

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

Mayor Bergen called the meeting to order at 6:31 P.M. Clerk Valerie Heilweil read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bolte, Sefcik, Hill, Sheridan, Walling, Kovacs (arrived 6:35), Mayor Bergen. Others present: Borough Administrator Ms. Wright, Borough Attorney, Eric Winston.

RESOLUTION 164-09

1. Resolution No. 164-09 Closed Session Meeting Personnel, Contract Negotiation

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

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

WHEREAS, the Governing Body wishes to discuss:

- Personnel
- Potential Litigation

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

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

Offered for adoption by Mr. Walling, seconded by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling,

Nays:

Absent: Councilmembers Kovacs (arrived 6:35)

Abstain:

Council went into closed session at 6:32 PM and this meeting was reconvened at 7:41 PM

PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE

PUBLIC HEARING

On Olini Merla, Inc. (t/a Bulkhead Bar and Grille)
Liquor License Renewal

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

Mayor asked objector, Mr. Lane, to come forward and say what he would like Council to consider.

Mike Lane was sworn in.

Mr. Lane stated that this issue is not a new one. He is surprised that he is the only one who has noticed the side effects of Charles Merla's owning three establishments. He believes that Jo-Jo has an employee or management position at the Bulkhead.

Mayor stated that Mr. Lane needs to make an opening statement and submit his proof. Mayor asked the date Mr. Lane is saying that Joseph Merla became unable to be involved in the business.

Mr. Lane - as of his conviction in 2004. Mr. Lane brought up that a call went to the Bulkhead looking for Charlie but on tape it is said Joseph would respond.

Mr. Lane mentions the Uptown several times and Attorney Winston requests that he only speak about the Bulkhead. Mr. Lane replied he is trying to establish a pattern. Feels Borough has no assurance that Jo-Jo is not involved in operations.

Mayor explained this is the first time evidence has been presented. Mayor asked the basis of the law that prohibits Jo-Jo from working at a liquor licensed establishment.

Chief stated that there was a waiver allowing Jo-Jo to work. Attorney stated only his most recent conviction would prohibit him from working. Mayor asked Mr. Lane to pick a date (from the list he gave) which would prohibit Jo-Jo from working.

Mayor stated there is no legal prohibition to Jo-Jo's owning property with a liquor licensed establishment.

Mr. Kovacs asked who the two residents were that reported on April 1, 2009; that Jo-Jo was stocking the bar.

John Dayback asked a few questions of Mr. Lane. He would like to cross-examine the residents who reported to Mr. Walling.

Ms. Bolte asked if Jo-Jo can be a patron of the bar - Attorney replied yes.

Mr. Lane called Mr. George Walling as his witness. Attorney swore Mr. Walling in.

Mr. Walling stated he got phone numbers of witnesses and turned it over to Chief of Police. Mr. Walling said he saw Jo-Jo carrying a cooler. Says he has observed Jo-Jo making deliveries at Trinity as well. Jo-Jo also directed posters be put up.

Mr. Dayback spoke and asked the kind of posters that were being put up. Mr. Walling replied that the posters were for a band concert.

Mayor Bergen asked that Councilman Walling not sit on the dais until the case is over. Councilman Walling refused.

Mr. John Dayback was sworn in. Mr. Dayback wanted to point out Mr. Lane's obsession with the Merla family. Mr. Dayback agrees with Mr. Lane that a pattern is being set here. Mr. Dayback stated that the Bulkhead does not take deliveries at 8PM, as Mr. Lane says he saw. Mr. Dayback stated that the contact numbers were not updated by the Police Department which is why Jo-Jo received the phone call. Jo-Jo does work for the hotel at the Uptown, not for the bar. He does security at the hotel.

Chief Mitchell was sworn in. Mayor Bergen asked the Chief about not having the correct contact numbers on file. Police know that Jo-Jo is the owner of the building and that he has surveillance cameras.

Is there any evidence of Jo-Jo working at the Bulkhead; no. Chief says he will continue to investigate.

Ms. Bolte asked Chief regarding the challenges of policing the bars. Police handle the investigation with criminal municipal charges.

