Approved 4/14/08.

Borough of Keyport
June 20, 2006

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Borough Hall Council Chambers, Keyport, N.J., pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, Newark Star Ledger and the Two River Times and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:11 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll call the following were present: Mayor Merla, Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman. Others present: Mr. Wisniewski, Borough Attorney

RESOLUTION

1. Resolution #199-06, Closed Meeting - Personnel, Litigation, Labor Relations, Contract Negotiations

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

Personnel
1. Construction Code Office
2. Administration Office
3. Police Department
4. Interlocal with Board of Education
5. Budget

Litigation
1. Water/Sewer Shut Offs

Labor Relations
1. Stipend - Police Department

Contract Negotiations
1. Public Works Facility Lease
2. Sale of Block 1.01, Lot 43
3. Bulkhead Replacement Project

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

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

Personnel, Litigation, Labor Relations and Contract Negotiations

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

Offered for adoption by Mr. Wedick, 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 7:11 P.M. and this meeting was reconvened at 7:58 P.M.

Mayor Merla called the meeting to order at 8:05 P.M. and read the Sunshine Law Notice. Councilman Ortman led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

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

OATH OF OFFICE

1. Thomas D. Mitchell to be sworn in as Police Captain

Sworn in by Allyson M. Cinquegrana, Borough Clerk, and the Bible was held by daughter Melissa.

Mr. Mitchell wanted to thank everyone including his baseball team for coming. He thanked everyone for their support, especially his family. He also wanted to thank the Police Department which is like his family.

HEARING ON FY 2007
MONMOUTH COUNTY COMMUNITY DEVELOPMENT PROJECT

Engineer Norbut stated that Cedar Street was chosen for the project. The project would be on Cedar Street from First Street down to the park. The grant will be submitted. The hearing was opened to the public for comments and questions at 8:12 and since there was none the floor was closed at 8:13 P.M.

RESOLUTION

2. Resolution #200-06, Monmouth County Community Development FY 2007 Project

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE BOROUGH AS FOLLOWS:

The FY 2007 Project, Cedar Street, as recommended by the Keyport Citizen Participation Group is hereby approved by the Mayor and Council of the Borough of Keyport for submittal to the County of Monmouth, Community Development Block Grant Program.

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

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

HEARING ON ORDINANCE

Ordinance #10-06, PBA Salaries (2004-2007)

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 8, 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 AN ORDINANCE FIXING THE SALARIES OF VARIOUS EMPLOYEES OF THE POLICE DEPARTMENT OF THE BOROUGH OF KEYPORT IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, in the County of Monmouth and State of New Jersey as follows:

SECTION 1. The following salaries are hereby fixed and determined for the following officers and employees as follows:

1A. The salary schedule for 2004, 2005, 2006 and 2007 for all officers employed prior to January 1, 1998 shall be as follows:

Classification	Effective 1/1/04	Effective 1/1/05	Effective 1/1/06	Effective 1/1/07
Capitan of Police	$89,551	$93,133	$96,858	$100,733
Lieutenant	85,148	88,554	92,096	95,780
Sergeant	80,735	83,964	87,323	90,816
Detective Sergeant	80,735	83,964	87,323	90,816
Detective	73,959	76,917	79,994	83,194
Patrolman 1st Class	72,881	75,796	78,828	81,981
Patrolman 2nd Class	60,200	62,608	65,112	67,117
Patrolman 3rd Class	48,525	50,466	52,485	54,584
Patrolman 4th Class	36,291	37,743	39,252	40,822
In Academy	35,536	36,957	38,436	39,973

1B. The salary schedule for 2004, 2005, 2006 and 2007 for all officers employed after January 1, 1998 shall be as follows:

Classification	Effective 1/1/04	Effective 1/1/05	Effective 1/1/06	Effective 1/1/07
Capitan of Police	$89,551	$93,133	$96,858	$100,733
Lieutenant	85,148	88,555	92,096	95,780
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In Academy	35,536	36,957	38,436	39,973

SECTION 2. Longevity. Retroactive to January 1, 1995, the above base salaries shall be increased for longevity by set percentages of base salary to be based upon date of hire and years of service.

a. For all officers and employees hired before January 1, 1995 the above base salaries shall be increased for longevity by the following percentages of base salary:

	2004	2005	2006	2007
After 5 years of service	1%	1%	1%	1%
After 10 years of service	3.5%	3.5%	3.5%	3.5%
After 15 years of service	5%	5%	5%	5%
After 20 years of service	6.5%	6.5%	6.5%	6.5%
After 25 years of service	7%	7%	7%	7%

b. For all officers and employees hired on or after January 1, 1995, the above base salaries shall be increased for longevity by the following percentages of base salary:

The Hearing is opened to the public for comments or questions.

	2004	2005	2006	2007
After 5 years of service	1%	1%	1%	1%
After 10 years of service	3.5%	3.5%	3.5%	3.5%
After 15 years of service	5%	5%	5%	5%
After 20 years of service	6.5%	6.5%	6.5%	6.5%
After 25 years of service	7%	7%	7%	7%

SECTION 3. Inconsistent Ordinances. All Ordinances or parts thereof inconsistent with the provisions of these Ordinances are hereby repealed as to such inconsistency.

SECTION 4. Severability. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 5. Effective Date. This Ordinance shall take effect upon its passage and publication according to law.

The Hearing is opened to the public for comments or questions.
Opened: 8:13 Closed: 8:14

Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of June 22, 2006.

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

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

Ordinance #11-06, Authorize Refund of Taxes Collected on Properties Deemed Exempt

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 8, 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 AUTHORIZING THE REFUND OF TAXES COLLECTED ON PROPERTY WHICH WOULD HAVE BEEN EXEMPT HAD THE PROPER CLAIM BEEN MADE**

WHEREAS, Article 8, § 1, ¶ 3 of the Constitution of the State of New Jersey and N.J.S.A. 54:4-3.30 provide for property tax exemptions for 100% permanently disabled veterans of the Armed Forces of the United States of America, and

WHEREAS, other statutory provisions establish exemptions for various other purposes, and

WHEREAS, the aforesaid exemptions require a specific application procedure that from time to time may not be properly followed resulting in the exemption not being granted for reasons other than the merits of the claim, and

WHEREAS, N.J.S.A. 54:4-3.32 permits the governing body of a municipality to adopt a resolution authorizing the refund of property taxes collected by the Borough on real property which would have been exempted from property taxation had a proper claim for such exemption been made as provided by law, and

WHEREAS, the Mayor and Borough Council wish to establish a policy to provide for the refund of property taxes collected by the Borough on real property which would have been exempted from property taxation had a proper claim for such exemption been made as provided for by law, now therefore

WHEREAS, the Mayor and Borough Council wish to establish a policy to provide for the refund of property taxes collected by the Borough on real property which would have been exempted from property taxation had a proper claim for such exemption been made as provided for by law, now therefore

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that

Section 1. A taxpayer of the Borough of Keyport may make application to the Tax Assessor of the Borough of Keyport for a refund of property taxes paid on real property that would have been considered exempt under law had a proper claim for such exemption been made as provided for by law.

