aid is also in the process of finalizing their Bingo License.

   The Keyport Police Department will be discussed in Closed Session.

   Mr. Sheridan thanked the Borough for allowing him to attend the NJSLOM Seminar on January 28th. He thanked John Barone for the

January 22nd fundraiser he held for the troops. Mr. Sheridan also thanked Don Norbut for his work on the Waterfront Bids.

The Mayor advised we received a Cablevision Fee in the amount of $21,000.00. A second newsletter will be going out for 2006 and he asked the two new Councilmembers to think of a goal they would like to achieve and he will include it in his article.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:35 P.M. Jack Jeandron, Main Street, said the Department of Public Works facility is rented and the Borough purchased property to build a facility. He suggested to the Mayor and Council that they purchase the old Gailbraith property at Maple Place and Manchester; the roof is off, but it is still a sound building. It should be repaired for the Department of Public Works; it is an ideal site. Mr. Jeandron gave a petition to the Mayor and Council for a public question to be placed on the November Ballot. The petition is with regard to construction of multi-family structures (condos and townhouses). There were 500 signatures obtained, his target was 1,000 signatures. The people want to be heard on this matter. The Planning Board should not ignore the Master Plan or the Ordinances on the books. Changes are being made piece by piece by allowing use variances. The question can be revised, if needed, by the Mayor and Council and the Planning Board. The petition was given to the Borough Clerk (duplicates signatures were crossed out). Mr. Wisniewski said the Mayor and Council can choose what can be put on the Ballot, but they are not required to place a question. Mr. Bergen said he will be knocking on doors to discuss issues. Mr. Jeandron said the petition is the wishes of people.

Rowland Seckinger, Walnut Street, said on January 17th he reported that the Bayshore Dredging Alliance would hold a meeting on February 9th at 10:30 A.M. in Atlantic Highlands. Mr. Sheridan will represent the Council and Mr. Seckinger will also attend. The road show was a success. With regard to the creek encroachment, this matter was investigated and pictures were given to Mr. Walling. The KBA now has provided a liaison to the Environmental Commission; the liaison is non voting member on the Commission. If First Street is raised, he would like the contractor to not mess with the trees. The trash cans near the Boat Launch Ramp should not just be for the summer. Mr. Seckinger requested the Pledge of Allegiance be recited at every meeting.

Bob Ludwig, 50 Beers Street, said there was a violation of the Sunshine Law regarding Kara Homes and the Planning Board. The CD he received had no recording; the Administrator and Deputy Borough Clerk were witnesses. The CD was supposed to be the meeting of November 1, 2005 for Sherry Hill and Kara Homes. There was a shuffling of papers by the Planning Board which caused interference. He said Mr. Antonucci refused to allow him to listen to the tapes in the office. He said new members cannot get up to speed if there is no official record. Mr. Antonucci stated the tape was played aloud in the Administrator's Office and it was disrupting the office. Mr. Ludwig said the Borough spent $17,500 on computers and they should work properly. Mr. Antonucci volunteered to write down the procedures of the Local Public Contracts Law; $6,000 was spent for software and hardware for the computers. Mr. Bergen said the Borough follows the Public Contracts Law as the Governing Body.

Angel Matos, Chandler Avenue, sent an e-mail regarding software. Mr. Antonucci is to send a statement of requirements and is to set up a meeting at Mr. Matos's request. Mr. Bergen said the Borough can purchase through State Contract. Mr. Matos asked Mr. Antonucci to explain the process so he can understand. Mr. Ludwig said there is a difference in cost and the public comment is useful. Mr. Bergen said he spoke with someone on the Committee.

Mr. Ludwig said there are no sewer lines for Apollo Sewer and no meter. The property owner will benefit from Kara Homes. Apollo deals with septic tanks. Mr. Walling said he received a call from Mr. Ludwig with concerns and he got back to Mr. Ludwig with an answer. Mr. Walling advised Mr. Ludwig to report the matter to the proper authorities if he has evidence. Mr. Bergen said Mr. Antonucci obtained computer equipment at his direction. We followed the proper procedures for purchasing; there are the best intentions to do the right thing. The Borough purchases by bid or quote, unless there is a State Contract. The process was explained and the departments have been advised of the process. Mr. Antonucci said his intentions were to work with individuals, but no one decided on a solution. Mr. Matos stated he worked off a parameter on the equipment and no commitment was been given by Mr. Antonucci. Mr. Matos objected to Mr. Bergen's e-mail because it "attacked" individuals. The meeting that was held went well. There was a list of items off the State Contract. Mr. Sheridan thanked Angel Matos and Bob Ludwig for looking into this matter and apologized for the attack on Mr. Ludwig. Mr. Antonucci and Mr. Bergen said they were also attacked. Mr. Bergen said the rules must be followed so nothing slips through the cracks.