Ms. Sefcik clarifies that the attempt to contact Jo-Jo was for the surveillance tapes. Chief responded "correct"

Chief stated that he has never been contacted during the time Jo-Jo was supposedly working; it is always after the fact. Chief testified that Jo-Jo's federal parole officer told him he was allowed to work there, but she was incorrect.

Mike Lane asked the Chief whether he remembers his call. Mayor said that it doesn't mean it didn't happen just that the Chief doesn't remember.

Charlie Merla stated that Jo-Jo worked in his family's establishment for 12 years before his arrest and he is working on being allowed to legally work there again.

Mr. Dayback said that all of Mr. Lane's objections to renewals of licenses have to do with the Merla family.

Mr. Lane stated that his input is relative to a pattern. Mr. Lane pointed out that he has been opposed to other renewals and is an advocated of strict enforcement.

There being no more comments or questions from the public, the hearing was closed at 8:39PM.

Attorney stated they have the right to go into closed session to ask any questions of the attorney.

Motion offering renewal of liquor license moved by Mr. Hill, seconded by Ms. Bolte

Ms. Bolte - understands that Council does need to throw more caution to licensed establishments. Stated that if people see Jo-Jo working they can contact the Chief but no one has come forward. Ms. Bolte stated that if the Police Department can't say there is any ill doing, how can she take a stance against it? Ms. Bolte cautions Jo-Jo to stay out of the bar.

Ms. Sefcik - not enough evidence to deny the renewal

Mr. Hill - also does not see evidence to deny the renewal

Mr. Sheridan - notes that it is located across from the Police; can't go against the renewal without evidence.

Mr. Kovacs - agrees there is not enough evidence

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Kovacs
Nays:
Absent:
Abstain: Councilman Walling

PUBLIC HEARING

On DTV Pizza, Inc. (t/a Lucky 27)
Liquor License Renewal

The Hearing was opened to the public for comments or questions at 8:46 P.M.

Mike Lane - previously this application was granted with conditions, do the conditions still stand; yes.

Mr. Lane presented statistical evidence but Mayor said a renewal cannot be denied based on statistical evidence. He wished to put in his letter objecting as an exhibit.

Mr. Kovacs asked how long Mr. Lane has been in town; 20 years. Mr. Kovacs pointed out that there are no fewer establishments in a small area then there used to be.

Ms. Bolte asked what Mr. Lane would like to see here? Mr. Lane stated he would like to see a nice restaurant. Ms. Bolte asked if an establishment must change due to financial failure; would he prefer to see it go away.

Ruben Bea stated that he has two coolers which makes up the size allowed. Mayor went over the conditions and asks specific questions.

Mr. Walling asked if he was only open seven minutes beyond the time to close.

Mayor Bergen explained that Mr. Bea did not need to answer since there are criminal complaints against him and this testimony could be used against him.

Mr. Walling asked about the tables in the establishment.

Ms. Bolte pointed out mistakes he had made.

Mayor pointed out that the application needs to be corrected to no longer reflect that manager.

Chief pointed out that although they cannot serve after 1AM; a patron may still sit at the bar and drink so as long as they are not making a purchase.

Mayor recognized that as a valid issue. Mayor asked if he is closing at 1AM; yes.

Mr. Bea stated he would like to be treated as any other bar. Mayor asked if he could survive just as a restaurant; no.

Mayor stated after criminal violation is complete, there will be a hearing.

Mr. Kovacs made a motion allowing them to stay open until 2AM, second by Mr. Sheridan. If the kitchen is still open then they can stay open until 2AM.

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Kovacs

Nays:

Absent:

Abstain: Councilman Walling

At 9:25 motion was made and carried to take a two minute Recess at 9:30 PM with ayes by all present.

The meeting was reconvened.