Section 2. Any claim for a refund of property taxes is limited to the property taxes paid in the tax year that a claim is made and the tax year immediately preceding said year.

Section 2. Any application for a refund of property taxes paid on real property that would have been considered exempt under law had a proper claim for such exemption been made as provided for by law must be made in writing under oath on a form or application prescribed by the Borough of Keyport and must include all of the material and documentation required by law to make proper claim for a tax exemption.

Section 3. Completed applications and supporting documents shall be reviewed by the Tax Assessor of the Borough of Keyport and reported to the mayor and the Borough Council with a recommendation as to the merits of the application for the refund.

Section 4. Refunds of property taxes paid on real property that would have been considered exempt under law had a proper claim for such exemption been made as provided for by law shall be approved only upon the adoption of a Resolution by the Mayor and Borough Council. Payment of the refund shall be made within ninety (90) days of the adoption of the Resolution.

The Hearing is opened to the public for comments or questions.
Opened: 8:14 Closed: 8:15

Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of June 22, 2006.

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

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

Ordinance #12-06, Special Duty Assignments for Police Officers

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of June 8, 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 3-6.6 ENTITLED PROCEDURES AND CONDITIONS FOR SPECIAL DUTY ASSIGNMENTS FOR POLICE OFFICERS.**

WHEREAS, N.J.S.A. 40A:14-118 permits municipalities to adopt ordinances relating to the Police Department, and

WHEREAS, in Chapter 3 of the Borough Code was enacted to regulate Police and Fire departments within the Borough of Keyport, and

WHEREAS, the Mayor and Borough Council wish to update the aforementioned Ordinance 3-6.6 entitled Procedures and Conditions for Special Duty Assignments for Police Officers.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance 3-6.6 entitled Procedures and Conditions for Special Duty Assignments for Police Officers is hereby amended to include the following new sub-section:

L. Notwithstanding the above provisions, not-for-profit and charitable entities are exempt from the billing procedures and rate provisions of this subsection. Any assignment with not-for-prof and charitable entities are as per the agreed terms between t borough and the not-for-profit and/or charitable entity.

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 the repealed, but only to the extent of such inconsistency.

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

The Hearing is opened to the public for comments or questions.
Opened: 8:15 Closed: 8:17

Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of June 22, 2006.

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

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

INTRODUCTION OF ORDINANCES

1. Amend Minimum Charge for Water Meters

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING THE BOROUGH OF KEYPORT ORDINANCE 14-1.12 (G) ENTITLED WATER METERS - MINIMUM CHARGE**

WHEREAS, N.J.S.A. 40A:31-1, et seq. permits municipalities to adopt ordinances relating to the municipal water supply, and

WHEREAS, in Chapter XIV of the Borough Code was enacted to regulate Water and Sewer within the Borough of Keyport, and

WHEREAS, the Mayor and Borough Council wish to update th aforementioned Ordinance 14-1.12(g) entitled Water Meters - Minimu Charge

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport, Ordinance 14-1.12(g) entitled Water Meters - Minimum Charge is hereby amended as follows:

g. Each meter is installed subject to a fixed minimum quarterly charge in accordance with the adopted rate schedule for which certain quantities of water shall be furnished without additional charge. Such minimum shall be non-abatable for non-users of water, and non-cumulative against subsequent consumption. ~~All minimum~~

~~**fraction thereof, without proration, in the event the customer does not utilize the service for any entire quarterly period.**~~ **In the event a property is sold or a tenant vacates the premises, the customer will be billed a prorated bill up to, and including, the date of the final reading.**

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

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

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

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

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of June 22, 2006 for Hearing to be held on July 18, 2006.

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

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

2. Prohibit Low Speed Vehicles

The Clerk reads the Ordinance by Title: **AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF KEYPORT TO PROHIBIT THE OPERATION OF LOW SPEED VEHICLES (LSVs) ON PUBLIC ROADWAYS WITHIN THE BOROUGH**

BE IT ORDAINED, by the Mayor and Council of the Borough of Keyport that the Code of the Borough of Keyport be and is hereby amended and supplemented to provide as follows:

Section 1. Low Speed Vehicles (LSVs). No Low Speed Vehicles (LSVs), as defined in 49CFRs. 571.3(b), may be operated on any public roadway within the Borough. The foregoing prohibition shall not apply to any LSV being operated under the suspices of a governmental entity or Police Department.

Section 2. All Ordinances and/or provisions thereof inconsistent with the provision of this Ordinance shall be and are hereby repealed as to the extent of any such inconsistencies.

Section 3. If any section, subscription, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be server able from the remainder of this Ordinance.

Section 4. This Ordinance shall take effect upon passage and publication according to applicable law.
Offered for adoption by Mr. Sheridan, seconded by Mr. Ortman

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

Motion authorizing the Clerk to publish the Ordinance as introduced, i the Courier, issue of June 22, 2006 for Hearing to be held on July 18 2006.

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

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

3. Delete Handicapped Parking Space on West Third Street

The Clerk reads the Ordinance by Title: **AN ORDINANCE TO DELETE A HANDICAPPED PARKING SPACE ON WEST THIRD ST.**

BE IT ORDAINED by the Borough of Keyport in the County of Monmouth and State of New Jersey that:

SECTION I. Pursuant to the authority granted to this municipality by N.J.S.A. 39; 4-197, the following locations are hereby deleted as restricted parking spaces for use by persons who have been issue special vehicle identification cards by the Division of Motor Vehicles.

NAME	DIRECTION	LIMITS
West Third St.	North	Beginning at a point 100 feet west of the westerly curbline of Broad Street and continuing 22 feet west thereof.

SECTION II. Inconsistent Ordinances. All Ordinances or part thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION III. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION IV. Effective Date. This ordinance shall take effect upon its passage and publication according to law.

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

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

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of June 22, 2006 for Hearing to be held on July 18, 2006.