Mike Lane, First Street, said with regard to the light project, the right of way is infringed upon by JCP&L poles by Bill Wright and there are some violations. Mayor and Council should correct the issues. The Planning Board has a process issue; we should support Mrs. Febo and come up with a better system. Mr. Antonucci said he is looking into the matter which pertains to meetings outside Borough Hall being recorded on cassettes.

Mayor Merla said applicants should supply extra plans for their project.

Mr. Lane asked Mayor Merla to step aside as Mayor. Mr. Lane read a list of alleged actions and said the Mayor should look at the harm it has done. Mayor Merla said he wrote a letter to Mr. Mullen about recusing himself from cases and Mr. Mullen never advised him of a position on the matter, but Pat Menna has.

Kevin Graham said he was happy to hear the Mayor is considering stepping down.

Joe Cinquegrana asked if his wife, Allyson, was going to be appointed Borough Clerk. The Mayor stated it is being discussed by the entire Council.

A Union Beach resident said with regard to the Aeromarine, duck hunters are on both sides, Keyport and Union Beach. She has been a resident in Union Beach for a year and is not sure if the Marine Police have been called out and asked to please not allow duck hunters into the creek. There should be No Trespassing signs there. The Police Chief stated if someone comes via water, they are not trespassing. There have been three calls on this matter since the last meeting.

Rowland Seckinger, Environmental Commission, said it is a violation to duck hunt in Keyport. Section 4-23.3 of the Ordinance states Licensed Hunters need permission from the property owner. Hunters have been spoken to by the Police. The owner of the Aeromarine property should be contacted to post signs.

Peggy Hayes, First Street, the law should be changed so just police can discharge firearms, not hunters. It was asked if we have Harbor Police; no, the State Marine Police come out. Mrs. Hayes was told to speak at a Harbor Commission meeting about amending the Ordinance. Someone should call the Fish, Game and Wildlife Commission. Mrs. Hayes asked about the progress on the speeding on First Street. The Police Chief said there has been radar on First Street since the January 17th Meeting. Radar was conducted 8 times during different hours and logged. It is the Officer's discretion where they sit and conduct radar. It was suggested the Police sit out late evening or early morning and conduct radar. The Chief reported there have been 7 total summonses issued since January 17th.

A resident of 107 Maple Place said there has not been a street sweeper after the snow to clean the roads. There has been no street sweeping since January 12th and it needs to be done. The Mayor said this cannot be done on off season; a cost analysis was done. The Borough has not used the sand as much because of it being too costly and there are certain regulations. The price has gone down according to George Sappah. Mayor Merla said the DEP requirements state you cannot mix contaminated sweepings; this matter will be looked at. Mr. Wedick asked Engineer Norbut if there is harm to the roads. Mayor Merla said sand can create roadway depreciation if it piles up. The streets are small and we need traffic to melt the snow. He said it is a good point to sweep the streets now. The Department of Public Works helped out a lot during the storm.

Joe Vecchio, 315 Broad Street, addressed the Mayor stating it is his decision on whether he wants to resign or not; he said the Mayor has served for many years. Mr. Vecchio said as a Planning Board Member, the Independent newspaper has incompetent reporting. Everyone wants what is best for Keyport. There are applications for townhomes before the Board, not condos; there is a big difference. The Mayor said he spoke with the Independent's editor about reporting; facts were shown to them and the ownership is looking into it. There are also problems with the newspaper delivery (thrown all over homeowner's properties). Mr. Vecchio said he would love to have the meetings videotaped. He asked Mayor and Council to look at the Zoning Ordinances.

Bob Ludwig asked if he could view the Longview Ventures files; yes. There are some process issues with the Planning Board and their electronic recording of meetings. Mr. Bergen told Mr. Antonucci to find out a cost from Radio Shack for a recorder.

Carole Cerase, 34 Main Street, said with regard to 4 Barnes Street they are 80% covered and were permitted to put up another shed. The old shed was not taken down. Mrs. Cerase has filed a complaint with the Property Maintenance Officer and he cannot do anything about it. The old wooden shed is not in good condition. Mr. Antonucci said there should be a meeting with the appropriate officials. Mayor Merla asked Mr. Antonucci to have Mr. Regan look into the matter. Council also needs a monthly report from Mr. Regan. Mr. Regan said some people do not speak English so a letter was sent to them.