APPROVAL OF MINUTES

June 23, 2009 - Regular Session

Offered for adoption by Ms. Bolte, seconded by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling, Kovacs

Nays:

Absent:

Abstain:

ORDINANCE INTRODUCTION - NOT INTRODUCED

The Clerk reads the Budget by Title:

**ORDINANCE 6-09 TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAPBANK (NJSA 40a:4-45-14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Borough Council of the Borough of Keyport in the County of Monmouth finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Borough Council hereby determines that a 3.5 % increase in the budget for said year, amounting to \$63,953.44 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Keyport, in the County of Monmouth, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Borough of Keyport shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 223,837.00, and that the CY 2009 municipal budget for the Borough of Keyport be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mr. Fallon explained this ordinance allows you to bank unused appropriation cap.

Motion to introduce Ordinance moved by Mr. Kovacs, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling, Kovacs
Nays:
Absent:
Abstain:

Motion authorizing the Clerk to publish the Ordinance as introduced, in the Asbury Park Press for a Hearing to be held on August 11, 2009 moved by Mr. Sheridan, second by Ms. Sefcik

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling, Kovacs
Nays:
Absent:
Abstain:

PUBLIC HEARING/ADOPTION OF ORDINANCE

1. Ordinance #4-09 - to Exclude Marinas from the Business Improvement District

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XXI, BUSINESS IMPROVEMENT DISTRICT, ORDINANCES OF THE BOROUGH OF KEYPORT

WHEREAS, *N.J.S.A 40:56-66, et seq.* allows for the creation of a special improvement district within a municipality in which a special assessment on property within the district is imposed for the purposes of promoting the property within the district; and

WHEREAS, the Mayor and Council have created a special improvement district in the Borough of Keyport which establishes certain classes of properties which are members of the Keyport Special Improvement District pursuant to Chapter XXI of the Revised General Ordinances of the Borough of Keyport; and

WHEREAS, the Mayor and Borough Council have conducted hearings regarding the efficiency and the effectiveness of the current business improvement district;

WHEREAS, there was information and presentations regarding the effectiveness of including marinas in business improvement district as they represent recreational facilities and they do not properly fall within the Borough of Keyport Special Improvement District; and

WHEREAS, the Mayor and Council wish to amend current ordinance to remove current marinas and boat works from the Special Improvement District, and exempt all future marinas and boat works from the Business Improvement District.

BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter XXI, Section 21 of the Revised Ordinances of the Borough of Keyport is amended as follows:

Section 21-2 Definitions.

As used in this chapter...

Marina means a recreational facility for the berthing, storage, securing, fueling, servicing, or repair of boats.

Section 21-4 Creation of District

b) All business properties within the Business Improvement District, comprised of Class 4 ("Other) assessed properties, except for Class 4 Boat Works and Marinas, are deemed included in the assessing provisions of this Chapter and are expressly subject to potential assessment made for Business Improvement District Purposes.

c) All properties within the Business Improvement District that are tax-exempt or are assessed as Class 1 ("Vacant"), Class 2 ("Residential Property"), ~~or Class 3 (Farmland Regular and Qualified)~~ or Class 4 Boat Works and Marinas, are deemed excluded from the assessing provisions of this Chapter are expressly exempt from any assessment made for Business Improvement District Purpose.

Schedule B - List and Description of All Assessed Properties (Section 21-4) is hereby amended as follows

Block	Lot	Class	Property Location
9	73	4A	340 West Front Street to Highway 35
...			
20	5	4A	6 Broadway
20	6	4A	Foot of Washington
20	11.01	4A	257 West Front Street
20	12.01	4A	West Front Street
...			
21	9	4A	178 West Front Street
21	12	4A	165 West Front Street
...			
94	44	4A	East Front Street & Prospect
...			

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

The Clerk reports that the Ordinance was published as introduced in the Asbury Park Press, issue of June 30, 2009 that the Affidavit of Publication is on file in her office and that copies were posted on the Bulletin Board and made available to the public.

Motion was made by Mr. Sheridan, second by Mr. Walling with ayes by all present to open the Hearing to the public for comments or questions at 9:33 P.M.

There being no more comments or questions from the public, the hearing was closed at 9:33 P.M.

Motion to adopt Ordinance made by Mr. Sheridan second by Mr. Walling with ayes by all present.

