

Approved 12/20/05

September 21, 2004
Keyport, New Jersey

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 Two River Times and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

In Mayor Merla's absence, Council President Atkins called the meeting to order at 7:06 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Doyle, Atkins, Strang, Hyer. Absent: Councilman Bergen. Others present: Mr. Kain, Borough Attorney and Mr. Palamara, Administrator.

RESOLUTION

1. Resolution #306-04, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Disciplinary Matter - Carole Cerase, Senior Permit Clerk
2. Comp Time - Pauline Redmond

Litigation

1. Keyport Plaza vs. Borough of Keyport - Tax Appeal
2. Municipal Complex
3. 279 Beers Street, Storm Sewer Break

Labor Relations

1. PBA Negotiations

Contract Negotiations

1. Historical Society Lease

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 for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Labor Relations and Contract Negotiations 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. Doyle, second by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

Council went into Closed Session at 7:11 P.M. and this meeting was reconvened at 8:10 P.M.

Mayor Merla called the meeting to order at 8:15 P.M. and read the Sunshine Law Notice. Councilman Doyle led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Doyle, Atkins, Strang, Hyer. Absent: Councilman Bergen. Others present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer, and Mr. Palamara, Administrator.

INTRODUCTION OF ORDINANCE

1. Ordinance #19-04, An Ordinance Repealing Certain Handicapped Parking Spaces

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER, CHAPTER VII, TRAFFIC, SECTION 7.12 HANDICAPPED PARKING, (SCHEDULE XXI, PARKING AREA FOR HANDICAPPED PERSONS)

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, Chapter, VII, Traffic, Section 7-12, Handicapped Parking (Schedule XXI, Parking for Handicapped Persons) is hereby amended and supplemented as follows:

Section 1. Declaration. Periodically, upon request by residents of the Borough of Keyport, with the consent of the Police Department, the Mayor and Council have designated certain areas as parking for handicapped persons on various public streets within the Borough by Ordinance or Resolution. Recently, the Police Department has conducted a survey and has reported to the Mayor and Council that certain handicapped parking spaces are non existent or no longer in use within the Borough. The Police Department has recommended that these handicapped spaces, established by Ordinance or Resolution of the Governing Body be repealed and the signage or markers designating the handicapped parking space be removed. Based upon the recommendation, the Mayor and Council are resolved to repeal handicapped parking at the within locations and to remove all signage and markings relative the former use. The Mayor and Council declare that such Ordinances or Resolutions creating these spaces be and are repealed or vacated upon the adoption of the within Ordinance.

Section 2. Repealer. The following areas designated as Parking for Handicapped Persons by street location, created by Ordinance or Resolution of the Mayor and Council are hereby repealed and/or vacated so as to remove handicapped parking from the following locations identified in Borough Ordinances, Chapter 7, Section 7-12 (Schedule XXI, Parking Area for Handicapped Persons):

- a. 112 Maple Place
- b. 153 Osborn Street
- c. Jackson Street by Division Street
- d. 101 Green Grove Avenue, #2
- e. 178 First Street
- f. 61 Atlantic Street
- g. 79 Manchester Avenue

Section 3. All Ordinances or Resolutions of the Borough of Keyport creating said handicapped parking at the within locations, whether codified or not, and any provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed or vacated to the extent of such inconsistencies.

Section 4. Upon the adoption of the within Ordinance, the Department of Public Works shall be directed to remove any signage or markings designating handicapped parking in the locations cited herein. The intent of this ordinance being to eliminate handicapped parking in the within locations designated herein as created by Ordinance or Resolution of the Borough.

Section 5. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by a judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the Ordinance.

Section 6. All other provisions of the within Chapter not specifically effected by the within Ordinance are hereby confirmed.

Section 7. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Mayor Merla said Captain Dayback submitted a report and would like a space left at 61 and 63 Atlantic Street and 69-71 Atlantic Street will be a request.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

- 1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of September 23, 2004 for a Hearing to be held on October 5, 2004 moved by Mr. Doyle, second by Mr. Wedick with Ayes by all present.

COMMITTEE REPORTS

Councilman Wedick; Police: Mr. Wedick reported on the following. There was an incident on First Street; it was a hit and run that escalated and is being investigated. Chief Gajewski said the incident took place near Fulton Street; 5-6 cars were hit and after the first vehicle was hit, shots were fired at the truck. The people were from Cliffwood and Keansburg.

Councilman Bergen; Finance: Mr. Bergen was absent.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle reported on the following. He attended a Library meeting. Information is needed for the Budget on the computers for Borough Hall and the Library; there should be a blanket contract.

There are maintenance issues with regard to the building. We should look at the care of the building. Mr. Hyer said he is getting estimates for the stairs in the front. Shelves are falling apart; there is one carpenter in town. There is an ADA problem. The Borough applied for a grant last year

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins reported on the following. With regard to the Board of Health, the NJ State Registrar; experts are needed. Grants have been submitted (\$1.20 per capita) and another grant will be implemented next year. She reported on First Aid calls.

Keyport Drug Alliance received an additional \$7,400 in grant money for a total of \$18,700. There are 10 High School students who are attending the TIG program.

Last Thursday, the Senior Center held their annual fashion show. The Wildwood Convention took place this month. The First Aid and

Mothers Club will hold a pro wrestling night.

Councilman Strang; Fire. Mr. Strang reported on the following. The Board of Chiefs have discussed the truck and equipment needed. The Fire Boat is out. The Cadet Program has begun. The Engineers of each Fire Company are going over each truck as they come back from being repaired. The Fire Convention took place last week in Wildwood. Keyport brought home 4 trophies: Best Municipal Unit under 20, Best Pumper, Monmouth County Fire Department, Bag pipers and cadets. The Department has applied for a \$68,000 grant for equipment and communications.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following. On Saturday a tree fell down on Raritan Avenue and the Department of Public Works removed it. The Snapper Contest was held and there are planks off of the pier. Everyone received prizes. The pier has been locked and closed up. There are also missing planks on the boardwalk near Firemen's Park. There was flooding at the intersection of Division and Third Streets. Monmouth County has swept the roads and cleaned the weeds and illegal dumping. The County will make daily trips and clean ups along the Henry Hudson Trail; containers are not a good idea. There were 16 signs that were replaced.

Three benches are being dedicated to employees who have passed away. The dedication will take place on October 16th.

The leaf bags are in. Resurfacing will begin the first week in October. There are signs in the park regarding no Soccer playing. If a street is vacated, the property owners must absorb all costs. The Monmouth County Mosquito Commission was on site; the Marina exceeded what they should have done. The DEP will be back. Three valves will be shut down on Third and Fulton Streets.

The Public Works Department needs new trucks. Administrator Palamara and Dave Winter, Supt of Schools met regarding Shared Services. Gateway Condos, 4 Van Dorn Street, said there is a sump pump; the water runs and puddles in the Condo Parking lot. The Recycling report was sent to the County. Letters were sent out for the Sidewalk Meetings.

