

APPROVED
4/10/07
Keyport, New Jersey
April 10, 2007

Mayor Bergen called the meeting to order at 7:02 P.M. Mayor Bergen read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

Resolution #256-06, Closed Meeting- Personnel Litigation

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, Mayor and Council of the Borough of Keyport are of the opinion that such circumstances presently exist; and

WHEREAS, the Governing Body wishes to discuss:

A. Personnel

Police Department Interview

B. Litigation

Municipal Building

DeFino Case

Loitering of Day Workers

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 above mentioned items.

BE IT FURTHER RESOLVED that discussions on Personnel 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. Sheridan, second by Mr. Ortman

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

Nays: None

Abstain: None

Absent: Hill

Mayor Bergen called the meeting to order at 8:00 P.M. and read the Sunshine Law Notice

ROLL CALL

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

PROCLAMATION

1. National Volunteer Month

There was a celebration at the Senior Center for National Volunteer Month. Councilman Hassmiller attended this celebration where a proclamation was given.

2. Autism Awareness Month

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

Nays: None

Abstain: None

Absent: Hill

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2. Autism Awareness Month

**AMENDING ORDINANCE 21-7 OF THE BOROUGH OF KEYPORT TITLED
THE DESIGNATED DISTRICT MANAGEMENT CORPORATION**

The Hearing was opened to the public at 8:37 P.M. There being none, it was closed at 8:37 P.M.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

- 3a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, April 12, 2007 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance #13-07 Smoking in Motor Vehicles Prohibited with Children

The Clerk reads the Ordinance by Title:

**AN ORDINANCE CREATING CHAPTER 4-10 MOTOR VEHICLES;
SECTION 4-10.1, SMOKING IN MOTOR VEHICLE
PROHIBITED, OR THE ORDINANCES OF
THE BOROUGH OF KEYPORT**

WHEREAS, the Mayor and Council of the Borough of Keyport finds that second hand smoke is detrimental to the safety, health and general welfare of the public;

WHEREAS, children that are exposed to second hand smoke have an increased risk of asthma, respiratory infections, and sudden infant death syndrome (California Environmental Protection Agency (Cal EPA), Health effects of exposure to environmental tobacco smoke, Tobacco Control 6(4): 346-353, Winter, 1997);

WHEREAS, in 2006, the United States Surgeon General's Report concluded that the evidence is sufficient to infer that there is a casual relationship between exposure to second hand smoke after birth and a lower level of lung function during childhood (U.S. Department of Health and Human Services. The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General. U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health, 2006, Chapter 6, p. 400); and

WHEREAS, pursuant to N.J.S.A. 40:48-1 the power to adopt public ordinances for public health, safety and welfare of the borough is conterminous with the power of the legislature.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter 4-10, of the Revised Ordinances of the Borough of Keyport is created as follows;

4-10 MOTOR VEHICLES

4-10.1 Smoking in Motor Vehicle - Prohibition. No person shall smoke, while occupying a motor vehicle, if a person under the age of eighteen (18) is also occupying the vehicle.

"Motor vehicle" under this section means any self propelled vehicle licensed for on-road usage, other than a motorcycle, moped, motor scooter or motorized bicycle, regardless of whether the motor vehicle is publicly or

privately owned, leased or rented; whether the motor vehicle is operated for public, private or commercial purposes; or whether the windows or doors of the vehicle are in an opened or closed position.

"Smoke" under this section shall mean the burning, inhaling, exhaling, or being in possession of a lighted cigarette, cigar, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked.

Enforcement of this act by State or local law enforcement officers shall be accomplished only as a secondary action when the operator of a motor vehicle has been detained for a violation of Title 39 of the Revised Statutes or another offense.

A person who violates this section shall be fined \$75.00.

No motor vehicle points or automobile insurance eligibility points pursuant to section 26 of P.L. 1990, c. 8 (C.17:33B-14) shall be assessed for this offense.

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 required by law.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

- 1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, April 12, 2007 issue moved by Mr. Ortman, second by Mrs. Bolte with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from John Olsen, Harbor Commission Chair, regarding the possibility of docking a dinner/cruise boat in Keyport and requesting Council input

Motion to receive and file moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

2. Letter from Jersey Shore Workcamp II, Group Workcamps & St. John's United Methodist Church regarding their home repair mission project

Motion to refer to Borough Administrator moved by Mr. Sheridan, second by Mrs. Bolte with Ayes by all present.

