

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 the 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 8:20 P.M. and read the Sunshine Law Notice. Mr. Antonucci led the Pledge of Allegiance and Moment of Silence.

Mayor Merla stated the 6:00 P.M. Hearing was longer than expected, but it had to be done.

ROLL CALL

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

PROCLAMATION

Mayor Merla read a Proclamation for Autism Awareness Month. He said several residents in Keyport have this disorder and we give credit to their parents.

COMMUNICATIONS AND PETITIONS

1. Tax Collector's Annual Report for 2005 Collections

This was the highest collection rate ever and should be recognized

Motion to accept as read moved by Mr. Sheridan, second by Mr. Ortman with Ayes by all present.

2. Request from Keyport VFW Post 4247 to hold annual Poppy Drive on May 20-21 and 27-28, 2006.

Motion to approve moved by Mr. Wedick, second by Mr. Hassmiller with Ayes by all present.

3. Request for Water Bill Adjustment from Mrs. Nemati/36-1 Green Grove Avenue.

Motion to add the Resolution to the agenda moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

4. Request from St. John's United Methodist Church to conduct a Carnival in the Florence Avenue Parking Lot on August 26, 2006.

There should be Special Police Officers for crowd control. Billing for this is State Mandated; the rate is \$45.00 per hour.

Motion to Approve subject to a meeting between Hazlet and Keyport Police Departments moved by Mr. Sheridan, second by Mr. Bergen with Ayes by all present.

UNFINISHED BUSINESS

1. **Bulkhead/American Legion Drive Access.** Mr. Bergen said Engineer Norbut will make a presentation on access during road construction. This is not possible with construction safety issues due to the cul-de-sac; s sketch will be supplied. The Borough will have to address signage during construction; there will be a cul-de-sac at the Boat Ramp. Engineer Norbut distributed a handout on American Legion Drive access. A school bus can turn around in the cul-de-sac, not a fire truck). Mr. Bergen said emergency vehicles can pass along American Legion Drive, but not public. Engineer Norbut said there can be a thru parking lot with speed bumps. The public can go to the water at the other

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ENGINEER'S REPORT

Engineer Norbut reported on matters earlier in the meeting.

ATTORNEY'S REPORT

Mr. Wisniewski reported on the following. He said advertising on the Water Tank requires bids. Mr. Bergen disagreed with this and requested this matter be re-examined as an unspecifiable service. Mr. Antonucci said he has reached out to a Toms River School and spoke with a Board of Education Representative who will send their Bid Specification. This will be reviewed with Mr. Wisniewski. Mr. Wisniewski said he will research the matter, but the Local Public Contracts Law states it must be bid.

NEW BUSINESS

1. **Place to Place Transfer Application/American Legion Post #23.** James J. Santella, Commander of the American Legion Post #23, said they want to add an elevated patio to their property, but there was an objection from the Police Lieutenant. Lieutenant Mitchell spoke to the neighbors about their concerns. The Mayor recommended Mr. Santella also speak with the neighbors. The American Legion obtained their Building and Zoning permits today. The members want to meet and drink on the back patio. There will be no service outside. The expansion would only be for members not for parties. A waiver was signed for the dirt that the Department of Public Works delivered. There is a concern about noise and garbage. The elevated patio would be 26 x 29 with a gate and 42" fence. Signage will be in place. Alcohol will be served inside from noon until 11 P.M.

This matter will be relisted on the April 17th agenda with a Resolution. Mr. Santella made a statement on the record. The patio will not be for rent or outside events. Mayor Merla said the American Legion has always been very helpful and cooperative; they do a great job for Keyport. The Police Chief is to advise those in Lieutenant Mitchell's report about this matter being listed on the April 17th agenda.

2. **Planning Board.** At the April 6th Planning Board Meeting, the Public Comment for the Longview project was closed. Mr. Bergen said he received a copy of a draft letter regarding Longview that was submitted to the Keyport Unified Planning Board by Pat Menna, Planning Board Attorney. We should ask the applicant to contribute \$100,000.00 to the parks in town and request they provide waterfront access.

The Mayor said Woodmont agreed to contribute to Beach Park, but they used the money for sewer connection and repair issues. Mr. Norbut said Longview is only bifurcating on the number of units; site plan is not being heard. Mr. Bergen asked John Wisniewski to contact Pat Menna, the Planning Board Attorney, asking that he not send the letter. Engineer Norbut said the dredge spoil is being approached as a separate issue. It was asked if the Borough was interested in property that is wetlands; no. The Mayor and Mr. Hassmiller can bring this up at the Keyport Unified Planning Board meeting.