Mr. Wedick asked about New Jersey Natural Gas. They could declare an emergency. Engineer Freda said New Jersey Natural Gas could not appropriate funds and did not come in in August. They found money and will be in the end of September. Administrator Palamara said they should start Monday and the Contractor should finish the job by September 25th.

Administrator Palamara: Administrator Palamara reported on the September 14, 2004 Payment of Bills: **CURRENT-\$1,376,516.94, WATER AND SEWER-\$38,128.11, GENERAL CAPITAL-\$909.00 and RBIT-\$1,786.99.** The Fire Department will add a Fire Inspector. There is the absence of a Building Maintenance Worker. The Public Works employee needed extra help; and also did other maintenance work. A cleaner is needed at night. The position should be combined. The Borough should advertise for a Senior Center Bus Driver and Part Time Maintenance Worker; 20 hours per week for Maintenance and 8 hours for the bus driver. Mr. Wedick requested this be submitted to the Finance Chairman.

There are safety issues that need to be addressed at 75 Manchester Avenue. Property Maintenance at the location has been corrected. The owner of this property is working with the Borough Departments. There is no roof on this building. A Structural Engineer should come and look at the structure and certify the walls are safe. Mr. Wedick said he understood there is a report due this evening. The property owner of 25 Church Street is due in Court tomorrow on the summonses that was issued.

A generator is needed for the First Aid building. John Fahey said the air conditioning draws a big load and if used as an evacuation center, the building would need 200 kws. He and Mr. Hyer met with the school and they do not have a back up generator; we would have to work between both. The Mayor said if the school served as an evacuation center, they would qualify for a Grant (\$150,000). Ken Marr, is working on a grant for this equipment.

Garbage Collection for American Legion Apartments would have an impact on the taxes (\$2300/year). This cost accrues down to the residents; the Borough should include when moving forward.

Engineer Freda: Mr. Freda reported on the following. Theresa Street is complete. With regard to Atlantic Street, there is a problem with the water system. There is a Change Order to retire the 12" main. The Contractor cannot close off to tie in the hydrant because the valves are not holding. Two more valve insertions are needed and the contractor has been asked for a quote. CFO Fallon will be advised about this and whether there is money available. Mayor Merla asked that in the future funds are provided for valve insertions. With regard to sewer inflow and infiltration, Oswald Sewer is the sub contractor for the sewer system. The Borough will tie into the GIS System which will be in all of the manholes. Maps will be updated.

The Borough has 60 days to award the Department of Public Works Facility bids. Funding is needed. This will be listed on the October 5th Agenda. The Mayor said he and Mr. Bergen reached out to Earl Swift regarding the current location Public Works is at; the Borough cannot afford the lowest bid that was submitted.

Mayor Merla addressed Chief Gajewski stating Manzo Contracting did a great job and certain requirements were discussed at the pre-construction meetings. The detour signs used are portable, but the lights for the sign do not blink at night. The Contractors need safety vests. Chief Gajewski said he spoke with Mr. Manzo and will advise him again.

Attorney Kain: Mr. Kain reported on the following. The PBA Negotiation mediation has commenced. There was a pre-bid garbage meeting held. The Borough will readvertise again for bids; the bid date is set for November 8, 2004. Mr. Kain commended Mr. Hyer for contacting Ms. Thompson at the Monmouth County Mosquito Commission. The DEP did an investigation and will address the dredged spoils.

Mayor Merla: The Mayor reported on the following. This past May the Borough opened 18 new business and October 9th will be the ribbon cutting. On November 1st the Borough will help open 18 more business.

The VFW held their picnic on September 11th. A Plaque was given for the Purple Heart.

He commended Public Works for taking care of the trees that fell down and for the pier work. The Borough applied for State Aid through the DEP and we have not received anything for the bulkhead. He and Engineer Freda went to Atlantic Street, Maple Place and Church Street and asked the County to address these areas (it should be made a rest area with bike racks). A portion of Church Street near Hurley Street should be vacated. The Borough is looking for monies (school children) and the Borough would match it. At Beach Park, the storm water pipe runs into the Raritan Bay and was replaced in 1995. Woodmont Properties is looking at a project with a grading plan. The County would raise the pipe (elevate the road).

Mayor Merla and Mr. Hyer attended the Bayshore Conference of Mayors Meeting. Roberta Sheridan of JCP&L spoke. There were

three outages (transformers). An investigation will be conducted in Keyport.

Oswald Sewer came into town and TV'd the sewer lines. Back to School Night is this evening. Thomas Pfeiffer, Army Corps of Engineers, contacted the Mayor and asked that a letter be written regarding 2005 funds for dredging channels. Ferry Service could be provided at 8 feet.

Grants were received for the February 17 and 18, 2003 storm from FEMA in the amount of \$17,654.57. The Borough was awarded a 2004 Downtown NJ award. Monmouth County Community Development awarded \$179,000 for Third Street from Atlantic Street to Broad Street.

Robert Burlew, Construction Code Official said the Zoning Officer reports to Mayor and Council. The Zoning Officer should report to the Construction Code Official. This was referred to Attorney Kain.

The Department of Corrections said the Police Department's jail cells are in compliance. St. Johns Methodist Church has 400 campers coming in for the Jersey Shore Work Camp; this should be put in the newsletter. Mr. Wedick said Mr. Cerase, Property Maintenance Officer should be advised.

There is an event on October 24th for 180 Turn Around. The Neighborhood Preservation Grant is on line and the Mayor asked if the Borough can apply for it again. The area to apply for is Maple Place by St. Joseph School. There was an article in the New York Times regarding the Woodmont Project.

The Mayor said Mr. Bergen stated his thoughts regarding Brian Mullen as the Redevelopment Attorney. Mr. Mullen's resignation was requested and he submitted one. It was recommended Ann Babineau be hired as the Redevelopment Attorney. Mr. Wedick requested a copy of Mr. Mullen's Letter of Resignation.

Jennifer Flynn had a question about Therese Street Park; this was referred to Mrs. Atkins. There is a Redevelopment Workshop Meeting on September 23rd. The draft was not suppose to go out; the Mayor will ask for the resignation of the Planning Board member who distributed it.

The Mayor said he has received calls and e-mails regarding the School Calendar. The Mayor's letter had mistakes in it that were not his; he said a clean and edited copy went to the school and the unedited version of the calendar was printed. Mayor Merla said he met with Dr. Dumford and a letter of apology was issued advising everyone the unedited version went out and the correct copy will go out to the businesses and offices. This matter will be worked through.

REPORTS OF DEPARTMENTS

1. Board of Health Report for July 2004

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	\$3035.00
DOG LICENSES	\$ 279.40
CAT LICENSES	39.60
MARRIAGE LICENSES	112.00
DOMESTIC PARTNERSHIP AFFIDAVITS	84.00
BURIAL PERMITS	150.00
DEATH CERTIFICATES	1000.00
MARRIAGE CERTIFICATES	220.00
BIRTH CERTIFICATES	5.00
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	-0-
MISCELLANEOUS	1145.00

DISBURSEMENTS

CHECK #2805 - BOROUGH OF KEYPORT MISC. ACCT	\$2541.00
CHECK #2806 - BOROUGH OF KEYPORT TRUST ACCT	175.00
CHECK #2807 - BOROUGH OF KEYPORT DOG ACCT	280.60
CHECK #2808 - NJ STATE DEPT OF HEALTH	38.40

Submitted by Anne R. Biagianti, Treasurer

2. Property Maintenance Officer Report for July/August 2004

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

Mayor Merla said he has received 7 complaints about Property Maintenance and he is not happy. Mr. Hyer said he has found violations himself that Mr. Cerase should be addressing. Mr. Wedick said Mr. Cerase should be written up. Consistent follow through is needed.