3. Letter from Leo Mania, Secretary of Kiwanis Club of Keyport, requesting permission to conduct a flea market at Fireman's Park on Sundays from April to December between 7 A.M. and 4 P.M.

Motion to refer to Finance Committee moved by Mrs. Bolte, second by Mr. Ortman with Ayes by all present.

4. Letter from Art Olsen, KBA President, requesting approval to operate a horse-drawn carriage in Keyport's downtown business district.

Motion to receive and file to finance moved by Mr. Sheridan, second by Mrs. Bolte with Ayes by all present.

5. Letter from Patrolman David Sorber requesting permission to host Battle of the Bands on either Saturday June 2nd or Saturday June 16th at the minipark Bandstand. In addition, he request permission to place clothing recycle bins at several locations in town.

Patrolman Sorber explained both projects. Bins will only be for explorers and will be provided for one year. Mayor Bergen is concerned about the paper street location. The bins will be labeled.

Motion to refer to Attorney and Administrator to work out the details moved by Mr. Sheridan, second by Mr. Ortman with Ayes by all present.

DISCUSSION

1. Amending Ordinance for the Creation of An Additional Club Liquor License.

UNFINISHED BUSINESS

1. Easter Egg Hunt. Mr. Sheridan gave thanks to various groups and organizations; The Spanish American Club, etc. They had between 400-500 kids.
2. St. Patrick's Day Parade. Mr. Ortman sent a letter to the Middletown Township Fire Department thanking them for their help during the St. Patrick's Day Parade.

ADMINISTRATOR'S REPORT

Mr. Valesi reported on the following. The Payment of Bills was read. Regarding the Bulkhead Pier Project, preceding on schedule, the pier will go faster than the rest of the project. Regarding the west end, backfill is being put in now. Weather was favorable, delays were minimal with Therese Street Park and Beach Park. There are proposals for design services. We are merging as a single project for the bidding. There are improvements to the Senior Center that were done. Implemented new phone service on March 24th. Mr. Sheridan had a question on the bills list. \$718.00 bill for arbitration, split with union since it is a union/personnel issue. Regarding the bills for the snow storm, what did it cost us. This goes under streets and roads. There was a \$555.00 charge for the preliminary assessment sight inspection; the total cost is \$3,700.00. Mr. Walling asked about the library water problem. Mr. Valesi said they are trying first to do a dry well but they hit clay. There is not much of a chance of it working on clay.

ATTORNEY'S REPORT

The Attorney had no report.

NEW BUSINESS

1. Keyport Pride Day. Keyport Pride Day will be held from 10 A.M. to 2 P.M. at the Central School this Saturday.
2. Waterfront Meeting. There will be a waterfront meeting at 10:30 A.M. on April 21st in the Central School Cafeteria.
3. Beach Clean Up. There will be a beach clean up on April 28th at 9 A.M. at Beach Park.
4. WWII Memorial. The WWII Memorial has been relocate from the old borough hall now out in the front of the Fireman Museum which was its original home. This was from a resident fireman from WWII.
5. Redevelopment Committee Meeting. There will be a Redevelopment Committee Meeting on April 25th at 7 P.M. at the First Aid Building.

6. Mayor Bergen talked about making Keyport a cleaner community. Policies and procedures to help make it better.

RESOLUTIONS

2. Resolution #125-07, 2006 Recycling Tonnage Grant Application

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c. 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants for calendar year 2006 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Mayor and Council to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough of Keyport hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Robert M. Poling, S., Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

3. Resolution #126-07, Volunteer Tuition Reimbursement Cap Resolution

WHEREAS, the Mayor and Council of the Borough of Keyport adopted by resolution a volunteer tuition reimbursement program in accordance with N.J.S.A. 18A:71-78.1 et seq., and

WHEREAS, the Mayor and Council of the Borough of Keyport resolve to amend Resolution No. 250-99 to clarify the provisions therein, 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 Resolution No.: is amended to allow for two (2) requests for tuition reimbursement per year under the terms of N.J.S.A. 18A:71-78.1 et seq.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