RESOLUTIONS

2. Resolution #78-06, Accept Donation of Furniture from Lucent to the Fire Department

WHEREAS, Lucent Technologies has offered to donate office furniture for use by the Keyport Volunteer Fire Department, and

WHEREAS, the Borough greatly appreciates the generosity of Lucent Technologies.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey that the Borough of Keyport on behalf of the Keyport Volunteer Fire Department hereby accepts the office furniture donation from Lucent Technologies as set forth and detailed in a letter of January 8, 2006 from the Fire Department to the Borough Administrator, which is attached hereto and incorporated herein by reference.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

3. Resolution #79-06, Amend Council Committees

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that because of a conflict in the respective Board's meeting schedule and due to the desire of Councilperson Joseph Sheridan to remain involved with the Library Board of Trustees (hereinafter "Library Board"), where he has served as a member prior to being elected to Council, for the 2006 Calendar year. Councilperson Sheridan will serve as Council Liaison to the Library Board of Trustees and Councilperson William Ortman will serve as Council Liaison to the Board of Health.

BE IT FURTHER RESOLVED that all other standing Committee assignments shall remain unchanged.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

4. Resolution #80-06, Accept 2004 Audit

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2004 has been filed by a Registered Municipal Accountant with the Municipal Clerk as per requirements of N.J.S.A. 40A:5-6 and a copy has been received by each member of the Governing Body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated a regulation requiring that a Governing Body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled:

General Comments

Recommendations

Auditors' Opinions

and

WHEREAS, the members of the Governing Body have personally reviewed at a minimum the Annual Report of Audit and specifically the sections of the Annual Audit entitled:

General Comments

Recommendations

Auditors' Opinions

as evidenced by the group affidavit form of the Governing Body; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five (45) days after receipt of the annual audit as per the regulations of the Local Finance Board; and

WHEREAS, all members of the Governing Body have received and have familiarized themselves with at least the minimum requirements of the Local Finance Board of the State of New Jersey as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local Governing Body to the penalty provisions of R.S. 52:27BB-52 to wit:

> "R.S. 52:27BB-52 "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director (Director of Local Government Services) under the provisions of this Article, shall be guilty of a misdemeanor and upon conviction, may be fined not more than one thousand dollars ($1,000.00) or imprisoned for not more than one year or both in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED that the governing body of the Borough of Keyport, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

5. Business Administrator Personal/Vacation Days - This matter was held.

6. Appoint Recycling Committee Alternate Member - This matter was held.

7. Resolution #81-06, Authorize Execution of 2006 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 N.J.S.A. 40A:9-139 shall appoint a municipal attorney, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 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 N.J.S.A. 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 $130.00 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. Bergen, seconded by Mr. Walling

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

8. Resolution #82-06, Payment of Bills

See full copy of resolution on file with the Borough Clerk.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

9. Resolution #83-06, Authorize Execution of 2006 Office on Aging Grant Agreement (13-067)

WHEREAS, the County of Monmouth by letter dated January 25, 2006 from John A. Wanat Executive Director of Monmouth County Office on Aging advised the Borough that it was making a grant in an amount not to exceed $36,000 to the Borough for social services for senior citizens; and

WHEREAS, the Borough is extremely pleased to be continuing this important work in collaboration with the County of Monmouth.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the proposed Grant Agreement with the County of Monmouth in the amount of $36,000 for the grant period of January 1, 2006 through December 31, 2006 is hereby approved and the Mayor and Clerk are authorized and requested to sign and deliver such agreement on behalf of the Borough.

BE IT FURTHER RESOLVED that the Borough Administrator and Chief Financial Officer are authorized and requested to take such steps as are necessary and desirable to implement this resolution and sign such other and further documents as the grant requires.

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this resolution to the Monmouth County Office of Aging, Attention: John A. Wanat, Executive Director.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

10. Authorize the creation of a Deputy Department Head for the Water/Sewer Department - This Resolution was held.

11. Authorize Payment Plan for Water/Sewer Bill (Morio) - This Resolution was held.

12. Resolution #84-06, Authorize Borough Engineer to rebid Phase II of the Atlantic Street Road Reconstruction

WHEREAS, the Borough of Keyport ("Borough") is in need of professional engineering services for the design and preparation of contract documents and bid support with regards to the re-bid of Atlantic Street Phase II Road Reconstruction; and

WHEREAS, Birdsall Engineering Inc., possesses the requisite skill and expertise to provide said engineering services; and

WHEREAS, Birdsall Engineering Inc., has submitted a proposal to provide said engineering services dated January 9, 2006, at a cost not to exceed $4,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are or will be available for said purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

1. The proposal of Birdsall for professional engineering services for the design and preparation of contract documents and bid support with regards to the re-bid of the Atlantic Street Phase II road reconstruction project is hereby approved in a total amount not to exceed $4,000.00.