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

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

REPORTS OF COMMITTEES

Councilman Hassmiller; Fire: Mr. Hassmiller reported on the following Fire Chief report received. There were 1,010 man hours. EMO Requirement class scheduled for 6/26/06. There were 80 hours of volunteer time.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling reported on the following. Warnings from the Property Maintenance Officer given out. Recycling Festival of Sails. Tables will be there. DPW auction held. Beach Park cleaned

Councilman Wedick; Police: Mr. Wedick reported on the following. Detective Cassidy's daughter going to California for procedure. Chief and two members attending Highlands School for a walk-a-thon to raise money.

Councilman Bergen; Finance & Redevelopment: Mr. Bergen reported on the following. We are meeting with DEP on alternate Bulkhead. Agreement to be executed starting after Labor Day.

Councilman Sheridan; Library/Recreation & Parks: Mr. Sheridan reported on the following. Harbor Commission Pier renovation plans. Don Norbut will send a letter to Birdsall to send final Plan to Harbor Commission. Library Renovations are going well. The Library has a bilingual story hour from July 12 to August 30. Recreation Commission doing a lot of work. They are having an outdoor movie night. Beach Park volley ball court cleaned by DPW dragged and new sand put down.

Councilman Ortman; Buildings & Grounds/Health: Mr. Ortman reported on the following. Board of Health met and are off this summer. Anxious to work on the website and update. Scaffolding down from water tower. Not true color. Just primer should be completed by July 4th. DPW alternate met with Earl Swift to discuss purchase. Investigate Old Municipal Building.

Administrator Valesi:

Engineer Norbut: Water main and service installed. Division Street to replace a leaking valve. The Library project moving forward. Alternate Street Phase II water main installation initiated. Patience for 3rd Street, it is hard to keep clean. Drainage system going to come, contractor will try to keep it clean. Warren Street project awarded work with Department of Transportation. Monmouth County asked for financial support. DEP will cooperate with contracts going forward on Bulkhead and Pier. George Sappah, there is a man hole problem on Division Street and also several holes and the road settling. There were 3 quotes received. Awarded to Pioneer Gen for $3150.00. Gazebo, pavers and retaining wall $4,000.00 proposal T&M and V&K. Woodmont Site - Hovnanian partner. Hovnanian has cleaned the area and looks better. Hovnanian will provide a Performance Bond.

John Semple - Title taken on property. Request to change name and post bond. Regarding construction of Woodmont, speaking to Hovnanian. Mayor asked John Wisniewski if the approval for the improvements run with the land. They are under same obligations as Woodmont. We fulfill the development agreement. Attorney will meet with Mr. Norbut, Mr. Wedick, Mr. Bergen and Mr. Semple. Drainage ditch on Fire Department Property not Woodmont's. Need to send a memo to Consolidated Fire to look at potential drainage problem.

Attorney Wisniewski: CEPA Requirements inquiry by Captain Mitchell. Applicable to Borough. ID Cards - no prohibition on this. Not the weight a DMV or County ID has. Chief asked what cost would be charged and who to ID? It will be the Mayor and Council decision. Refer to Police Commission.

Bill - 597 Donation bins. Can be regulated by Borough limiting number not law until 2nd reading. Don't adopt Ordinance until bill is passed.

Lease Borough Parking Lot - Must go through Public Bidding Process a award to highest bidder. Mr. Bergen said it is temporary. Refer .. Finance Committee. Class II Planning Board - alternate? No, only for Mayor.

Mayor Merla: St. Joes wants to use tables for annual picnic on Saturday. Approved by consensus. Met with Father Cioffi. St. Joes acquired 386 Maple Place for Transitional Housing. Checked with zoning and it is permissible. Not Historic Land or 1000 feet from Industrial land. St. Joe's would like to send letters with an application. Now they have a facility. Must be 18-22 years to stay. Five (5) children, find a job, keep job and move on. The home is now owned by St. Joe's and is permitted. Property Maintenance Officer said there have been a lot of complaints. Looking for a possible solution. Tim asked for help and we have someone. A lot of messes not being taken care of. Leswing called Mayor - required to get a permit. Relief of one permit. Twelve years ago he paid for permit. He was charged to finalize; Paid twice. Refer to Finance Commission. Mayor Merla congratulated graduates. Mr. Walling stood in at the High School for him. Mayor attended Central School graduations.

COMMUNICATIONS & PETITIONS

1. Keyport Business Improvement District 2005 Annual Audit.

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

2. Proposal from Hatch Mott McDonald for Engineering Services to renew NJDEP Water Allocation Permit 5267.

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

3. Letter of Retirement from Virginia Febo, Administrative Clerk and Planning Board Secretary effective January 1, 2007.

   Motion to accept with regret by Mr. Bergen, second by Mr. Walling with Ayes by all present.

4. Request for permission from Tabitha Bradley, Keyport Ghost Tours, to hold lantern-led walking tours of Keyport on Saturday nights.

   Motion to refer to Recreation Commission moved by Mr. Walling second by Mr. Wedick with Ayes by all present.

5. Request for a handicapped parking space from Catherine Watkins/Saunders, 57 Main Street.

   Motion to refer to Police Chief moved by Mr. Bergen, second by Mr. Sheridan with Ayes by all present.

6. Memo from Chief Gajewski regarding the Night Out at the Movies.

Motion to Receive and File moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

7. Request from KBA to have a fireworks display at the Festival Americana on July 1, 2006 at 9 P.M.

   Motion to approve moved by Mr. Bergen, second by Mr. Ortman with Ayes by all present.

8. Letter from Anthony Vecchio, Fire Marshal, regarding the need for additional inspectors.

   Motion to list under resolutions moved by Mr. Bergen

UNFINISHED BUSINESS

1. Unified Planning Board Class II Appointment

2. Tax Sale Certificate 78-3 (Block 9, Lot 46.01) - Assign Tax Sale Certificate

3. Green Gove Apartment Parking - Mr. Walling said the parking on the street is bus stop overflow. Seven people came and left. Not apartment tenants. Parking permits to be issued. Feels this is dangerous.

4. Letter of Resignation from Anthony Vecchio, Zoning Officer

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

5. Woodmont Property Bond Reduction Request

   Woodmont Bond - Finance Commission to review

   Motion to approve pending review of Financial Commission moved by Mr. Bergen, second by Mr. Sheridan with Ayes by all present.

6. KBA Budget - List in July (7/18 at 6 PM)

   Mayor read the budget. Mr. Bergen will look at KBA Budget, and work with Art Olsen and J. Wish. Full Board is not aware. Just received 6/16/06 from 6/12/06 KBA Meeting. Mike Lane asked to table the issues until all Board members are present. Public hearing will be held. Mr. Bergen will get form to advertise properly. Going in July for Tax Bills. KBA to hold a special meeting on Budget.