2. Ordinance #5-09 - Senior Center Building Use and Fees

The Clerk reads the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER XI OF THE ORDINANCES OF THE BOROUGH OF KEYPORT REGARDING THE SENIOR CITIZEN CENTER

WHEREAS, the Borough of Keyport recognizes the important role that the Keyport Senior Citizen Center serves for the Borough and the surrounding communities; and

WHEREAS, the Senior Center is currently used by residents from both the surrounding communities and Borough of Keyport which provides leisure, educational and health services; and

WHEREAS, the Borough has determined that in order to continue the high level of services offered by the Senior Center, a membership fee for non-residents will need to be imposed; and

WHEREAS, the Borough also recognizes that the Senior Center can be used to host a variety of events for the citizens of Keyport and the surrounding communities.

NOW THEREFORE BE IT ORDAINED by the Mayor and the Borough Council of the Borough of Keyport that Chapter XI, of the Revised Ordinances of the Borough of Keyport is amended to include a new section 11-7 entitled "SENIOR CITIZEN CENTER", as follows;

Section 1. Definitions.

Resident of Keyport - a person who is at least sixty (60) years of age whose principal place of residence is in the Borough of Keyport.

Section 2. Membership Criteria.

To become a member of the Keyport Senior Citizen Center, an applicant must be sixty (60) years of age.

Section 3. Membership Fee.

There shall be no fee for Residents of Keyport. Proof of residency shall be required for all members of the Senior Citizen Center. Non-residents shall be required to pay an annual membership fee of fifty (\$50) dollars. Annual fees shall expire on December 31 of each year and must be renewed annually.

Section 4. Facility Use Permit for Senior Citizen Center.

Individual or groups who wish to use the Senior Citizen Center may make an application to the Borough Clerk for the right to use the Senior Citizen Center. The application shall include the name of the individual or group who wish to use the facility, the number of people who will use the facility, the date and time which they would like to use the facility and all other information that may be required by the Borough Clerk. The Borough Administrator shall approve or deny the use of the facility after a review of the application.

Section 5. Facility Use Permit Fees.

a. A two-hundred-fifty (\$250.00) dollar returnable deposit is required with all applications. This deposit will be used to cover any damage to the Borough's property or cleaning required due to use of the facility. Users will be notified in writing by the Borough Clerk if any such charge will be assessed.

b. There is a one-hundred (\$100.00) dollar fee for use of the Senior Center.

Section 6. Indemnification and Waiver.

a. Users of the facility must sign a waiver in which they agree to waive and relinquish all claims, and causes of action, of every kind which they have or may have against the Borough of Keyport arising out of the use of the facility. The users must acknowledge that they assume all risks in connection with the use of the facility.

b. Users must indemnify the Borough of Keyport of any and all liability of loss, and against all claims or actions based upon or arising out of damage or injury to persons or property caused by or sustained in connection with the applicant's use of the facility, and, the defense of any such claims or action, whether the liability, loss or damage is caused by, or arise out of the negligence of the Borough of Keyport, or any of the employees or agents of the Borough of Keyport. The user must further agree to reimburse the Borough of Keyport for any and all expenses, attorney's fees, or costs incurred in the enforcement of this waiver and indemnification.

Section 7. 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.

Section 8. All Ordinances or parts of Ordinances which are inconsistent herewith are repealed, but only to the extent of such inconsistency.

Section 9. This Ordinance shall become effective immediately upon its final passage and publication as required by law.

The Clerk reports that the Ordinance was published as introduced in the Asbury Park Press, issue of June 30, 2009 that the Affidavit of Publication is on file in her office and that copies were posted on the Bulletin Board and made available to the public.

Motion was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present to open the Hearing to the public for comments or questions at 9:34 P.M.

There being no more comments or questions from the public, the hearing was closed at 9:34 P.M.