On March 31st, Judge Lehrer made a ruling that the Mayor and a Councilmember do not have to leave the dais during a use variance; Judge Lehrer said they cannot vote, but can remain at dais. The Borough is clearing up the conflict.

3. **School Crossing Guards.** Mr. Sheridan asked if the position has been advertised yet. It was asked if the schools could advertise on their Bulletin Boards. A substitute School Crossing Guard is needed for Nicie Hammond's post. The Chief has applications. A recommendation will be given for the April 17th Council Meeting.

4. **Keyport Free Public Library.** The Keyport Library has received a \$500.00 grant for Spanish storytelling. High School Students will read to the children.
5. **Easter Egg Hunt.** The Easter Egg Hunt will be held on April 8th at 11:00 A.M. Mr. Sheridan thanked Mr. and Mrs. Maldonado, George Sappah, Thomas Antonucci, and the Kiwanis for all of their help. Any age group can attend the event.
6. **319H Grant.** On March 23rd we applied for a \$250,000 319H Grant. On April 13th at 3:30 P.M. in Trenton, there is a meeting for the 319H Grant. A representative from the Environmental Commission, the Baykeeper and Joe Sheridan will attend.
7. **Community Development Block Grant Project.** We need a project for this grant. There will be a mandatory pre application meeting in May and the Borough will apply in June. Some ideas were Broad Street traffic calming, a road project or the Beach Park Stormwater Outfall. Mr. Bergen recommended Walling Terrace between Main and Beers Streets as a Road Project. Council should give recommendation to Engineer Norbut. Major infrastructure improvements are needed.
8. **Trees.** Mayor Merla said at the old Masonic Temple site sidewalks were replaced. One of the biggest trees, 150 years old was cut down on Saturday. The Resolution for the Project states the trees must stay and the homes would be built around them. We must have a tree ordinance which enforces the preserving of trees. Mr. Wisniewski said the applicant violated the approval; the Resolution goes with the ownership. Tim Regan brought this matter to the Mayor's attention. There should be a tree bank created for removed trees.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:26 P.M. Mr. Seckinger, Environmental Commission, reported there will be a Beach Clean up at 9:00 A.M. this Saturday. There will also be meetings at 10:00 A.M. and 11:00 A.M. on April 11th with the owners of St. Joseph and Green Grove cemeteries regarding their properties. He thanked the Mayor for arranging the Mosquito Commission meeting held on March 30th. Mr. Seckinger sent a letter to Mayor and Council regarding Longview.

Bob Ludwig, 50 Beers Street, asked for a change in the enforcement of Ordinances.

Kathy Shaw, 95 Elizabeth Street, spoke regarding the KBA and Borough's partnership. A letter was received from the Monmouth County Prosecutor's Office stating everything has been done in accordance with the KBA Ordinance. The Mayor and Council should review the letter and a new Council Liaison representative should be appointed. Mrs. Shaw felt she and the KBA Board members were demeaned. She said progress has been blocked and it seems the KBA liaison does not treat anyone with respect. There should be ethics for all Professionals and everyone should be fair to one another. Mrs. Shaw submitted a list to the Governing Body of her experiences and said she cannot continue KBA's work. Everyone must be civil. Mr. Ortman asked if there are other testimonies or recordings; some. Mrs. Shaw supplied the Borough Clerk with the statement she read to Mayor and Council.

Ed Burlew, said he hoped Mrs. Shaw's statement was on behalf of Kathy Shaw and not the KBA as she was not authorized to make a statement. He said there are no recordings of the KBA meetings and invited Council to attend the KBA meetings.

Larry Sengstack, said the Council Liaison does not act professionally; he is not an impartial person and has his own personal agenda.

Matthew McGrath, reporter for the Courier, advised the Mayor and Council that at tonight's special meeting things were taken from him, but he was able to get them back. He said he has a long history in Keyport. He said he would not file a formal complaint. Mayor Merla apologized to Mr. McGrath and said the Governing Body does not tolerate this type of behavior.