4. Resolution #127-07, Authorizing Execution of Contract for Attorney Services with Pasquale Menna, Esq. (Planning Board Attorney)

WHEREAS, Pasquale Menna, Esq., is a member of the Bar of the State of New Jersey in good standing, and

WHEREAS, on February 7, 2007 Pasquale Menna, Esq., was appointed as the Planning Board Attorney for the Borough of Keyport under a Fair and Open process pursuant to N.J.S.A.19:44A-20.5, and

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

WHEREAS, the Borough of Keyport submitted a contract for services for Planning Board Attorney which is appended hereto and made a part hereof, 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:

1. The Mayor is authorized to execute a contract with Pasquale Menna, Esq., as the Planning Board Attorney for the Planning Board of the Borough of Keyport for 2007 in accordance with the contract which is appended hereto and made a part hereof.
2. Copies of the within Resolution shall be forwarded to Pasquale Menna, Esq., the Municipal Finance Officer and the Borough Clerk, who shall retain a copy for public inspection.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

5. Resolution #128-07, Payment of Bills

(see full copy of this Resolution attached hereto and made apart hereof)

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

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

6. Resolution #129-07, Authorizing the Award of a Contract for the Roof Replacement of Well Houses Seven (7) and Eight (8) at the cost of \$6,500

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the roofs on well houses seven (7) and eight (8) require replacement, and

WHEREAS, the value of the contract for the replacement of both roofs will not exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is less than one year; 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 \$17,500.00 and, for all contracts that are less than the bid threshold of \$17,500.00 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 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, Sinker Brothers Custom Roofing and Siding of Keyport, N.J. submitted a price quote of six thousand three hundred and fifty dollars (\$6,350.00) for the roof replacement on well houses seven (7) and eight (8) 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 Sinker Brothers Custom Roofing and Siding for the above referenced services for an amount not to exceed six thousand three hundred and fifty dollars (\$6,350.00).

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

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

Mr. Valesi said that the roofs are leaking. Expensive equipment is inside; this is part of the overall project.

7. Resolution #130-07, Hiring a Part-Time Construction Monitor for Borough Construction Projects

WHEREAS, the Mayor and Council of Borough of Keyport, recognize the need for a part time employee to inspect and/or observe ongoing construction projects within the Borough; and

WHEREAS, the Mayor and Council of the Borough of Keyport are resolved to hire Frank Grabowski as a temporary, at will, employee of the Borough of Keyport, in the capacity of Clerk of the Works to monitor ongoing construction projects within the Borough in order to fully protect the interests of the Borough; and

WHEREAS, the Mayor and Council have further resolved to pay Frank Grabowski, a temporary, at will, employee of the Borough of Keyport, at the rate of sixty-eight dollars (\$68.00) per hour on an as needed basis as approved by the Borough Administrator.

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

1. Frank Grabowski is hereby hired as a temporary, at will, employee for the Borough of Keyport, in the capacity of Clerk of the Works for the purposes of monitoring ongoing construction projects within the Borough in order to fully protect the interests of the Borough.
2. Frank Grabowski, as a temporary, at will, employee of the Borough of Keyport and Clerk of the Works, shall continue to be paid the sum of sixty-eight dollars (\$68.00) per hour on as needed basis assigned or directed by the Borough Administrator at the continued pleasure of the Mayor and Council until the further direction of the Mayor and Council.
3. The within resolution and appointment is contingent upon the certification of the Municipal Finance Officer as to the availability of funds for payment of the within position.
4. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, and a copy shall be retained in the Office of the Borough Clerk for public inspection.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

Mayor Bergen said we would save money on inspection fees.

Resolution #131-07, Authorizing the Award of Contract for Lawn Chemical Services for the Borough Parks and Ball Fields

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the Borough parks and ball fields are in need of fertilizing and weed control treatment, and

WHEREAS, the value of the contract will not exceed \$17,500; and,

WHEREAS, the anticipated term of this contract is less than one year; 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 \$17,500.00 and, for all contracts that are less than the bid threshold of \$17,500 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(a), 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, TruGreen ChemLawn of Farmingdale, N.J. submitted a price quote of five thousand fifty four dollars (\$5,054.00) for Lawn chemical services for parks four (4) fertilizer applications and three (3) vegetation control applications selectively as specified by the Borough at each of seven (7) ball fields and/or parks which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and there 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 TruGreen ChemLawn for the above referenced services for an amount not to exceed five thousand fifty four dollars (\$5,054.00).