Submitted by William Cerase, Property Maintenance Officer

3. Borough Clerk's Report for August 2004

WATER/SEWER ACCOUNT

WATER CONNECTION	-0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	-0-
WATER METER W/TO	400.00
DEMOLITION	-0-

TOTAL WATER/SEWER, CHECK #3615 \$ 400.00

CURRENT ACCOUNT

BINGO LICENSE	\$ -0-
GUN PERMITS & ID'S	-0-
LIMO LICENSE	-0-
PHOTOCOPIES	208.50
POSTAGE	1.89
RAFFLE LICENSE	190.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	511.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	163.42
STREET OPENING	150.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	300.00
PARKING PERMITS	-0-
AUCTION LICENSES	-0-
LIQUOR LICENSE APPLICATION	3.00

TOTAL CURRENT, CHECK #3616 \$1527.81

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	\$ 5,775.00
BAIT	532.75
ICE	184.50
ICE CREAM	-0-
SODA	-0-

TOTAL RBIT, CHECK #3617 \$ 6,492.25

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3618	\$ 117.00
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TOTAL RECEIPTS \$ 8537.06

Submitted by Judith L. Poling, Borough Clerk

4. Tax Collector's Report for August 2004

2005 TAXES	\$ 8,724.41
2004 TAXES	1,280,962.26
2003 TAXES	20,017.58
INTEREST AND COSTS	4,823.06
MUNICIPAL COURT FINES	25,939.40
UNIFORM CONSTRUCTION CODE FEES	14,209.00
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	22,000.00
POLICE ACCIDENT REPORTS	423.00
LANDLORD REGISTRATION	3,050.00
NJ STATE AID	775,889.25
INTERFUND LOANS	1,400,000.00
ALL OTHER MISCELLANEOUS REVENUE	27,577.43
TOTAL CURRENT RECEIPTS	\$ 3,583,752.89

WATER & SEWER RENTS	\$ 87,128.04
INTEREST AND COSTS	1,220.82
WATER/SEWER CONNECTION FEE	13,621.46
TURN ON CHARGES	90.00
RETURNED CHECK CHARGES	60.00
POOL PERMITS	90.00
WATER METERS/WITH TURN ON	100.00
NEW METER CHARGE	58.98
METER TEST CHARGE	35.00
CELLULAR TOWER LEASE	11,451.51
NEW METER INSTALLATION FEE	40.00
TOTAL WATER/SEWER RECEIPTS	\$ 113,895.81

Submitted by Keri Stencel, Tax Collector

5. Building Department Report for August 2004

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
STATE DCA FEE	40	\$ 556.00
CERTIFICATE OF OCCUPANCY	03	519.00
PLUMBING PERMITS	17	1653.00
ELECTRICAL PERMITS	15	1678.00
BUILDING PERMITS	23	5706.00
FIRE SUB CODE	07	612.00
CONST CERT OF OCCUPANCY	43	1135.00
TRANSFER OF TITLE	08	295.00
ZONING PERMITS	14	140.00
200 FT PROPERTY LIST	04	40.00
SMOKE DETECTORS	43	1445.00
MISCELLANEOUS	07	175.00
COPIES	01	2.00
CONST. DEBRIS DEPOSIT	07	350.00
CONST. VIOLATIONS	00	-0-
REINSPECTION FEE	00	-0-
TOTAL		\$14306.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2473	\$13,400.00
STATE FEE DUE - PAID QUARTERLY	556.00

Submitted by Carole Cerase, Senior Permit Clerk

6. Municipal Court Report for August 2004

STATE FINES	\$ 300.00
STATE SURCHARGE	-0-
STATE UNINSURED	325.00
COUNTY FUNDS	1855.58
COUNTY FINES	4068.50

MUNICIPAL FINES	4068.50
MUNICIPAL COSTS	4465.50
MUNICIPAL PARKING	1703.50
MISCELLANEOUS	1818.42

Submitted by Kathie Coffey, Court Administrator

7. Librarian's Report for August 2004

On file in Borough Clerk's Office for review.

Submitted by Jacqueline LaPolla, Librarian

8. Board of Health Report for August 2004

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE \$3387.80

DOG LICENSES	\$ 262.60
CAT LICENSES	23.20
MARRIAGE LICENSES	112.00
DOMESTIC PARTNERSHIP AFFIDAVITS	-0-
BURIAL PERMITS	75.00
DEATH CERTIFICATES	620.00
MARRIAGE CERTIFICATES	170.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	100.00
FOOD HANDLERS	100.00
MISCELLANEOUS	1925.00

DISBURSEMENTS

CHECK #2809 - BOROUGH OF KEYPORT MISC. ACCT	\$3002.00
CHECK #2810 - BOROUGH OF KEYPORT TRUST ACCT	100.00
CHECK #2811 - BOROUGH OF KEYPORT DOG ACCT	264.20
CHECK #2812 - NJ STATE DEPT OF HEALTH	21.60

Submitted by Anne R. Biagianti, Treasurer

Motion to accept all reports as read, moved by Mr. Hyer, second by Mr. Wedick with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Application for Raffle License (On Premise Cash) from St. Joseph PTA to be held on November 16, 2004.

Motion to Approve moved by Mr. Doyle, second by Mrs. Atkins with Ayes by all present.

2. Request from 2004 Emergency Services for annual donation and permission to hold Halloween parade on Sunday, October 31, 2004 beginning at 1:00 P.m. at Firemen's Park continuing to Central School.

Motion to Approve moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

3. Letter from Fire Patrol submitting the name of William Vaughn as candidate for 3rd Assistant Chief.

Motion to Receive and File moved by Mr. Stalter, second by Mr. Doyle with Ayes by all present.

4. Letter from Anthony Vecchio, Fire Marshall, requesting the appointment of Paul A. Murphy, Jr. as a Fire Inspector for the remainder of 2004.

Motion to list an appointing resolution moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

5. Application for membership in the Keyport Fire Department/Eagle

Hose Company #4 from Gerald Greene (contingent upon State Approval)

Motion to Approve moved by Mr. Stalter, second by Mrs. Atkins with Ayes by all present.

6. Application for membership in the Keyport Fire Department/Board of Fire Wardens #07 from Joseph Konish, Sr. (contingent upon State Approval.

Motion to Approve moved by Mr. Stalter, second by Mrs. Atkins with Ayes by all present.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:30 P.M. Engineer Freda left at 9:31 P.M. Sonny Arena said he obtained and paid for Construction permits on April 29, 2004 and was told he needed additional permits. He obtained a form that had the old fee schedule and was advised when he went for his Water/Sewer that the fees increased. He requested he be able to obtain the permits under the old fee schedule. Mayor Merla said the matter would be referred to the Borough Attorney, Finance Chairman and Borough Administrator.