Motion to adopt Ordinance made by Mr. Sheridan second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Walling

Nays: Councilmember Kovacs

Absent:

Abstain:

COMMUNICATIONS AND PETITIONS

1. Application for membership in the Keyport Fire Department Liberty Hose Company from Daniel T. Neff (contingent upon State approval)

REPORTS OF DEPARTMENTS

1. Borough Clerk's Monthly Report for June 2009
2. Tax\Water\Sewer Collector's Report for June 2009
3. Monthly Report for Building Department for June 2009
4. Property Maintenance Report for June 2009
5. Minutes of the Keyport Recreation Commission Meeting of June 4, 2009

On file in Borough Clerk's office for review.

Motion to receive and file all reports as read, moved by Mr. Walling, second by Mr. Sheridan with ayes by all present.

COMMITTEE REPORTS

Councilwoman Bolte: Police: No Report

Councilwoman Sefcik: Buildings, Grounds and Library: No Report

Councilman Hill: Health and Recreation: No Report

Councilman Sheridan: Fire, First Aid & Emergency Services: No Report

Councilman Walling: Finance, Grants and Redevelopment: No Report

Councilman Kovacs: Public Works/Recycling/Property Maintenance: Mr. Kovacs requested that Tom Gallo be made a full-time member.

Motion made and carried to add to consent agenda.

Mr. Kovacs asked who made the decision to start on Phase II (will bring up under new business) of the Waterfront Park?

Mayor stated that the contractor is in the middle of work and wants to move ahead. Has a notice to proceed. Mr. Kovacs feels the Engineer has held up the project by not doing test borings and would like to back bill the Engineering firm because we are behind schedule.

Mayor said test borings would not have told them what was found. Mayor says there was a concrete top on the tank and borings would not have gone through that concrete.

Bolte stated it was the fault of the previous administrations. Mr. Sheridan requests a status report from the Administrator on the project.

Mr. Walling requested a weekly report from the Engineer, Mr. Kovacs seconded the request

Roll Call Vote: Ayes: Councilmembers Hill, Sheridan, Walling, Kovacs
 Nays: Councilmembers Bolte, Sefcik
 Absent:
 Abstain:

August 18th - BDA meeting (tentatively)

Mr. Walling was upset that Council was not made aware that part of the parking lot was being closed. Administrator said she was at fault for not notifying Council but she did notify the Police Chief.

Mr. Walling wants a report on Friday as to what happened during the week.

Administrator reported that the sludge should be removed within two weeks.

ADMINISTRATOR'S REPORT

No Report

ATTORNEY'S REPORT

No Report

UNFINISHED BUSINESS

NEW BUSINESS

RESOLUTIONS

3. Resolution No.165-09 - Amending Resolution #105-08 Releasing the Performance Guarantee for Valley National Bank Block 110, Lots 1, 2, 8 & 9
5. Resolution No. 167-09 - Authorizing a Regional Feasibility Study Grant for Solid Waste and Recycling
6. Resolution No.168-09 - Authorizing Mayor to Sign Easement for Open Space Grant for Beach Park
7. Resolution No. 169-09 - Authorizing Submission of the 2010 Keyport Municipal Alliance Grant
8. Resolution No. 170-09 - Payment of Bills
9. Resolution No.171-09 - Appointment of Tom Gallo as full time member of Recycling

Offered for adoption by Walling, seconded by Sheridan

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan
Walling, Kovacs

Nays:

Absent:

Abstain:

4. Resolution No. Liquor License Renewals - Trinity, Uptown

Offered for adoption by Mr. Sheridan, seconded by Ms. Bolte

Roll Call Vote: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan,
Kovacs

Nays: Councilman Walling

Absent:

Abstain:

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:55 P.M.

Ed Burlew asked whether the Engineer is in charge; yes - said T&M did not know the parking lot was going to be closed Monday. Mr. Burlew wants to know who gave the order to close the parking lot.

Mayor admitted it was him. Mr. Burlew confirmed that Don Norbut did not know. Mayor stated a letter was sent out to property owners.

Ed Burlew said only on one side.

Mayor Bergen said he didn't order it to be closed, but he is telling Mr. Burlew what he wanted to hear. Then a discussion ensued as to who gave the Order to close the lot.

Mr. Burlew - any change orders; yes.