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

9. Resolution #132-07, Authorizing Payment Plan for Water/Sewer and Reducing Water/Sewer Bill

WHEREAS, Mr. & Mrs. Matos have received a high water/sewer bill due to the outside register reading not matching the inside water meter; and

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

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments, payment plans 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. Formal authorization to reduce the water/sewer bill by \$192.02 since the date the issue arose was determined and spreading the usage over the previous 30 quarters will reduce the amount due.
2. Formal authorization is granted for a payment plan to pay the balance of Mr. and Mrs. Matos's April 1, 2007 water/sewer bill due to the outside register not showing the same reading as the actual water meter. The balance to be paid, in equal monthly payments, totals \$2,594.19. The

payments will be the first of each month starting with May 1, 2007 and ending April 1, 2008. Each payment for the first 11 months is for \$217.00. The last payment on April 1, 2008 will be for \$207.19. If said payments become delinquent at anytime the entire balance will be due at the time the payments become delinquent.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
20014100-0	Matos	2,594.19	Payment Plan

3. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

10. Resolution #133-07, Authorizing Water/Sewer Bill Reduction
WHEREAS, Ms. Henry has received a high water/sewer bill due to the outside register reading not matching the inside water meter; and

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

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments, payment plans 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. Formal authorization is granted to reduce the water/sewer bill by \$17.46. The date the slow down of the outside register was determined and the "catch up" usage was spread over the four quarters thus allowing the reduction requested.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
20025500-0	Henry	17.46	Water/Sewer bill reduction

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

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

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

Nays: None

Abstain: None
Absent: Councilman Hill

11. Resolution #134-07, Authorizing Waiving of Interest Due to Computer Switch

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. Formal authorization is hereby given to waive interest for account 40021700-0. When the Borough of Keyport switched to the new utility billing system. The contact information is now obtained from MODIV which houses the information on the actual property deeds. This property was obtained through the Veterans Administration and is in the name of a mortgage trustee company until the owner pays off the mortgage. Therefore, the actual user of the water/sewer was not receiving the bill. In looking in the history of the property owner's account in the previous utility billing system, it has been determined that they were not delinquent on payments. Therefore, since the error was caused by the switch to the new computer system, the Borough of Keyport will waive the interest.

2.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
40021700- 0	Windeknecht	52.95	Computer switch caused bills to be delivered to the wrong address.

3. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

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

Nays: None
Abstain: None
Absent: Councilman Hill

12. Resolution #135-07, Authorizing Reduction of Water/Sewer Bill

WHEREAS, Raymond & Matthew Montanari have received a high water/sewer bill due to the outside register reading not matching the inside water meter; and

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

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments, payment plans 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:

4. Formal authorization to reduce the water/sewer bill by \$496.71 since the date the issue arose was determined and spreading the usage over the previous 33 quarters will reduce the amount due.

<u>ACCOUNT #</u>	<u>NAME</u>	<u>AMOUNT</u>	<u>REASON</u>
20017100-0	Montanari	496.71	Reduce Water/Sewer bill since trouble with the meter was traced back to 1989

5. Certified copies of this Resolution to Municipal Collector of Water and Sewer Utility Rents, Administrator and any other interested parties.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

3. Resolution #136-07, Hiring Part-Time Office Assistant

WHEREAS, it is necessary to hire a Part-Time Office Assistant;
and

WHEREAS, applications have been submitted and reviewed.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that MICHELLE ANN GUENTHER is hereby hired as a Part-Time Office Assistant
Starting April 16, 2007 at an hourly rate of \$10.00 per hour.