Jack Jeandron, Main Street, asked about the Historical Society Lease (Museum); it is a cultural icon for Keyport. The lease was for 30 years with an option for a 10 year renewal. A letter was sent and there was no response. The Borough did send a letter. This matter was referred to Mr. Bergen and Mr. Doyle. There was discussion about a year to year lease. Mr. Jeandron said the Historical Society has improved the building. Mayor Merla said the Museum is in the area of the Redevelopment Study. Mr. Jeandron said the Society would entertain use of another building if the current site is needed by the Borough.

Joanne Staeger, Main Street, said she is an Advisor for the First Aid cadets and they won a trophy at the Fire Convention in Wildwood and they are very proud. There is a Keyport Walks Program this evening. At the corner of Maple Place and Atlantic Street, there is a new house at this location; this is a major site for children and the School Crossing Guard; there is an electrical cord being run across the street. With regard to the Atlantic Street Project, there are no cones coming off of the curb. Mrs. Staeger said she spoke with Mayor Merla regarding the school's error with the Calendar and that the school regrets the error; all involved will be careful in the future.

Mike Lane, First Street, said the new Agenda format is too short and asked the Governing Body to consider reinstating the old format and include the Communications and Petitions. At the last Planning Board Meeting, Ken Bowers made a presentation and verbal report on the draft Redevelopment Plan (public document). The draft contains the same information that the Planner verbally gave. Mr. Lane asked why this is not a public document. Mayor Merla said if Mr. Lane has a copy of the draft, he should not because he is not entitled to it. The Mayor said Mr. Lane went door to door with the document and now there will be a lawsuit; the document was a draft working document, not the final plan. Council has not seen the plan yet. Mr. Lane acknowledged he has a copy of the document. Mr. Lane said he was at the Planning Board Meeting and will ask to listen to the tape; he does not remember anyone saying it was not a public document. Attorney Kain said the document has not been given to the Borough and was only a draft form to the Planning Board. Mr. Lane said the Planner introduced an expert who testified on the grading. Mayor Merla said Mr. Lane created a theory and alarmed people. Keyport received a Grant and is a model. The Mayor said Mr. Lane created a story about eminent domain. Mr. Lane said there are Asbury Park Press articles regarding eminent domain in Long Branch. Attorney Kain said there is redevelopment in Long Branch which has been worked on over 10 years.

Robert Ludwig, Beers Street, gave accolades to the Police Department, Borough Employees and the patience of Mr. Wedick and Mr. Doyle. Mr. Ludwig said he is impressed by the Mayor's Administrative skills and that he knows Mrs. Atkins. Mr. Ludwig asked what happened to Brian Mullen, Esq. The Mayor said he resigned both of his positions with the Borough. Pasquale Menna, Esq. was appointed as Planning Board Attorney. Mr. Ludwig said there is a Code Enforcement issue and a small town needs political contributions. Mr. Caddle is parking illegally and is given favorable considerations. The Parking restrictions are not being enforced and there are current violations of the Zoning Codes. Board of Health Ordinance 3-14 is inconsistent with the Borough Ordinance. Mr. Ludwig said Kara Homes submitted an application; there is a point of view (RECO Statutes). Mayor Merla said when matters are brought to Council's attention, the Borough tries to address them. Mr. Wedick asked if Mr. Ludwig wants the Governing Body to tell the Borough employees that the Ordinances are to be enforced. Mr. Ludwig said there is inconsistent Code Enforcement. Mayor Merla said everyone should enforce the Ordinances and the Borough sends that message out clear.

Mr. Hyer said the Administrator is to hold monthly Department meetings. The Mayor said the Borough can have the State come in and do an independent audit. The public should report violations to the Police Department. Mr. Ludwig said it is the opinion of the Kara Homes representatives that the project is a "done deal". The Environmental Plans filed with the State are inconsistent with documents filed with the Planning Board; false information. Mr. Neumann stifled participation in meetings. Attorney Kain advised the Governing Body to make no further statements in response to this matter. Mr. Doyle asked Mr. Ludwig where he is going with all of the questions. Mr. Ludwig said he is sending up flares. The conclusion is there is a potential problem.

Peggy Hayes, First Street, said she spoke with Mr. Sessa about the amount of times Kara Homes has appeared and their attitude and the lack of control the Planning Board has. She said she is not the only person who feels this way. Everyone has a vested interest in the community.

Mrs. Cosgrove, First Street, asked if Mr. Dubleski has to appear in Court tomorrow. She thanked Administrator Palamara for his help. She asked if the boat on the property is a violation. There is a covered car on the property that has had summonses issued on it. She said the garbage truck is not coming early in the morning anymore. Mrs. Cosgrove said on Sunday evenings, there are truck lights that shine into her windows. Debris is being stored in the truck instead of the dumpster. Attorney Kain said the Ordinance does not address that scenario and the Borough Administrator should be advised when that happens. Administrator Palamara said there is a safety hazard concern with the mirror that is there.

Mr. Ludwig asked when the Mayor asks for the resignation of a Planning Board member, when is it effective; it could be effective immediately.

Chief Gajewski said there is a letter from the Department of Corrections that list 3 defects; one has been taken care of. Two items are still left and are listed on the punch list. Chief Gajewski addressed Mr. Ludwig saying Keyport is a small community and trucks park to unload materials and the Police Department allows it. If a car is parked illegally, tickets will be written.

Mrs. Hayes said everyone does a good job. Mr. Hyer said this Council listens to its residents.

There being no one further from the audience who wished to

be heard, the meeting was closed to the public at 10:47 PM.

RESOLUTIONS

2. Resolution #307-04, Payment of Bills

See full copy of Resolution as pages 27-30 of these minutes.

Mr. Wedick said he would like to be advised when there is a reimbursement to the Borough Administrator and requested the payment be held. Motion to hold payment moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

3. Resolution No. 308-04, Emergency Authorization/Emergency Authorization/Repair of Police Vehicle - \$5,472.46

WHEREAS, the Mayor and Council of the Borough of Keyport have received a report from the Chief of Police indicating that an engine in a police vehicle was damaged and required replacement as part of the ordinary use by the Borough of Keyport; and

WHEREAS, based upon an investigation conducted, it was determined that the police vehicle was covered under an appropriate warranty or policy of insurance which would provide some reimbursement for the necessary replacement; and

WHEREAS, the Borough was advised by the appropriate insurance or warranty company to present the vehicle for repairs to Toms Ford, Keyport, New Jersey,, an authorized Ford dealership, licensed to perform the appropriate repairs to the aforesaid vehicle; and

WHEREAS, the Borough has received a bill for the emergency repairs to the police vehicle in the sum of \$5,472.46 which was necessary to repair the within vehicle and return same to service within the Borough of Keyport; and

WHEREAS, the Local Public Contracts Law provides that a contract may be awarded without competitive bidding for certain emergency situations as defined under the within Statute in such case made and provided; and

WHEREAS, the Mayor and Council believed that it was imperative to repair the police vehicle and return that vehicle to service within the police department on an expedited basis to maintain adequate police coverage for the Borough of Keyport which the Mayor and Council conclude constitutes an emergency which requires the Borough of Keyport to undertake emergency repairs to correct the within condition.