Mayor - for about \$400,000. Mr. Burlew - who takes the blame for it? Mayor stated he does.

Mayor explained the tank that was found which creates the Change Order. It does increase the cost of the project but 75% of the cost will be funded by the state BDA.

Ed Burlew said the Mayor stated he is no lover of Engineers. Mr. Burlew pointed out Engineer donations made to the KCCC. Said someone must love somebody.

Mr. Burlew asked who painted the handicap parking spot in the Ye Cottage Inn Parking lot; our DPW did not paint it. Mr. Burlew said he does not want the chain up from buoy-to-buoy this is the Borough's parking lot. Mr. Burlew stated that the Borough pays to light that parking lot; why do we pay to light that lot? Mr. Burlew stated we are desperate for parking.

Denise Nellis, One Hobart Avenue, Fireman's Fair information will be on the website.

Allyssa, 106 Chingarora Avenue, property is 40 x 100 - assessed at \$308,000 under new assessment taxes went from \$4,700 to \$8,000.

Regina, 95 Walling Terrace, asked the tax rate. She felt she was given misinformation.

Mayor replied that total tax rate is \$2.13

Richard Emanuelli, 25 Church Street (Dubleski property), taxes went from \$10,000 to almost \$30,000. Doesn't understand how his property was assessed.

Barbara Hassmiller, 12 Green Grove Ave, stated that she works in the tax office. Ms. Hassmiller pointed out that the letter sent out was just an example of what the tax rate was going to be.

Gail Ensidy, 42 Cedar Street, stated she lived here for 32 years - asked if it were not possible for the tax rate to go down since the revaluation. Received information on the Skate Park on Cedar Street. She would like to know who she can address her concerns and stop the skate park.

Maureen, 30 Cedar Street, asked how they go about assessing one's home. Upset with her increase in taxes.

Donna Purcell, Registrar of Vital Statistics, Secretary of Board of Health - pointed out only 110 properties have appealed their taxes out of 2200 properties.

Lois Reiley, 99 Osborn Street, asked why the Borough has a windfall on the revaluation. Why didn't taxes go down?

Art Olsen, 73 East Front Street, asked about the Open Space money. How much did it go up? Mr. Olsen asked about getting a legal opinion since he is a commercial property owner in the BID and his property has now been excluded due to the Ordinance adopted tonight and he is the President of the BID.

Jack Jeandron - asked about a matching grant for jug handles. Mayor explained that is DOT money and not a matching grant.

Bob Burlew, 64 Chandler Ave, asked about Republican picnic that he wanted to hold at Beach Park.

Attorney explained the Green Acres rule. Can't consume the whole facility; can't have exclusive use of the whole facility.

Mayor explained attorney has been authorized to prepare an ordinance prohibiting political fundraising events on park land.

Mike Lane, 51 First Street, spoke about FEMA flood maps. Will it get to be passed before September? NJDEP says our Ordinance is fine. Ordinance must be introduced by September.

First Street Paving? Administrator says that is being done by the County. Mr. Lane stated he is surprised about renewal of the Uptown based on the Judges letter.

Attorney explained the Judge set down parameters for going forward.

Mayor explained his case is a 2008 renewal. No reason not to renew in 2009 unless Judge denies the 2008 renewal. Attorney says this was a letter not a Judge's Order.

Bob Burlaw, Open Space Tax is 2 ½%. Mayor stated rate can only be changed by referendum.

Joseph Ruth - expected to hear the budget tonight. Asked if there is any intention to lay off police officers and demote others.

Mayor explained nothing can be done until August 1st. Going into closed session. May or may not take action tonight.

There being no more comments or questions from the public, the meeting was closed at 11:13 P.M.

APPROVAL OF RESOLUTIONS

Motion to accept, receive and file excluding #4 moved by Walling , second by Sheridan

Roll Call: Ayes: Councilmembers Bolte, Sefcik, Hill, Sheridan, Kovacs, Walling

Nays:

Abstain:

Absent:

ADJOURNMENT

Motion to adjourn was made by Mr. Sheridan, second by Ms. Sefcik with ayes by all present at 11:18PM.