7. Gazebo - See Resolution

NEW BUSINESS

1. Mr. Walling proposed the title as Assistant Property Maintenance Officer. Mr. Walling and Mr. Regan recommended Rowland Seckinger. Details are needed - hours (work out with Tim Regan).

PUBLIC COMMENT PORTION

The Meeting was open to the Public for comments or questions at 9:29 P.M. Jack Jeandron, follow up petition from last meeting attended. He read memo to Mayor and Council. Non-binding questions regarding condos, townhomes and multifamily units, 1,391 signatures, put on November Ballot. Refer to Mr. Hassmiller for Planning Board for 2006 referendum.

Rowland Seckinger, Environmental Commission, handout on seeds, table at American Festival. Does not want to cut Memorial trees across from Woodmont. He would like it relayed to Hovnanian to trim the trees. They have Historic value. Don't Touch.

John Olsen said boat ramp passes are now being sold. Mike Lane asked how much is the ALD share; $1.5 includes Option A. Yes. Vote on separately please. Mr. Bergen said they will be meeting with DEP. Mr. Lane thanked Mr. Bergen for explanation. Mayor and Council discussed costs of 15% of from the Borough and 85% from other sources.

Liquor license renewals and Uptown; Council will explain their position on renewing. Mr. Lane spoke on hearing of June 19th. Liliana Hughes lost tenants and is intimidated. No taxes paid for two years on the property. Mr. Ortman was confused on who owns the property? Mr. Bergen looked into and spoke with tax assessor. Property owner pays taxes Church is the Title. Tax Assessor is adding property. Title is n Church's name. They must file proper forms. On a zoning perm application, the zoning officer not checking the tax records. Valida e tax records before issuing permits. Add to permit form - tax record. Tremendous breakdown in process for permits and approvals. Mayor Merla asked Mr. Lane about his knowledge on tenants being lost. Two members of CSI and Mayor Merla were at residents look at CO's taken out.

Al DeGracia - 23 Osborn Street, Property Management Office is in crisis; look around town. Concern to response. Only received one phone call. This issue has been for awhile, Mr. DeGracia spoke with Board of Health and Council. Borough Clerk spoke with resident that has Property Maintenance issues. Spoke with Mr. Regan on process. Get police involved to issue summonses. All laws are to be enforced by police department and other departments. Mayor and Council create laws for enforcement. Absentee landlords are a big problem. There have been issues through the years. Summons or warnings are issued and summons or citations then sent. Not a priority for Keyport Police Department. Chief said only so many men to use for radar or Property Maintenance Officer. A choice has to be made. Mr. Bergen said if we enforce and get the system in place we won't need to cite as much. It is a Quality of Life issue. Many people who can enforce yet the same problems over and over. Al DeGracia, glad Rowland Seckinger will be the assista . Have police get the word out. Handling on own because not gett g answers. Mayor Merla said Town wide yard sale created a problem with garbage it's a full time job - Property Maintenance. A lot of Landlords (absentee) and rentals. Made attempts to get a property on Short Street cleaned and it took six weeks. Al DeGracia states that the recycling center is only open six hours a week and no bulk dumpster. Recycling center is open fulltime on Saturday. For nine days a mattress sat and was finally removed today. Mr. Walling states part time summer laborers are being hired and could man the recycling centers.

Robert Ludwig said Property Maintenance Officer should be defined more clearly. Vague Ordinances on books. Woodmont Bond - Woodmont cited for ragweed problems. Suggested fine be paid and health issue cleared. Regarding Uptown the Mayor made unwarranted comments. Should recuse himself. Mayor is manager of Uptown. Mr. Blanks and Mayor and both on Planning Board. Remove Mr. Blanks or use Mayor Alternate. Mayor gave signals at 3/23 Planning Board meeting for Kara Homes vote. There are many conflicts. It is very hard to get members involved in Planning Board.

John Merla signal was not given and will testify and take polygra n. Mr. Wedick said renewal is on tonight's agenda, not Uptown expansion.

Chief Gajewski asked whether interconnect done? Approve tonight. Clerk authorized to send Aberdeen a letter for cost sharing. Regarding 386 Maple Place, police will get involved regarding backyard.

RESOLUTIONS

1. Resolution #201-06, Payment of Bills

   See full copy of this Resolution on file with the Borough Clerk.

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

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

2. Resolution # 202-06, Accept Joint Deeds of Easement/Woodmont Properties and authorize Mayor to Execute

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT ACCEPTING DEEDS OF EASEMENT IN FAVOR OF THE BOROUGH OF KEYPORT

WHEREAS, development activity has been undertaken on Block 80, Lots 1.02 and 1.11 in the Borough of Keyport by Woodmont Builders at East Windsor, LLC and K. Hovnanian at Keyport, LLC ("Grantors") pursuant to valid municipal land use approvals, and

WHEREAS, Grantors have agreed to convey easements to the Borough of Keyport for the purposes of storm water drainage and sanitary sewer lines for the aforementioned block and lots as more fully set forth in the Joint Deeds of Easement that are incorporated herein and appended hereto by reference,

WHEREAS, the aforementioned easements will replace a prior easement granted to the Borough of Keyport by Rufus Ogden in a Deed dated July 18, 1911.

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

1. That the Joint Deeds of Easement are accepted, and
2. The Mayor is hereby authorized to execute the vacation of easement granted to the Borough of the Keyport by Rufus Ogden in a Deed dated July 18, 1911.

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

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

3. Resolution No. 203-06, Releasing Performance Guarantee and Accepting Maintenance Guarantee for Block 50.01 , Lots 21 & 22

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT RELEASING PERFORMANCE GUARANTEE AND ACCEPTING MAINTENANCE GUARANTEE FOR BLOCK 50.01, LOTS 21 & 22

WHEREAS, development activity has been undertaken on Block 50.01, Lots 21 & 22 in the Borough of Keyport by Neptune 20, LLC pursuant to valid municipal land use approvals which required the posting of a Performance Guarantee, and

WHEREAS, T&M Associates, Inc. has recommended the release of the Performance Guarantee because all bonded items have been completed and are acceptable,

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Performance Guarantee given by the developer of Block 50.01, Lots 21 & 22 be released subject to

1. Posting of a two-year Maintenance Guarantee in the amount of $742.95 representing 15% of the costs of improvements, and

2. Payment of any outstanding inspection, escrow or other fees, and
3. All property taxes and other escrow charges being current.