2. The appropriate Borough Officials are hereby authorized to enter into an agreement with Birdsall to provide the above described services.

3. This action is approved as an award of a professional services contract pursuant to N.J.S.A. 40A:11-5(1)(a).

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Walling, Wedick, Bergen, Sheridan, Ortman
Nays: None

Abstain: None
Absent: Councilman Hassmiller

13. Resolution #85-06, Authorize T&M Associates to conduct the Library Site Improvement Project

WHEREAS, the Borough of Keyport ("Borough") is in need of professional engineering services related to the Library Site Improvements Project-Engineering Design and Surveying Services; and

WHEREAS, T&M Associates, possesses the requisite skill and expertise to provide said engineering services; and

WHEREAS, T&M Associates has submitted a proposal to provide said engineering services dated January 25, 2006 at a cost not to exceed $10,000.00; and

WHEREAS, the Chief Financial Officer has certified that funds are or will be available for said purpose.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

1. The proposal of T&M Associates for engineering services with regard to the Library Site Improvements Project-Engineering Design and Surveying Services is hereby approved in a total amount not to exceed $10,000.00.

2. The appropriate Borough Officials are hereby authorized to enter into an agreement with T&M Associates to provide the above described services.

3. This action is approved as an award of a professional services contract pursuant to N.J.S.A. 40A:11-5(1)(a).

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

14. Resolution #86-06, Authorize Execution of Planning Board Attorney's Contract.

WHEREAS, the Planning Board of the Borough of Keyport has the need for legal counsel at its regular meetings and to advise the Planning Board on legal matters and to prepare various documents and resolutions that may be necessary, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 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 N.J.S.A. 19:44A-20.5 to publicly solicit proposals or qualifications of persons interested in being appointed Planning Board attorney, and

WHEREAS, Pasquale Menna, Esq., has submitted a proposal and contract to perform legal services for the Planning Board of the Borough of Keyport for an annual retainer of $6,000.00 plus an hourly rate of $115.00 per hour for work not covered in the annual retainer,

WHEREAS, the proposal of Pasquale Menna, Esq., has been determined by the Planning Board and 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 Pasquale Menna, Esq., as Planning Board Attorney.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

15. Resolution #87-06, Change Order for Municipal Complex Roof

WHEREAS, on or about November 25, 2005 the Borough of Keyport awarded a contract to Badger Roofing, Inc. ("Badger") for the replacement of the Municipal Complex Roof for the sum of two hundred and eighty five thousand dollars ($285,000.00) excluding differentials, and

WHEREAS, on December 19, 2005 when Badger Roofing inspected the exterior building perimeter they noticed that the exterior precast-to-precast vertical and horizontal joints on the exterior side of the parapets are open and cracked.

WHEREAS, Badger is of the opinion that said defective joints are allowing water to infiltrate into the building, and

WHEREAS, Badger further is of the opinion that said joints must be resealed to ensure a watertight system, and

WHEREAS, The Borough's project manager Mr. Henry Vitale of James D. Cummins & Co., after inspecting the exterior precast-to-precast vertical and horizontal joints, is also of the opinion that said joints need to resealed, and

WHEREAS, Badger has submitted a change order (Change Order No. 1) for said repairs in the amount of thirty-five thousand dollars ($35,000.00), and

WHEREAS, the Municipal Building's leaking roof will lead to other problems and damage if not immediately repaired, and

WHEREAS, the aforementioned defective joints are 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 a 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 effectuated by a separate bid contract without unduly disrupting the basic work or imposing adverse cost consequences, and

WHEREAS, Change Order No. 1 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. 1 of the Municipal Complex roof repair contract is hereby authorized for the repair of the precast-to-precast vertical and horizontal joints of the exterior side of the parapets on the Municipal Complex is authorized pursuant to the specifications contained on page one of Badger Roofing's Letter to Henry Vitale dated January 11, 2006 for a cost not to exceed thirty five thousand dollars ($35,000.00), said letter is attached hereto and incorporated herein by reference.

2. The foregoing award of Change Order No. 1 is subject to the written certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Badger Roofing, executing and delivering on Change Order No. 1.

3. Change Order No. 1 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, Badger Roofing, and a copy shall be maintained in the office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Bergen, seconded by Mr. Walling

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

16. Authorize execution of 2006 Bond Counsel Contract - This resolution was pulled from the Agenda.

ADJOURNMENT

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

Time of Adjournment: 12:12 A.M.

Respectfully submitted,

Allyson M. Cinquegrana

Allyson M. Cinquegrana, RMC
Deputy Borough Clerk