There being no further comments or questions, the meeting was closed to the public at 9:33 P.M

RESOLUTIONS

1. Resolution #133-06, Payment of Bills

CURRENT	\$182,005.32
WATER/SEWER	54,573.06
RECREATION BAYFRONT IMP. TRUST	78.22

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

2. Resolution #134-06, Authorize Execution of 2006 Drug Alliance Grant Agreement 06A-10

WHEREAS, it is desirable for the Borough of Keyport to enter into an Agreement with the Monmouth County Board of Chosen Freeholders for Alcoholism and Drug Abuse as part of the Alliance to Prevent Alcoholism and Drug Abuse.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor and Borough Clerk are hereby authorized to execute the Alliance to Prevent Alcoholism and Drug Abuse Agreement #06A-10 for the period of January 1, 2006 to December 31, 2006 in the amount of \$28,674.00 with the Monmouth County Board of Chosen Freeholders.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

3. Resolution #135-06, Waive Water/Sewer Interest-Donnelly

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Municipal Collector of Water and Sewer Utility Rents.

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

1. It was recently discovered after switching to the new Edmund's billing system that the new owner information for Block 103.02 Lot 22.41 a.k.a. 231 Atlantic Street, Unit 41 was never changed. The resident received her first bill for this account March 28, 2006. The resident advises she will be able to have the delinquent amount paid off by the July 1, 2006 billing. Therefore, formal

authorization is hereby given to waive interest for a delinquent water/sewer account until July 1, 2006.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>REASON</u>
700054000-0	Donnelly	Listed Above

2. Certified copies of this Resolution shall be forwarded to the Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

4. Resolution #136-06, Waive Second Charge for Water/Sewer on Final Bill - Nemati

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Municipal Collector of Water and Sewer Utility Rents.

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

1. To waive the second minimum charge for 36-1 Green Grove Avenue since two minimums were charged in the same period due to a final billing.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
50023900-0	Nemati	118.95	Charged minimum twice due to final billing

2. Certified copies of this Resolution shall be forwarded to the Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

5. Resolution 137-06, Award of Contract - Cass Street Standpipe Painting

WHEREAS, a review by Hatch Mott MacDonald, Infrastructure and Environmental Engineers, of the Cass Street Water Storage Tank indicates deficiencies and potential problems, and

WHEREAS, the available information shows that the tank was last painted in 1976. Preliminary reports from a recently completed internal inspection by Hatch Mott MacDonald on November 29, 2005, show that the tank may need to be sand blasted both inside and out to remove the existing paint prior to the application of a new coating system, and

WHEREAS, The Mayor and Council of the Borough of Keyport have advertised for the receipt of bids on March 29, 2006 for said painting and improvements, and

WHEREAS, Valley Painting, Inc., U.S. Tank Painting, Inc., and Alpine Painting & Sandblasting submitted bids in response to the advertisement for the same, and

WHEREAS, the Mayor and Council have reviewed the bids submitted and have determined the lowest responsible bidder to be Valley Painting, Inc.

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

1. Said contract is awarded to Valley Painting, Inc. in accordance with the bid specifications, which are incorporated hereto and made a part hereof by reference, for a total price not to exceed Three Hundred and Fifty-Four Thousand Six Hundred and Seventy-Five Dollars (\$354,675.00).
2. The foregoing Award of Contract is subject to the certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Valley Painting, Inc., executing and delivering the Contract for said Cass Street Water Tower painting and improvements, the Performance Bond, the Certificate of Insurance, the vehicle identification affidavit, affirmative action affidavit and such other documents required in the bid specifications or required by the Borough of Keyport.
3. The Bid Guaranty in the form of a bid bond or certified check submitted by Valley Painting, Inc., is hereby released.
4. A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Finance Officer, Valley Painting, Inc., and a copy shall be maintained in the office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Ortman, second by Mr. Bergen

Roll Call Vote: Ayes: Councilmembers Hassmiller, Bergen, Sheridan
Ortman

Nays: Councilmembers Walling and Wedick

Abstain: None

Absent: None

6. Resolution #138-06, Closed Meeting - Personnel, Possible Litigation and Contract Negotiations

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

Personnel

1. Police Matters
2. Recreation Secretary
3. KBA
4. School Crossing Guards

Possible Litigation

1. Maria's Cleaning Service

Labor Relations

Contract Negotiations

1. Keyport Legion Apartments

2. Advertising on Water Tank

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, Possible Litigation and Contract Negotiations

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

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick,
Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

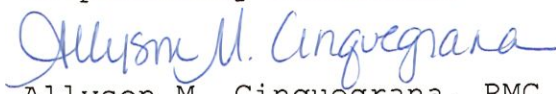
Council went into closed session at 9:45 P.M. and was reconvened at 10:55 P.M.

ADJOURNMENT

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

Time of Adjournment: 10:55 P.M.

Respectfully submitted,


Allyson M. Cinquegrana, RMC
Borough Clerk