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

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

Nays: None
Abstain: None
Absent: None

4. Resolution No. 204-06, Create a Temporary Emergency Appropriation - 2006

WHEREAS, an emergent condition has arisen with respect to the dail operations of the Borough of Keyport due to the fact the State of New Jersey has not released Extraordinary Aid figures and the Borough has exhausted the temporary budget, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above mentioned, and

WHEREAS, the total emergency temporary resolution adopted in the year 2006 pursuant to the provisions of Chapter 96 P.L. 9152 (N.J.S. 40a:2-20) including this resolution total $1,740,150 and $990,000 for the Current and Water/Sewer budgets, respectively.

NOW, THEREFORE BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:2-20:

1. An emergency temporary appropriation be and the same is hereby made for (See attached lists) in the amount of $1,740,150 and $990,000 for the Current and Water/Sewer Budgets, respectively.

2. That said emergency temporary appropriations have be provided for in the 2006 budget under same titles.

3. That one certified copy of this resolution is filed with the Director of the Division of Local Government Services.

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

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

Nays: None
Abstain: None
Absent: None

5. Resolution No. 205-06, Appointment of Zoning Officer

RESOLUTION NO. 205-06 APPOINTMENT OF ZONING OFFICER

WHEREAS, a vacancy exists in the position of Zoning Officer; and

WHEREAS, the Mayor and Council wish to fill said vacancy) continue the day to day operation in the Zoning office for the remain(: of the year 2006.

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

1. Robert Burlew is appointed as Zoning Officer for the Borough of Keyport retroactive to June 1, 2006, for the initial term for such position to expire as of December 31, 2006 at an annual salary of 2,886.00

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

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

6. Resolution No. 206-06, Authorize Keyport/Aberdeen Water System Interconnection Repair

ACCEPT PROPOSAL FOR ABERDEEN/KEYPORT WATER SYSTEM INTERCONNECTION REPAIR

WHEREAS, there is a need to repair the Aberdeen/Keyport Water System Interconnection; and

WHEREAS, steps have been taken to seek a cost share of the repairs with Aberdeen Township; and

WHEREAS, quotes were solicited from three contractors to investigate the cause of the leak and how the interconnection can be rehabilitee to prevent further damage; and

WHEREAS, only two quotes have been received, as well as, one quote denial from the following contractors:

D&D Utility Contractors 272 West Avenue Long Branch, New Jersey 07740	$4,200.00
B&W Construction Company PO Box 378 Matawan, New Jersey 07747	$6,700.00
Montana Construction	No Quote

NOW THEREFORE, BE IT RESOLVED that the Mayor and Council hereby accepts and awards the proposal received from D&D Utility Contractors in the amount not to exceed $2,800.00 and that the Mayor is hereby authorized to execute said proposal.

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

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

7. Resolution No. 207-06, Accept Proposal for 2006/2007 Water Quality Sampling

ACCEPT PROPOSAL FOR 2006/2007 WATER QUALITY SAMPLING

WHEREAS, there is a need for Water Laboratory analysis for the period of July 1, 2006 through June 30, 2007 at the Borough of Keyport's Water Plant; and

WHEREAS, steps have been taken to seek a cost share of the repairs with Aberdeen Township; and received three (3) quotes for the 2006/2007 Water Quality Samplings from the following companies:

Aqua Pro-Tech Laboratories 1275 Bloomfield Avenue Fairfield, New Jersey 07004	$5,290.00

Garden State Laboratories
4010 Hillside Avenue
Hillside, New Jersey 07205 $6,233.00

J.R. Henderson Labs, Inc
123 Seaman Avenue
Beachwood, New Jersey 08722 $7,018.00

STL Edison No Quote

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereb accepts and awards the proposal received from Aqua Pro-Tech Laboratorie in the amount of $5,290.00 and that the Mayor is hereby authorized t execute said proposal.

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

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

Nays: None
Abstain: None
Absent: None

8. Resolution No. 208-06, Appointment of Monmouth County Community Development Alternate Representative

MONMOUTH COUNTY COMMUNITY DEVELOPMENT ALTERNATE REPRESENTATIVE

WHEREAS, there is currently a vacancy in this position; and

WHEREAS, it is the desire of the Keyport Mayor and Council to fill said vacancy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough c Keyport that the appointment of **Michael Lane** as the Monmouth County Community Development Alternate Representative for the remainder of the year 2006 is hereby confirmed.

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

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

Nays: None
Abstain: None
Absent: None

9. Resolution No. 209-06, Authorize Mayor to Execute Monmouth County funding Application for American Legion Drive Bulkhead Project and authorize Payment to state of New Jersey DEP for initial Local and Monmouth County Funding Share

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AUTHORIZING AN APPLICATION TO THE COUNTY OF MONMOUTH FOR PROJECT FUNDIN REGARDING BEACH EROSION

WHEREAS, pursuant to an authorization, the Borough Enginee prepared and submitted a preliminary "Application for a Grant from the County of Monmouth (hereinafter the "County") toward the Cost of a Project for Protection Against Beach Erosion, "and

WHEREAS, in the aforementioned application the Borough of Keyport seeks funding to construct two thousand (2,000) linear feet of composite sheet pile bulkhead and an adjacent fifteen foot (15') wide splash pad which will serve as a promenade (hereinafter the "Project"), and

WHEREAS, the County and the New Jersey Department of Environmental Protection Coastal Engineering Office (hereinafter the "Costal Engineering Office") have received bids and the Costal Engineering Office has committed its share of funds for the Project, and

WHEREAS, it is necessary now for the Borough of Keyport to prepare and submit a final application with the County for funding for the Project.

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

1. The Borough of Keyport endorses the Application for a Grant from the County of Monmouth Toward the Cost of a Project for Protection Against Beach Erosion.

2. The Borough Engineer is authorized to prepare and submit an Application for a Grant from the County of Monmouth Toward the Cost of a Project for Protection Against Beach Erosion.

3. The Mayor is hereby authorized to execute said application.

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

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

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

10. Resolution No. 210-06, Hire Part time Summer Laborer

HIRE OF PART TIME SUMMER LABORERS

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted and reviewed

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that **PATRICK DENARDO, HANS PEDERSEN, SEAN CONWAY, BRIAN MILOSKY, PETER MILLER, CHRIS SZARO, NICK VECCHIO, TERRY KENNEDY, JOSEPH OLINI, ROBERT HASSMILLER AND GEORGE SPRAGUE** are hereby hired as Part Time Summer Laborers effective June 21, 2006 at the hourly rate of $10.00 per hour.

BE IT FURTHER RESOLVED that the maximum number of hours per week is not to exceed 28 hours.