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

1. The Mayor and council of the Borough of Keyport hereby declare that the condition involving the replacement of the engine in a police vehicle requiring and replacement and rendering the vehicle unserviceable constitutes an emergency which potentially poses a threat to public health and safety by failing to have the vehicle available to the police department.

2. Based upon the direction of the insurance carrier, the

Mayor and Council hereby authorized Toms Ford, Keyport, New Jersey to repair and replace an engine in the police vehicle so as to return said vehicle to serve in an expedited manner for a total cost in the sum of Five Thousand Four Hundred Seventy Two Dollars and Forty Six Cents (\$5,472.46). The contract herewith let is awarded without the benefit of competitive bidding based upon the finding of an emergency under the Local Public Contracts Law.

3. The Mayor and Council further direct the Administrator to submit appropriate claims to the Borough's insurance carrier to secure reimbursement upon the payment of \$5,472.46 which payment is hereby authorized.
4. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, Borough Attorney and Police Chief.
5. That a copy of the within resolution be retained in the Office of the Borough Clerk for public inspection as required by law.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

4. Resolution No. 309-04, Emergency Authorization/Repairs to Water Plant

WHEREAS, the Mayor and Council of the Borough of Keyport have previously received notification from the Department of Environmental Protection, Bureau of Water Management rejecting the request of the Borough of Keyport to purchase additional supplies of water from Shorelands Water which would include the temporary transfer of diversion rights from the Borough of Keyport to Shorelands in lieu of the opening and operation of the water plant; and

WHEREAS, the Borough of Keyport had sought this arrangement based upon the current condition of the water plant including concerns expressed by the Licensed Water Plant Operator relative to the water clarifier, painting and refurbishing of the water storage tanks, refinishing of the wellhouse, calibration of flow meters, general maintenance issues to the well pumps and motors, the general concerns relative to the security of the physical water plant and operation and the overall condition of the physical plant itself; and

WHEREAS, the Borough of Keyport did reach an agreement to transfer certain diversion rights to Shorelands in lieu of the operation of the water plant in 2004, which agreement was rejected by the Bureau of Water Management in late May 2004, with the requirement that Keyport pump water from the water plant or purchase water from an additional supplier at the spot market rate; and

WHEREAS, based upon this rejection and the inability of the Borough to locate a qualified Licensed Water Plant Operator to prepare the plant for operation and thereafter to supervise the operation of the water plant during the summer 2004, the Borough of Keyport sought alternatives to the operation of the plant; and

WHEREAS, the Borough reached an agreement with Applied Water Management, Inc. on an emergency basis to review and inspect the Keyport Water Plant, make appropriate recommendations for repairs

necessary to place the plant into operation and to provide for the operation of the plant including the presence of the Licensed Water Plant Operator, which resulted in the plant operating during this past summer; and

WHEREAS, Applied Water Management did perform certain emergency repairs to start and operate the plant commencing July 1, 2004 as mandated by the Bureau of Water Management which repairs were in the approximate sum of Forty Five Thousand Dollars (\$45,000.00) which included certain repairs including the removal of accumulated iron sufficient to commence operation and deliver water to the residents; and

WHEREAS, the Local Public Contract Law provides that a contract may be awarded without competitive bidding for certain emergency situations as defined under the within Statute in such case made a provided; and

WHEREAS, the Mayor and Council determined based upon the decision of the Bureau of Water Management that certain emergency repairs were necessary to operate the Keyport Water Plant and that the failure to commence operation posed a threat to the delivery of the potable water supply to the residents of the Borough of Keyport which the Mayor and Council conclude constitutes an emergency which requires the Borough of Keyport to undertake emergency repairs to correct the within condition.

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

1. The Mayor and Council of the Borough of Keyport hereby declare that the condition involving the repairs necessary to the commencement of operation and subsequent operation of the Keyport Water Plant as mandated by the Bureau of Water Management constitutes an emergency which potentially poses threat to public health and safety relative to the ability to maintain, control and supply water to the Borough of Keyport.
2. The Mayor and Council declare that the failure of the Borough to commence plant operations constituted an emergency which potentially could have resulted in the interruption of the water supply to the residents of the Borough of Keyport. The Borough of Keyport hereby authorizes certain emergency repairs performed to the water plant as necessary to have operated and maintained the water plant as performed by Applied Water Management on an emergency basis.
3. The Mayor and Council hereby authorize said repairs and direct payment in the sum of \$45,000.00 to Applied Water Management. The contract herewith is awarded without the benefit of competitive bidding based upon the finding of an emergency under the Local Public Contracts Law.
4. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, Borough Attorney and Applied Water Management, Inc.
5. That a copy of the within resolution be retained in the Office of the Borough Clerk for public inspection as required by law.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None
Abstain: None

Absent: Councilman Bergen

15. Resolution No. 310-04, Place to Place Transfer of Plenary

Retail Consumption Liquor License 1322-33-012-004 inactive license to 2 West Front Street; and

WHEREAS, the Mayor and Council have received an application for a place to place transfer of a Plenary Retail Consumption License Number 1322-33-012-004 issued to Jolie Schwartz for an inactive license with a mailing address of Keyport, New Jersey; and

WHEREAS, the submitted application form for the place to place transfer 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, the Mayor and Council are in receipt of a report from the Keyport Police Department which concludes with the recommendation that the license be transferred to 2 West Front Street; and

WHEREAS, the within investigation, including an interview with the license holder has concluded that the door for primary ingress and egress into the proposed new location will be in excess of 200 feet from a local house of worship both presently and upon the completion of proposed renovations; and

WHEREAS, the Mayor and Council have considered the application and the written comments of the Keyport Police Department and the general public, if any, and are resolved to grant the within place to place transfer.