BE IT FURTHER RESOLVED that since this is a part-time position there are no benefits

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

4. Resolution #137-07, Supporting 2007 Domestic Violence Training Reimbursement Grant

WHEREAS, the Mayor and Borough Council of the Borough of Keyport support the training of the Borough Police Department in Domestic Violence Issues; and

WHEREAS, the state has made grant funds available for the reimbursement of overtime costs for this training; and

WHEREAS, the Borough wishes to apply to the State of New Jersey, Division of Women for a 2007 Domestic Violence Training Reimbursement Grant; and

WHEREAS, the Police Captain and Borough Administrator have completed the necessary application for this grant; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport supports the filing of the 2007 Domestic Violence Training Reimbursement Grant and authorizes the Mayor to execute the grant agreement, and the corresponding certifications.

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

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

Nays: None

Abstain: None

Absent: Councilman Hill

15. Resolution #138-07, Approving the Person-to-Person and Place-to-Place Liquor License Transfer for Keyport Trinity, LLC

Attorney read the Trinity resolution to the public and Keri explained Resolution numbers 9, 10, 11, and 12.

WHEREAS, application has been filed for a Person-to-Person and Place-to-Place Transfer of a Plenary Retail Consumption License, No. 1322-33-003-008, for the exclusive purpose of being able to serve alcoholic beverages in connection with the operation of a restaurant by Keyport Trinity LLC (hereinafter "Keyport Trinity") on the premises under license located at 84 Broad Street, Keyport, New Jersey; and

WHEREAS, the person-to-person transfer is from Keyport Broad C, LLC to Keyport Trinity LLC, and

WEREAS, the place-to-place is from a Pocket License to 84 Broad Street, Keyport, N.J., and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term, and

WHEREAS, Charles Merla, an owner of Keyport Trinity, has a beneficial interest in more than a total of two alcoholic beverage retail licenses including License No. 1322-33-003-008, and

WHEREAS, Charles Merla can only hold a beneficial interest in the afore-mentioned license for use in connection with a *bona fide* restaurant in accordance with N.J.S.A. 33:1-12.32 and as defined by N.J.S.A. 33:1-1(t).

NOW THEREFORE BE IT RESOLVED that the Borough Council of the Borough of Keyport does hereby approve, effective upon Keyport Trinity LLC meeting, and further contingent upon it continuing to so meet, the requirements of N.J.S.A. 33:1-12.32 and N.J.S.A. 33:1-1(t), the Person-to-Person and Place-to-Place Transfer of the aforesaid Plenary Retail Consumption License located at 84 Broad Street, Keyport, New Jersey to the place delineated in the application form and the sketch of the licensed premises attached hereto, and

BE IT FURTHER RESOLVED that the license is subject to the following conditions:

- 1) The above-referenced Liquor License shall only be used in connection with the operation of a restaurant in accordance with the provisions of N.J.S.A. 33:1-1 (t).
- 2) Liquor consumption on the outside patio is to be at tables only, served by wait-staff.
- 3) The rear door is not for patron access and is to be used for loading and unloading only and is to be locked during business hours when not in use.

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

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

Nays: None
Abstain: None
Absent: Hill

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 9:13 P.M. Art, 209 Washington Street, talked about Keyport/Holmdel Police Officer who died.

Bob Ludwig, 50 Beers Street, regarding the Environmental Commission the Planning board Representative has not attended any recent meetings. They had an ordinance appointing alternates. No one has been appointed yet, they would help with having a quorum. Mr. Ludwig mentioned a permit to CAFRA. Keyport at not appointed anyone as a MAC representative. The flea market parking might impact Sunday Parking. Mr. Ludwig congratulated the Attorney on the Trinity Resolution. The Borough has documents for the public view.

Mike Lane, 51 First Street, regarding Hovnanian Homes, it was brought to the Planning Board's attention in January that they are not in line with the variance granted. This was mentioned at the last meeting in March. Hovnanian would be notified to appear before the Planning Board; no documentation informing Hovnanian and not on the Planning Board Agenda.

Mayor thought the letter was prepared by Don Norbut; Pete has the letter, Jill said the calendar was too crowded. Mayor Bergen said he will set up a special meeting. There being no further comments or questions from the audience the meeting was closed to the public at 9:23 P.M.

ADJOURNMENT

A motion to adjourn the meeting was made and moved with Ayes by all present.

Time of Adjournment: 9:24 P.M.