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

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

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

11. Resolution No. 211-06, Approve 2006-2007 Liquor License Renewals

LIQUOR LICENSE RENEWAL
2006-2007

WHEREAS, application for renewal of certain plenary retail consumption, plenary retail distribution and club licenses has been made to the Mayor and Council of the Borough of Keyport as hereinafter set forth; and

WHEREAS, the Borough Clerk certifies that the requisite fee by each and every applicant has been paid and is in her office; and

WHEREAS, the Borough Clerk certifies the Keyport Department of Co... Enforcement, Board of Health, Fire Official and Police Department have inspected each of the locations and that they have advised her that all pertinent Statutes, Rules and Ordinances of the Borough of Keyport have been complied with by each of the applicants.

NOW, THEREFORE, BE IT RESOLVED that plenary retail consumption licenses be issued by the Borough of Keyport and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2006 and ending July 30, 2007, upon application filed by:

1322-33-002-004	Hilvo, Inc t/a Yee Cottage Inn
1322-33-003-008	Keyport Broad C LLC
1322-33-004-007	Fantasies, Inc t/Fantasies
1322-32-005-009	The Office at Keyport, Inc. t/a The Office
1322-33-006-004	Vestri Corp., t/a Up the Creek Tavern
1322-33-007-008	DTV Corp t/a Keyport Liquors
1322-33-008-005	Raysar, Inc., t/a {passport Café and Liquors
1322-32-009-002	Suburban Wine and Liquor, Inc t/a Smith's Liquor shc
1322-33-010-005	Uptown Keyport bar & Grill, LLC t/a Uptown Bar & Gri
1322-33-011-009	Olini Merla, inc t/a Bulkhead Bar & Grille
1322-33-012-006	Keyport Liquor License LC t/a McDonagh's Pub
1322-33-019-003	Denjachris, Inc. t/a Town and Country Inn

BE IT FURTHER RESOLVED that plenary retail distribution license be issued by the Borough of Keyport and the appropriate officers of the Borough of Keyport are authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2006 and ending June 20, 2007 upon application filed by:

1322-44-001-007	Marina Wine & Liquor, LLC t/a Buy Rite Liquors of Keyport

BE IT FURTHER RESOLVED that club licenses be issued by the Borough of Keyport and the appropriate officers of the Borough of Keyport are hereby authorized to issue and sign same in the name of the Borough of Keyport for the period commencing July 1, 2006 and ending June 30,2007 upon application filed by: :

1322-31-013-002	American Legion t/a Raritan Post 23, American Legion
1322-31-015-001	Keyport Lodge BPOE of USA t/a Keyport Lodge 2030
1322-31-016-002	Keyport Yacht Club t/a Keyport Yacht Club
1322-31-018-001	Veterans of Foreign Wars Post 4247, Inc., t/a VFW 4247
1322-31-014-002	Columbian Club of Keyport t/a Columbian Club of Keyport

BE IT FURTHER RESOLVED that all licenses renewed herein, except Package Stores, but including Retail Consumption Licenses, Retail Plenary Distribution Licenses and Club Licenses shall have exit and entrance doors to License premises closed from 9:00 P.M. until closing absent complaints from residents residing in the immediate area of the licensed premises or as may be subsequently required by the Governing Body.

BE IT FURTHER RESOLVED the following applies to liquor license 1322-33-004-007, Fantasies:

1. Applicant agrees to provide additional security to the exterior of the premises and to comply with any and all recommendations as to exterior security as may be made from time to time by the Borough of Keyport Police Department.

2. Applicant agrees to comply with any and all recommendations of the Keyport Police Department relative to internal traffic flow including installation of various signage, as well as restriction of traffic flow to residential areas.

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

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

12. Resolution No. 212-06, Approve Place to Place (Expansion of Premises) Liquor License Transfer McDonagh's

APPROVE PLACE TO PLACE TRANSFER (EXPANSION OF PREMISES) FOR KEYPORT LIQUOR LICENSE, LLC t/a McDONAGH'S PUB 2 WEST FRONT STREET

WHEREAS, application has been made to Mayor and Council of the Borough of Keyport for transfer of Plenary Retail Consumption License #1322-33-012-006 issued to Keyport Liquor License, LLC t/a McDonagh's Pub for a place to place transfer (expansion of premises); and

WHEREAS, the Borough Clerk certifies that the application is in order and the requirements of notice and publication have been met with the second publication having been in the May 22, 2006 issue of the Asbury Park Press; and

WHEREAS, all investigations and inspections have been made and are in order.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the application of Keyport Liquor License, LLC t/a McDonagh's Pub for a place to place transfer (expansion of premises) of Plenary Retail Consumption License #1322-33-012-006 is hereby granted effective July 3, 2006 based on the following:

1. The Applicant's request to expand the licensed premises is **GRANTED** only to the front half of the adjacent parking lot as shown on the attached exhibit which was submitted by the applicant,

2. The request to expand to a four foot (4') strip along Front Street in front of the building and parking lot is **DENIED** because the applicant does not have a possessory interest in the sidewalk. The request expand to the second floor of the building is denied because thee applicant has no present plans to utilize that space as a licensed establishment.

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

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

Nays: None
Abstain: None
Absent: None

13. Resolution No. 213-06, Authorize Application of the NJDOT for State Aid Funding-Beers Street

RESOLUTION APPLYING TO THE NEW JERSEY DEPARTMENT OF TRANSPORATION FOR FINANCIAL ASSISTANCE THROUGH THE TRANSPORTATION TRUST FUND AUTHORITY ACT; MUNICIPAL AID PROGRAM FOR FISCAL YEAR 2007

WHEREAS, the Borough Council of Keyport desires to apply for fun through the Transportation Trust fund Authority Act for roadway Improvements in the Borough of Keyport for fiscal year 2007; and

WHEREAS, it has been deemed that roadway improvements are necessary at:

Priority No. 1 Roadway reconstruction of Beers Street from the Route 35 Entrance to the intersection with Maple Place, approximately 2,150 lf.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Keyport Borough Council that the Borough is hereby authorized and directed to apply for funding of these projects under the 2007 Transportation trust Fund Authority Act, Municipal Aid Program.

BE IT FURTHER RESOLVED that the Borough Clerk's Office forwards a certified copy of this resolution to the Administrator, Chief Financial Officer, Borough Engineer, and the Department of Transportation.