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

1. The Mayor and Council hereby approve, effective September 21, 2004, the place to place transfer of the Plenary Retail Consumption License Number 1322-33-012-004, which was previously inactive to its new location at 2 West Front Street, Keyport, New Jersey and does hereby direct the Borough Clerk/ABC Board Secretary to endorse the license certificate as follows: "This license, subject to all of its terms and conditions is hereby transferred to the premises located at 2 West Front Street, Keyport, New Jersey".
2. Copies of the within Resolution shall be forwarded to the Keyport Police Department and the Borough Attorney and a copy shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

6. Resolution No. 311-04, Chapter 159, Clean Communities \$7,360.68

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive \$7,360.68 in funding from the Clean Communities program and wishes to amend its 2004 Budget to include this amount as a revenue and offsetting appropriation.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$7,360.68 which is now available as a revenue from:

Miscellaneous-Section F: Special Items of
General Revenues Anticipated with Prior
Written Consent of Director of Local
Government Services-Public and Private
Revenues Offset with Appropriations:
Clean Communities Program \$7,360.68

BE IT FURTHER RESOLVED that a like sum of \$7,360.68 be and the same is hereby appropriated under the captions of:

(A) Operations-Excluded from "CAPS"-Public and Private
Programs offset by Revenues:
Clean Communities Program \$7,360.68

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None
Abstain: None
Absent: Councilman Bergen

7. Resolution No. 312-04, Chapter 159/ Office on Aging - \$4,500.00

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive \$4,500.00 in funding from the County of Monmouth - Office on Aging and wishes to amend its 2004 Budget to include this amount as a revenue and offsetting appropriation.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$4,500.00 which is now available as a revenue from:

Miscellaneous-Section F: Special Items of
General Revenues Anticipated with Prior
Written Consent of Director of Local
Government Services-Public and Private
Revenues Offset with Appropriations:

Office on Aging \$4,500.00

BE IT FURTHER RESOLVED that a like sum of \$7,360.68 be and the same is hereby appropriated under the captions of:

(A) Operations-Excluded from "CAPS"-Public and Private
Programs offset by Revenues:
Office on Aging \$4,500.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None
Abstain: None
Absent: Councilman Bergen

8. Resolution No. 313-04, Chapter 159/Homeland Security FY2004
Assistance to Firefighters - \$68,310.00

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive \$68,310.00 in funding from the US Department of Homeland Security, FY2004 Assistance to Firefighters Grant and wishes to amend its 2004 Budget to include this amount as a revenue and offsetting appropriation.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$68,310.00 which is now available as a revenue from:

Miscellaneous-Section F: Special Items of
General Revenues Anticipated with Prior
Written Consent of Director of Local
Government Services-Public and Private
Revenues Offset with Appropriations:
US Homeland Security - Assistance to Firefighters \$68,310.00

BE IT FURTHER RESOLVED that a like sum of \$7,360.68 be and the same is hereby appropriated under the captions of:

(A) Operations-Excluded from "CAPS"-Public and Private
Programs offset by Revenues:
US Homeland Security - Assistance to Firefighters \$68,310.00

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None
Abstain: None

Absent: Councilman Bergen

9. Resolution No. 314-04, amend Resolution No. 198-04 authorizing Agreement for Evaluation of New Municipal Complex/increase fee

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the construction of a new municipal building for the Borough of Keyport; and

WHEREAS, the Borough of Keyport did commence occupancy of the new municipal building on or about January 18, 2004; and

WHEREAS, since commencing occupancy, the Borough of Keyport has experienced numerous difficulties with respect to the new building in many areas but especially with respect to the roof and foundation; and

WHEREAS, the Mayor and Council have previously retained the services of Consolidated Construction Management Services Corporation, Lino DeAlmeida, Jr., relative to identification, consultation recommendation and resolution of issues related to the municipal complex and did authorize the expenditure of \$2,500.00 for the within professional services; and

WHEREAS, the Mayor and council have been advised that the initial retainer has been depleted and that additional funding shall be required in order for the expert to continue to provide services to the Borough relative to the municipal complex; and

WHEREAS, the Mayor and Council have determined to increase the allocation for services rendered by Consolidated Construction Management Services Corporation an additional \$5,500.00 for a total payment to this professional of \$8,000.00 to include all services, meetings and work associated with the municipal complex; and

WHEREAS, the Mayor and Council have been advised that there are certain funds available within the applicable bond ordinance or within the general fund of the Borough of Keyport to retain the aforesaid expert for the purposes expressed herein.

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. The Mayor and Borough Council hereby authorize the appropriation of the additional sum of Five Thousand, Five Hundred Dollars (\$5,500.00) to be paid to Consolidated Construction Management Services Corporation, for present and future professional management services relative to the new municipal complex for a total expenditure to date of \$8,000.00.
2. The within Resolution is hereby subject to the certification of the Municipal Finance Officer as to the availability of funds from the current fund or bond ordinances of the Borough of Keyport.
3. Copies of the within Resolution shall be forwarded to Consolidated Construction Management Services Corporation, Lino DeAlmeida, Jr., Councilman Bergen, Finance Chairman, Municipal Finance Officer, Borough Attorney and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

10. Resolution No. 315-04, Amend Resolution No. 283-04 authorizing Agreement for Moisture Survey on Municipal Complex Roof/increase fee

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the construction of a new Municipal Complex for the Borough of Keyport; and

WHEREAS, the Borough of Keyport did commence occupancy of the new municipal building on or about January 18, 2004; and

WHEREAS, based upon certain problems with the roof including numerous leaks, dampness and water intrusion, the Borough of Keyport did retain the professional services of Henry Vitale, RRO, James D. Cummins & Company, Red Bank, New Jersey to conduct a detailed inspection and prepare a report as to the condition of the roof; and

WHEREAS, the Mayor and Council did subsequently authorize the expert to conduct certain moisture testing for an amount of \$1,500.00 and to deliver said report to the Borough of Keyport; and

WHEREAS, based upon the inspection and moisture testing, the expert has further recommended additional water testing to confirm suspect leak locations in order for the borough to perform emergency stopgap repairs to the building to prevent further damage and to establish a watertight condition in the building; and

WHEREAS, the Mayor and Council desire to authorize the payment of the expert for the inspection and preparation of the report, authorize additional testing to identify leak location and perform emergency repairs and to prepare repair specifications and attend necessary project meetings; and

WHEREAS, the Mayor and Council believe these actions are necessary to address the present conditions of the municipal complex in order to protect the significant investment made by the taxpayers of the Borough of Keyport and to insure that the municipal complex remains a safe environment for employees and visitors; and

WHEREAS, the Mayor and Council have been advised that there are certain funds available within the applicable bond ordinance or within the general fund of the Borough of Keyport to retain the aforesaid expert for the purposes expressed herein.

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. The Mayor and Borough Council hereby authorize the payment to Henry Vitale, RRO, in the sum of \$2,500.00 for the inspection, evaluation and report of the roof on the municipal complex.
2. The Mayor and Council further authorize the expert, Henry Vitale, to conduct additional water testing to confirm leak locations and to develop a scope of work to perform emergency stopgap repairs and for work relative to the review and analysis of core samples taken from the materials used in the construction of the roof for additional sums which total \$4,125.00
3. The total amounts authorized herein to the within professional expert retained by the Borough is \$6,625.00 which will complete all required testing reports and

participation in initial meetings relative to the within condition.