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

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

Nays: None
Abstain: None
Absent: None

14. Resolution No. 214-06, Accept Grant Approval in the amount of $3,000 from the NJDEP, Division of Parks and Forestry

GRANT AGREEMENT BETWEEN THE BOROUGH OF KEYPORT AND THE STATE OF NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION GRANT IDENTIFIER

WHEREAS, the Governing Body of the Borough of Keyport desires to further the public interest by obtaining a grant from the state of New Jersey in the amount of approximately $3,000 to fund the following project:

COMMUNITY FORESTRY MANAGEMENT PLAN

NOW, THEREFORE, BE IT RESOLVED that JOHN J. MERLA or his succes r to the Office of MAYOR is authorized to execute a grant agreement with the State for a grant in an amount not less than $3,000.00 and not more than $3,000.00 and to execute any amendments thereto which do not increase the Grantee's obligations.

BE IT FURTHER RESOLVED that the Keyport Borough Council authorizes and hereby agrees to match 50% of the Total Project amount, in compliance with the match requirements of the agreement. The availability of the match for such purposes, whether cash, services or property is hereby certified. 100% of the match will be made up of the in kind services.

The Grantee agrees to comply with all applicable Federal, State and Municipal laws, rules and regulations in its performance pursuant to the agreement.

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

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

15. Resolution No. 215-06, Division Street Manhole to Pioneer

ACCEPT PROPOSAL REPAIR FOR MANHOLE DIVISION STREET

WHEREAS, the Superintendent of Public Works has advised that there is a need to rehabilitate a dead end manhole located on Division Street in the Borough of Keyport; and

WHEREAS, quotes were solicited and received to have the repair/rehabilitation done from the following companies:

Oswald Enterprises, Inc
161 East Road
PO Box 126
Belford, New Jersey 07718 — $2,100.00 per day plus material costs

Pioneer General Contracting
1696 Englishtown Road
Old Bridge, New Jersey 08857 — $3,1500.00 lump sum

B&W Construction — No Bid

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council hereby accepts and awards the proposal received from Pioneer General Contracting in an amount not to exceed $3,150.00 and that the Mayor is hereby authorized to execute said proposal.

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

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

16. Resolution No. 216-06, Authorize V&K Construction to Install Handicapped Accessible Ram to the Mini Park Gazebo

AUTHORIZE V&K CONSTRUCTION TO INSTALL HANDICAPPED ACCESSIBLE RAMP TO THE MINI PARK GAZEBO

WHEREAS, the Borough of Keyport is desirous of installing a handicapped accessible ramp to the Mini Park Gazebo; and

WHEREAS, the Borough has solicited various proposals for said work as follows:

V&K Construction — $3,998.00
37 Bartha Avenue
Edison, New Jersey 08817

Pioneer General Contracting 1696 Englishtown Road Old Bridge, New Jersey 08857	$9,500.00
JPV Landscaping	No Quote
PV and Sons Landscaping	No Quote
Pavers Plus	No Quote
Yardworks	No Quote

WHEREAS, the Borough Engineer has recommended the award of a contract to V&K Construction, 37 Bartha Avenue, Edison, New Jersey 08817 based upon review of the above proposals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that a proposal from V&K Construction to install a handicapped ramp for the Mini Park Gazebo in an amount not to exceed $3,998.00 is hereby accepted.

BE IT FURTHER RESOLVED that the appropriate Borough Officials are hereby authorized to execute said proposal and implement the provisions thereof.

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

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

Nays: None
Abstain: None
Absent: None

17. Resolution No. 217-06, Authorize Hatch Mott Macdonald to prepare and file a water allocation permits with the NJDEP.

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AUTHORIZING HATCH MOTT MACDONALD TO PREPARE AND FILE A WATER ALLOCATION PERMIT WITH THE NJDEP

WHEREAS, the Borough of Keyport's water allocation permit (no. 5267) is due to expire on April 27, 2007, and

WHEREAS, the application renewal process has become a highly complex process, and

WHEREAS, Hatch Mott MacDonald was appointed on January 1, 2006 as the Borough of Keyport's consulting engineer on water matters pursuant to a fair and open process wherein Hatch Mott MacDonald was determined to be the most advantageous, price and other factors considered, and

WHEREAS, Hatch Mott MacDonald has submitted a proposal for the preparation and filing of the water allocation renewal permit as set forth in their June 5, 2006 proposal, which is appended hereto and incorporated herein by reference, and

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

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

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

18. Resolution No. 218-06, Appointing Robert Kyle and Veronica Benjamin as Fire Inspectors for the Borough of Keyport

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT APPOINTING ROBERT KYLE AND VERONICA BENJAMIN AS FIRE INSPECTORS FOR THE BOROUGH OF KEYPORT

WHEREAS, the Mayor and Council of the Borough of Keyport have established within the Fire Department a Fire Prevention Bureau ("Bureau") pursuant to N.J.S.A.52:27D-192 et seq., N.J.A.C. 5:70 et seq. and Borough Ordinance 13-1.2, and

WHEREAS, according to the Borough Fire Marshal, the Bureau is in need of additional inspectors to perform inspections within the Bureau, and

WHEREAS, the Mayor and Council recognize the need for an adequate number of Fire Inspectors to ensure the health, safety and welfare of the citizens of the Borough of Keyport, and

WHEREAS, the Fire Marshall has recommended the appointment of Robert Kyle and Veronica Benjamin as Fire Inspectors for the Borough of Keyport, and

WHEREAS, the Fire Marshall has advised that no additional funding is required for year 2006 is required for the hiring if the aforementioned inspectors.

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

1. Effective June 21, 2006 Robert Kyle and Veronica Benjamin re appointment Fire Inspectors of the Borough of Keyport for the year 2006 at the current rate of seventeen dollars ($17.00) per hour beginning on the date of appointment.

2. Copies of the within Resolution shall be forwarded to the Fire Marshall, the Municipal Finance Officer and the Borough Clerk, who shall retain a copy for public inspection.

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

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

19. Resolution No. 219-06, Approval of Matthew D' Errico d/g/a Matty D's Towing Truck Operator Application

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT APPROVING MATTHEW D'ERRICO d/b/a MATTY D'S TOWING TOW TRUCK OPERATOR APPLICATION

WHEREAS, the towing procedures and regulations for the towing and storage of motor vehicles in the Borough of Keyport are regulated by Section 5-13.1 et. seq. of the Ordinances of the Borough of Keyport, and

WHEREAS, Matthew D' Errico d/b/a Matty D's Towing has submitted a Tow Truck Operator Application for approval to the Mayor and Council, and

WHEREAS, the Mayor and Borough Council of the Borough of Keyport have reviewed Matthew D'Errico d/b/a Matty D's Towing Tow Truck Operator Application.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport hereby approve Matthew D'Errico d/b/a Matty D's Towing Tow Truck Operator Application subject to the following conditions:

1) The towing and storage fees, for privately owned motor vehicles, are to be no greater than set by Section 5-13.5 of the Ordinances of the Borough of Keyport;

2) All fees to be paid to an operator by the Borough of Keyport for the storage or removal of vehicles, either public or privately owned, shall not exceed the amounts set by N.J.S.A. 40:48-2.50. ($3.00 per day for the first 30 days of storage; and a limit of $2.00 per day for the 31xst day of storage and any day thereafter; and a limit of $400.00 per vehicle stored regardless of the duration of storage)

3) Copies of the within Resolution shall be forwarded to Matthew D'Errico d/g/a Matty D's Towing and the Borough Clerk, who shall retain a copy for public inspection.