4. Copies of the within Resolution shall be forwarded to Henry Vitale, RRO, James D. Cummins and Company, Councilman Bergen, Finance Chairman, Municipal Finance Officer, Borough Attorney and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

11. Resolution No. 316-04, Minor Disciplinary Action against Carole Cerase

WHEREAS, the Mayor and Council of the Borough of Keyport had previously approved the preparation and service of a Notice of Minor Disciplinary Action upon Borough employee, Carole Cerase; and

WHEREAS, the employee, Carole Cerase, through her Union Representation did request a Hearing during open session which hearing was conducted on September 7, 2004 during the public portion of the regular Borough Council meeting; and

WHEREAS, the Mayor and Council did review and consider the testimony presented including the testimony of the Construction Code Official, Robert Burlew as well as the testimony of Carole Cerase and having heard the arguments of Charles McDonald, Local 68, relative to the issue before the Borough Council; and

WHEREAS, the Mayor and Council did find that Carole Cerase did commit an error in the recording of certain information supplied by a resident on or about March 5, 2004, into a zoning log maintained by the Borough, which created certain inaccuracies in the processing and listing of a zoning permit application and which was in violation of procedures established by the Borough and State; and

WHEREAS, based upon the testimony presented, the Governing Body concludes that the within action of the Borough employee was careless and negligent but does not rise to the level to warrant formal disciplinary action in the form of a written reprimand or suspension, but rather the Governing Body concludes that a Letter of Caution, be directed to the Borough Employee, Carole Cerase, to impress upon her the need to exercise care in the posting and maintenance of all zoning logs, lists, programs or records maintained by the Borough; and

WHEREAS, the Mayor and Council desire to further authorize the preparation of said letter by the Borough Attorney directing the exercise of care and caution in the posting of entries into an official record of the Borough and to avoid the carelessness which led to the filing of the disciplinary proceeding.

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. The Mayor and Borough Council hereby resolve the filing of the Minor Disciplinary Action brought against Borough employee, Carole Cerase, by declining to make any formal reprimand or suspension in favor of a Letter of Caution to be issued to the Borough employee as a result of certain

actions which occurred on or about March 5, 2004 in the Construction Office of the Borough of Keyport.

2. The Mayor and Council find that Borough employee, Carole Cerase, was careless in the positing of a certain entry to a zoning log maintained in the Construction Office of the Borough of Keyport. The Mayor and Council further that the employee was properly trained in the procedure and that the error was not intentional, but represented a lack of care.
3. The Mayor and Borough Council decline to apply minor discipline in favor of a Letter of Caution to directed to the Borough employee with a copy of said letter being placed in her permanent file within the Borough. The Mayor and Council further direct that the Borough Attorney prepare such a letter from the Mayor and Council.
4. Copies of the within Resolution shall be forwarded to the Borough Attorney, Borough Administrator, Carole Cerase and Charles McDonald, Local 68 and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

12. Resolution No. 317-04, Authorize Settlement of Compensatory Time with Borough Employee and Directing Payment

WHEREAS, Pauline Redmond retired from her position of Tax Collector for the Borough of Keyport on April 1, 2004; and

WHEREAS, at the time of her retirement, Pauline Redmond had accumulated an amount of 496 hours in compensatory time earned during her years of service with the Borough of Keyport; and

WHEREAS, Pauline Redmond did assert a claim for payment of the compensatory time which claim was reviewed and considered by the Finance Chairman of the Borough of Keyport; and

WHEREAS, following a detailed review and consideration of the claim and negotiations between the Borough and Pauline Redmond, the Finance Chairman has recommended a settlement of this claim which the Mayor and Council are resolved to accept and which result in payment of \$30,489.12 to Pauline Redmond in two payments of \$20,000.00 in 2004 and \$10,489.12 prior to July 1, 2005 in full satisfaction of this claim; and

WHEREAS, the Mayor and Council desire to authorize settlement of this claim and further authorize payment to be made from the Borough of Keyport to Pauline Redmond.

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. The Mayor and Borough Council hereby authorize the settlement of the claim of Pauline Redmond for accumulated compensatory time in the sum of \$30,489.12 which represents a full settlement of all claims relative to compensatory time.
2. The Mayor and Council further direct that payment in the sum of \$20,000.00 be paid to Pauline Redmond as soon as practicable upon the adoption of this Resolution. The

balance of \$10,489.12 shall be paid to Pauline Redmond on or before July 1, 2005. From the within amounts paid hereunder for the accumulated compensatory time, the Borough shall deduct all applicable federal and state taxes and pay the balance of the aforesaid amounts to the employee.

3. The Mayor and Borough Clerk are authorized to execute any documents to facilitate such payments as set forth herein.
4. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Pauline Redmond and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

13. Resolution No. 318-04, Authorize Settlement of Claim with Anthony Infante/Ruptured Sewer Line

WHEREAS, Anthony Infante is the owner of 279 Beers Street within the Borough of Keyport; and

WHEREAS, the Borough of Keyport has a storm sewer line which runs through the property located at 279 Beers Street which consists of a 24" main which runs down the within property owned by Mr. Infante; and

WHEREAS, the Mayor and Council have been advised that the within storm sewer pipe did rupture and cause significant damage to a 2' retaining wall owned and maintained by Mr. Infante on his property; and

WHEREAS, Mr. Infante has obtained a quote from Frank Miele Contracting in the sum of \$4,500.00 to repair and replace the structure damaged as a result of the rupture and has requested that the Borough contribute one half of the quote of \$2,250.00 toward this project; and

WHEREAS, the Mayor and Council have reviewed the recommendation of the Borough Administrator and Superintendent of Public Works who have recommended that the Borough contribute one half of the estimate or \$2,250.00 toward the repair and replacement of the concrete wall damaged by the sewer pipe rupture; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution authorizing payment to Mr. Infante in the sum of \$2,250.00 upon completion of the repairs and upon the execution of a general release acceptable in form to the Borough Attorney; and

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

1. The Mayor and Council of the borough of Keyport hereby authorize payment of the sum of \$2,250.00 toward certain repairs to be completed to a retaining wall located at 279 Beers Street, Keyport, New Jersey, necessitated due to damages sustained by the rupture of a storm sewer line owned by the Borough of Keyport. The within payment constituting one half of the total estimate of \$4,500.00 obtained by the property owner.
2. Payment of all sums hereunder shall be made to the

property owner, Anthony Infante, upon completion of all repairs, inspection of all improvements, proof of payment to the contractor and the execution of a signed release to the Borough of Keyport acceptable to the Borough Attorney.

3. That a copy of the within Resolution, duly certified, be forwarded to the property owner, Anthony Infante, Superintendent of Public Works, Borough Administrator and Municipal Finance Officer.
4. Copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection according to law.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

14. Resolution No. 319-04, Appointment of Paul Murphy as Fire Inspector

WHEREAS, the Fire Marshal advises that Keyport has fire inspection needs that exceed the availability of our current inspectors and an additional Fire Inspector is needed; and

WHEREAS, the Fire Marshal has consulted current inspectors and qualified, available members of the local fire companies and recommends appointing Paul Murphy as a Fire Inspector; and

WHEREAS, NJSA 40A:60-5 provides that the Mayor nominate and with the advice and consent of Council appoint all subordinate officers of the Borough; and

WHEREAS, the Mayor has offered the nomination of Paul Murphy as a Borough Fire Inspector; and

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, in the County of Monmouth, State of New Jersey that the hiring of Paul Murphy as a Borough Fire Inspector effective September 21, 2004 through December 31, 2004 is confirmed.