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

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

20. Resolution No. 220-06, Appointing an Assistant Property Maintenance Officer

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT APPOINTING AN ASSISTANT PROPERTY MAINTENANCE OFFICER

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Code Enforcement Officer pursuant to N.J.S.A 40A:60-6, and

WHEREAS, encompassed in the duties of the Code Enforcement Officer is that of property maintenance code enforcement, and

WHEREAS, the position of Assistant Property Maintenance Officer to assist the Code Enforcement Officer is allowed by Borough Ordinance 12-3.10, 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 as follows:

1. Rowland Seckinger is appointed Assistant Property Maintenance Officer effective June 21, 2006 at a salary of three thousand five hundred dollars ($3,500.00) annually to be pro-rated

2. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and the Borough Clerk, who shall retain a copy of public inspection.

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

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

21. Resolution No. 221-06, Authorize Negotiation for the Purchase of Commercial Cutaway Vehicle

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AUTHORIZING NEGOTIATION FOR THE PURCHASE OF A COMMERCIAL CUTAWAY VEHICLE

WHEREAS, the Borough of Keyport publicly advertised for bids for the sale of a commercial cutaway vehicle May 19, 2006, and

WHEREAS, no responses were received to the advertisement and no one picked up the bid packages form the Borough, and

WHEREAS, the Borough of Keyport publicly advertised for bids for the sale of a commercial cutaway vehicle June 12, 2006, and

WHEREAS, again no responses were received to the advertisement and no one picked up the bid packages form the Borough, and

WHEREAS, the Borough was unable, after a reasonable effort was made, to find the same or equivalent good, at a cost which is lower than the negotiated price, from an agency or authority of the United States, the State of New Jersey, Monmouth County or any municipality that is in close proximity to Keyport, 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 as follows:

1. Pursuant to the Local Public Contracts Law N.J.S.A. 40A:11-5(3), the Borough Business Administrator may negotiate a contract for the purchase of a commercial cutaway vehicle upon adoption of this resolution by two-thirds affirmative vote of the governing body.

2. The terms, conditions, restrictions and specifications set forth in the negotiated contract are not to be substantially different from those which were the subject of the competitive bidding process.

3. Any minor amendment or modification of any of the terms, conditions, restrictions and specifications, which were subject of the competitive bidding process, shall be stated in the resolution awarding such contract.

4. Award of the contract shall be by resolution of the governing body.

5. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and the Borough Clerk, who shall retain a copy for public inspection.

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

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

22. Resolution No. 222-06, Hire of Part Time Summer Laborers

HIRE OF PART TIME SUMMER LABORERS

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted and reviewed

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that **JESSICA WALLING** is hereby hired as Part Time Summer Laborers retroactive to June 13, 2006 at the hourly rate of $10.00 per hour.

BE IT FURTHER RESOLVED that the maximum number of hours per week is not to exceed 30 hours.

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

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

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

23. Resolution No. 223-06, Authorizing Change Order No.1 to the Contract for Cass Street Standpipe Painting and Improvements

RESOLUTION OF THE MAYOR AND COUNCIL AUTHORIZING CHANGE ORDER NO.1 TO THE CONTRACT FOR CASS STREET STANDPIPE PAINTING AND IMPROVEMENTS

WHEREAS, on or about November 25, 2005 the Borough of Keyport awarded a contract to Valley Painting, Inc. for the painting and improvement to the Cass Street Standpipe (water tower) for the sum of Three Hundred and Fifty-Four Thousand six Hundred and Seventy-Five Dollars ($354,675.00), and

WHEREAS, on June 13, 2006 the project engineer Hatch Mott MacDonald recommended that additional welding work be performed to repair and seal weakened holes on the roof of the water tower,

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

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

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

WHEREAS, Change Order No. 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 Cass Street Standpipe Painting and Improvements contract is hereby authorized for additional welding work be performed to repair and seal weakened holes on the roof of the water tower pursuant to the specifications contained in Hatch Mott MacDonald's letter to the Borough Clerk June 13, 2006 for a cost not to exceed one thousand two hundred dollars ($1,200.00), 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 Valley Painting, 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, Valley Painting, Inc. and a copy shall be maintained in the office of the Borough Clerk for public inspection.

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

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

24. Resolution No. 224-06, Appoint T. Fallon as Temporary Administrator 10 hours a week

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT APPOINTING THOMAS P. FALLON AS INTERIM BUSINESS ADMINISTRATOR

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Borough Administrator pursuant NJSA 40A:9-136; and

WHEREAS, the position of Borough Business Administrator is set forth in Keyport Borough Ordinance 2-3.2 (Ord No. 4-9-62; 1 and 2, 4-6; Ord No. 551, 1 and 2; 1972 Code 2-4) and provides that the Business Administrator shall serve at the pleasure of the Mayor and Council; and

WHEREAS, there has been a vacancy in the position of Borough Administrator due to a resignation effective June 9, 2006; and

WHEREAS, the Borough of Keyport needs to have an individual serve as Business Administrator on an interim basis until a new Business Administrator can be hired; and

WHEREAS, Thomas P. Fallon, has agreed to temporarily serve the Borough of Keyport as Business Administrator for the sum of $500.00 per week in addition to his existing salary as Chief Financial Officer.

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

1. Thomas P. Fallon is appointed as interim Borough Administrator until such time as a new Business Administrator can be hired.

2. During the aforementioned period of time, Thomas P. Fallon has agreed to temporarily serve as interim Business Administrator of the Borough of Keyport for the sum of $500.00 per week in addition to his existing salary as Chief Financial Officer.

3. During the aforementioned time, Thomas P. Fallon will exercise the duties of both Chief Financial Officer and Business Administrator.

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

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

Nays: None
Abstain: None
Absent: None

ADJOURNMENT

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

Time of Adjournment: 10:48 P.M.