BE IT FURTHER RESOLVED that the hourly rate shall be \$15.00 per hour for the completion of inspections assigned by the Fire Marshal and that there are no benefits provided for this part time position.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

15. Resolution No. 320-04, Authorize Change Order #2/Atlantic Street, Phase I to Ace Manzo and D. Manzo & Son, Inc.

WHEREAS, the Mayor and Council of the borough of Keyport did previously award a contract to Ace Manzo, Inc. and D. Manzo & Son, Inc. for certain improvements to Atlantic Street (Phase I) which included the full road repavement and installation of curbs and sidewalks together with such other improvements set forth in the base bid together with the base bid Option "A" consisting of replacement of sewer pipe, sanitary sewer and sanitary sewer

house connections based in part upon a grant received from the New Jersey Department of Transportation to the Borough of Keyport as delineated within the bid specifications for the within project; and

WHEREAS, the successful binder did commence work in accordance with the contract with the Borough of Keyport; and

WHEREAS, during the course of the street opening for the replacement of various sewer pipes it was determined to close a section of water line between Elizabeth Street and Maple Place and retire said main from service due to the location and condition of said line; and

WHEREAS, the Mayor and Council have verbally considered the proposed Change Order #2 which provides for the installation of two (2) line stoppers which are necessary to close or retire the existing water main located between Elizabeth Street and Maple Place which replacement will result in an increased project cost of \$15,800.00, inclusive of all costs for material and labor as agreed between the Borough Engineer and Contractor; and

WHEREAS, based upon the nature and scope of the project, the recommendation of the Borough Engineer and the condition of the existing water line, the Mayor and Council have resolved to approve Change Order #2 which will retire the existing 100 year old water main, subject to the certification of the Municipal Finance Officer as to the availability of funds from either the current grant or existing bond ordinances of the Borough of Keyport.

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

1. The Mayor and Council hereby approve Change Order #2 to the Improvements to Atlantic Street (Phase I) to authorize the retirement of a water line between Elizabeth Street and Maple Place in the total sum of \$15,800.00 to include the installation of two (2) line stoppers to seal or retire the existing water main as agreed based upon a verbal proposal submitted to the Borough Engineer to be reduced to writing and formally executed upon review by the Borough Engineer.
2. Ace Manzo, Inc. and D. Manzo & Son, Inc. shall perform all work set forth in Change Order #2 including the installation of water line stoppers to retire the water main as set forth above for a total additional amount of \$15,800.00.
3. The Mayor and appropriate officials are authorized to execute the within change order with Manzo, Inc., and D. Manzo & Son, Inc., upon certification of the availability of funds by the Municipal Finance Officer.
4. The revised total inclusive of both Change Order #1 and #2 is hereby increased to the sum of \$389,253.37.
5. The Change Order shall be contingent upon certification of the availability of funds by the Municipal Finance Officer.
6. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Engineer and a copy shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins

Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

16. Resolution No. 321-04, Designate Special Counsel, Anne S. Babineau, Esq. as Redevelopment Attorney

WHEREAS, there exists a need for the appointment of a Special Counsel to serve as Redevelopment Counsel for the Borough of Keyport as it relates to redevelopment and the "Aeromarine" property; and

WHEREAS, the Mayor and Council have been advised that ongoing discussions continue with owners of the property identified as "Aeromarine" which is located within the Borough of Keyport and which presently remains in the undeveloped state; and

WHEREAS, due to current changes in the laws within the State of New Jersey, the Mayor and Council continue to see an opportunity for significant development on the "Aeromarine" property with significant tax advantages to the citizens of the Borough of Keyport; and

WHEREAS, the Mayor and Council have discussed and determined that it is in the best interest of the Borough of Keyport to appoint a new Development Attorney specifically to review municipal ordinances, master plan and to meet with the proposed developer as it relates to the development of the "Aeromarine" property; and

WHEREAS, the Mayor and Council have reviewed and considered the qualifications of Anne S. Babineau, Esq., Woodbridge, New Jersey and have determined that she possesses the requisite experience in the area which would be beneficial to the Borough; and

WHEREAS, the Mayor and Council are inclined to appoint Anne S. Babineau, Esq., Woodbridge, New Jersey as a Special Counsel and Development Attorney for the Borough of Keyport and to direct Ms. Babineau to review the Master Plan, Borough Ordinances and to continue discussions with owners and developers relative to the development of the Aeromarine Property.

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

1. The Mayor and Council hereby name Anne S. Babineau, Woodbridge, New Jersey as Special Counsel and Redevelopment Attorney for the Borough of Keyport as it relates to development and/or redevelopment within the Borough of Keyport which shall include the Aeromarine Property.
2. The Redevelopment Attorney is hereby authorized and directed to review appropriate municipal ordinances, Master Plan and to make specific recommendations with respect to the current Borough Ordinances and the Master Plan as it pertains to development and further meet with the potential developers and to address the public/private "partnership" as it relates to the "Aeromarine" Property.
3. The Redevelopment Attorney shall be paid at the rate of \$130.00 per hour as fixed by the Mayor and Council of the Borough of Keyport and shall periodically submit progress reports and billing to the Mayor and Council relative to work in the area of development. The Redevelopment Attorney shall not exceed \$5,000.00 in fees without further express authorization of the Mayor

and Council

4. A certified copy of the within Resolution shall be forwarded to the Redevelopment Attorney, Anne S. Babineau, Esq., the Borough Attorney and Municipal Finance Officer and a copy of the Resolution shall be retained in the Office of the Borough Clerk for public inspection.
5. The appointment of Redevelopment Attorney is made without competitive bidding pursuant to NJSA 40A:11-1 et seq as the within position is considered a professional position under the within Statute.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

Absent: Councilman Bergen

17. Resolution NO. 322-04, Adopt a Flexible Benefit Plan/AFLAC

WHEREAS, Section 125 of the Internal Revenue Service Code contains a provision whereby employers can provide their employees with a Flexible Spending Plan that allows pre-tax income to fund certain child or dependent care costs, unreimbursed medical expenses and insurance premiums; and

WHEREAS, for the Borough Administrator and Chief Financial Officer have researched this Flexible Spending Plan and have made a recommendation to adopt this plan as administered by the American Family Life Assurance Company, Inc., (AFLAC); and

WHEREAS, the Borough of Keyport wishes to adopt this voluntary plan for the benefit of its employees.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport in the County of Monmouth, State of New Jersey that the Internal Revenue Service Code Section 125 Flexible Benefit Plan administered by AFLAC is hereby adopted.

BE IT FURTHER RESOLVED that the Mayor and Municipal Clerk are hereby authorized and directed to execute all applicable documents necessary to implement this plan.

Offered for adoption by Mr. Hyer, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer

Nays: None

Abstain: None

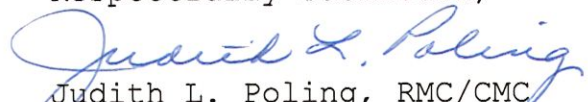
Absent: Councilman Bergen

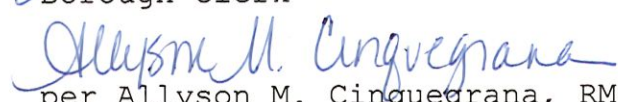
ADJOURNMENT

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

Time of Adjournment: 10:52 P.M.

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk


per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk