

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Municipal Complex, Council Chambers, 70 W. Front Street, 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, the 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.

Mayor Merla called the meeting to order at 8:09 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller. Other present: Mr. Edner, Borough Attorney office, Mr. Norbut, Borough Engineer and Mr. Antonucci, Borough Administrator.

Councilman Doyle led the Pledge of Allegiance and Mayor Merla called for a Moment of Silence for John Blair, Monmouth County Prosecutor Office who was involved with Emergency Management and Dawn DeCotiis of the law firm of the same name.

APPEARANCE/DISCUSSION

1. Paul D. Roman, President, Monmouth County Regional Health Commission #1

Mr. Roman discussed Regulations on Practice Standards. Keyport has a Board of Health, and Councilwoman Atkins is the liaison to the Regional. There are additional services required which in turn require personnel. The Regional received a feasibility study grant. The Keyport Board of Health is asking the Mayor and Council to give their support although Keyport is under no obligation to pay anything as Keyport is locked into a two year contract. Mr. Roman said the other municipalities were asked to contribute and they have. For Keyport, if they agree, the funds required would be 2005 - \$427.00, 2006 - \$2,716, 2007 - \$6,519 and 2008 - \$6,735. Mr. Roman asked for the Mayor and Council support. Mayor Merla asked what happens in 2009. Anne Biagianti, Keyport Board of Health member will vote. Personnel required could be part time or full time. Adjustments will be made in November. Councilman Bergen said he would contact Tom Fallon, CFO and the Finance Committee. Mr. Roman gave an overview of the services they provide, i.e. routine public health issues, flu clinics, etc.

PROCLAMATIONS

Mayor Merla reads Proclamations for **Make a Difference Day - October 22, 2005**, Mayor Merla said a flyer was sent out and to call the First Aid if you were missed. He said the recipients do a great job, and **Red Ribbon Week - October 23-31, 2005**. Councilwoman Atkins said that Barbara Hilliard, the High School students and the school Director Christine Grossman would like to present Mayor and Council with red ribbons. This is the 20th Anniversary of Red Ribbon Week.

APPROVAL OF MINUTES

Motion to approve the minutes of the Regular Meeting of October 21, 2003 and March 15, 2005, Reorganization Meeting of January 1, 2005, Work Meeting of January 11, 2005 and Closed Meetings of January 11, 2005 (2) and March 15, 2005 moved by Mrs. Atkins, seconded by Mr. Bergen with Ayes by all present except Councilmembers Wedick, Walling and Hassmiller abstained on the 2003 minutes.

HEARINGS ON ORDINANCES

1. Ordinance No. 15-05, Prohibit the Feeding of Unconfined Wildlife

The Borough Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the

Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

**AN ORDINANCE TO PROHIBIT THE FEEDING OF UNCONFINED
WILDLIFE IN ANY PUBLIC PARK OR PROPERTY OWNED OR
OPERATED BY THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH
AND STATE OF NEW JERSEY**

The Hearing was opened to the Public for comments or questions at 8:30 pm. There being none, the Hearing was closed at 8:30 pm.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Wedick, Walling, Hassmiller

- 1a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 20, 2005, moved by Mr. Bergen, seconded by Mr. Wedick, with Ayes by all present.
2. Ordinance No. 16-05, Prohibit Illicit Connections to Separate Storm Water Systems

The Borough Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

**AN ORDINANCE TO PROHIBIT ILLICIT CONNECTIONS TO
MUNICIPAL SEPARATE STORM SEWER SYSTEM OPERATED
BY THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH AND
STATE OF NEW JERSEY**

The Hearing was opened to the Public for comments or questions at 8:31 pm. There being none, the Hearing was closed at 8:31 pm.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Wedick, Walling, Hassmiller

- 2a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 20, 2005, moved by Mr. Walling, seconded by Mrs. Atkins, with Ayes by all present.
3. Ordinance No. 17-05, Establish Requirements for Litter Control

The Borough Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

**AN ORDINANCE ESTABLISHING REQUIREMENTS TO
CONTROL LITTERING IN THE BOROUGH OF KEYPORT,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

The Hearing was opened to the Public for comments or questions at 8:32 pm. There being none, the Hearing was closed at 8:32 pm.

Offered for adoption by Mr. Walling, seconded by Mrs. Atkins

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

Wedick, Walling, Hassmiller

- 3a. Motion authorizing the Borough Clerk to publish the ordinance as finally adopted according to law in the Courier, issue of October 20, 2005, moved by Mr. Doyle, seconded by Mr. Walling, with Ayes by all present.
4. Ordinance No. 18-05, Establish an Improper Disposal of Waste Ordinance

The Borough Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

**AN ORDINANCE ESTABLISHING AN IMPROPER
DISPOSAL OF WASTE ORDINANCE IN THE BOROUGH
OF KEYPORT, COUNTY OF MONMOUTH AND STATE OF
NEW JERSEY**

The Hearing was opened to the Public for comments or questions at 8:33 pm. There being none, the Hearing was closed at 8:33 pm.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Wedick, Walling, Hassmiller

- 4a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 20, 2005, moved by Mrs. Atkins, seconded by Mr. Walling, with Ayes by all present.
5. Ordinance No. 19-05, Establish Disposal of Pet Waste Ordinance

The Borough Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

**AN ORDINANCE ESTABLISHING REQUIREMENT
REGARDING DISPOSAL OF PET WASTE IN THE BOROUGH
OF KEYPORT, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY**

The Hearing was opened to the Public for comments or questions at 8:34 pm. Edward Burlew, Front Street asked who would enforce the ordinance and Mayor Merla said the Board of Health and Police Department. The Hearing was closed at 8:34 pm.

Mayor Merla requested that the Board of Health contact the State requesting that deer carcasses be removed quicker.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Wedick, Walling, Hassmiller

- 5a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 20, 2005, moved by Mr. Walling, seconded by Mrs. Atkins, with Ayes by all present.
6. Ordinance No. 20-05, Establish Yard Waste Collection and Disposal Ordinance

The Borough Clerk reported that the Ordinance was published as

introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

**AN ORDINANCE TO ESTABLISH A YARD WASTE COLLECTION
AND DISPOSAL PROGRAM IN THE BOROUGH OF KEYPORT, COUNTY
OF MONMOUTH AND STATE OF NEW JERSEY**

The Hearing was opened to the Public for comments or questions at 8:36 pm. There being none, the Hearing was closed at 8:36 pm.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

Nays: None

Abstain: None

Absent: None

- 6a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 20, 2005, moved by Mr. Walling, seconded by Mr. Doyle, with Ayes by all present.
7. Ordinance No. 21-05, Bond Ordinance to Upgrade Water Treatment Facility

The Borough Clerk reported that the Supplemental Debt Statement has been received approved from Local Government Services.

The Borough Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

ORDINANCE NO. 21-05

**BOND ORDINANCE PROVIDING FOR THE PERRY STREET WATER
TREATMENT FACILITY UPGRADE, 2005-2006 IN AND BY THE
BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, APPROPRIATING \$1,100,000 THEREFOR AND
AUTHORIZING THE ISSUANCE OF \$1,047,600 BONDS OR
NOTES OF THE BOROUGH TO FINANCE PART OF THE COST
THEREOF.**

**BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF
KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY** (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$1,100,000, including the sum of \$52,400 as the down payment required by the Local Bond Law. The down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$1,047,600 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond

anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the Perry Street Water Treatment Facility Upgrade, 2005-2006, as more fully described on a list on file in the office of the Clerk, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$1,047,600, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$250,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Hearing was opened to the Public for comments or questions at 8:40 pm. Councilman Bergen said the public voted not to sell the Water Plant. Studies have been done. The 1970 Plant needs upgrades (improve the building, replace the clarifier and various other upgrades, meters, change the chlorine operation). With regard to diversion, we need to pump more water through our water tank.

A resident said the Borough should not be in the business of water; there are times when the water is rusty. Mr. Bergen said when the Borough switches to Shorelands, the water become rusty when the system is flushed (we never have a problem like Jackson experiences). Mayor Merla said the Council has spent many meetings discussing this matter. In the past there has been rusty water or low pressure. The Sewer System has been TV'd and it is not that bad. The Borough now has to have the water system TV'd. When the streets are reconstructed, new water/sewer lines will be installed.

A resident asked if there would be an Administrative cost to study. Mr. Wedick said there was a 14-1 ratio for the Borough to stay in the business per the votes received from Keyport residents.

Mr. Bergen said it is State mandated that we switch systems over after a certain period of time. The Borough should take the raw water contract coming up and renegotiate it. We have sold water and the operating system is longer. The Borough should fight the State on the mandate.

Mike Lane, First Street, said the Ordinance is not specific. Mr. Bergen said there is information under the Engineer's report and Bid Specs are being prepared. Mr. Lane asked if there was a checklist. Mr. Bergen said the Borough could have some money left, but if there is a specific dedication, then the Ordinance would have to be amended; it is better to keep the Ordinance general. Mr. Lane asked if there would be competitive bids; yes. The document has specific deliverables. Mr. Bergen said the Borough Engineer will prepare the specifications.

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:50 P.M.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

- 7a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 20, 2005 moved by Mr. Doyle, second by Mr. Walling with Ayes by all present.
8. Ordinance No. 22-05, Amend Bond Ordinance No. 14-04

The Clerk reported the Supplemental Debt Statement was received approved by Local Government Services.

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 22-05
BOND ORDINANCE AMENDING SECTION 3(a) OF BOND
ORDINANCE NUMBER 14-04 FINALLY ADOPTED AUGUST 3,
2004 AND PROVIDING FOR A SUPPLEMENTAL
APPROPRIATION OF \$400,000 IN ORDER TO PROVIDE
FOR THE FUNDING OF THE RECONSTRUCTION OF
AMERICAN LEGION DRIVE BULKHEAD IN AND BY THE
BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH,
NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$380,000
BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART
OF THE APPROPRIATION**

BE IT ORDAINED BY THE BOROUGH COUNCIL, OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvements authorized and purpose for the financing set forth in Section 3(a) of bond ordinance #14-04 of the Borough finally adopted August 3, 2004 is hereby amended to add the additional improvement set forth in Section 4(a) hereof.

Section 2. The improvement described in Section 4(a) of this bond ordinance has heretofore been authorized to be undertaken by the Borough of Keyport, New Jersey as a general improvement. For the improvement or purpose described in Section 4(a), as revised by Section 1 hereof, there is hereby appropriated the supplemental amount of \$400,000, such sum being in addition to the \$1,000,000 appropriated therefor by bond ordinance #14-04 of the Borough finally adopted August 3, 2004 and including the sum of \$20,000 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 3. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$380,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 4. (a) The additional improvement authorized and the additional purpose for the financing of which the bonds are to be issued is for the Reconstruction of American Legion Drive Bulkhead, including all work and materials necessary therefor and incidental thereto, in addition to the improvements more fully described in Section 3(a) of bond ordinance #14-04 of the Borough finally adopted August 3, 2004.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose as revised is \$1,332,000 including the \$952,000 bonds or notes authorized by bond ordinance #14-04 of the Borough finally adopted August 2, 2004 and the \$380,000 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose as revised is \$1,400,000 including the \$1,000,000 appropriated by bond ordinance #14-04 of the Borough finally adopted August 3, 2004 and the \$400,000 appropriated herein.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 6. The capital budget of the Borough of Keyport is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 4(a) of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by bond ordinance #14-04, as amended by this bond ordinance, is 15.36 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$380,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) No additional expenses permitted by the provisions of N.J.S.A. 40A:2-20 are provided for herein.

Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 9. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The Hearing was opened to the public for comments or questions at 8:51 P.M. Mike Lane, First Street, asked about a 6 line cost estimate? It is for Beach Park. Mr. Bergen said the Borough needs the money to do the work for the State. The State is ready to go to bid. The option is to do the Bulkhead at the Boat Launching Ramp (400 feet) and not in Beach Park. Mr. Lane asked if there were any drawings. Engineer Norbut said there were, in the lobby; it is just to continue the Bulkhead replacement past the boat ramp. Option A is the same as the American Legion Drive bulkhead; there are no detailed plans per se. Mr. Lane asked if the construction detail is the same as the American Legion Drive Bulkhead. Mr.

Bergen said this Ordinance put funding in place; the Borough can use it now or later. There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:58 P.M.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

- 8a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of October 20, 2005 moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

9. Ordinance No. 23-05, Salary Ordinance/Various Employees

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 23-05
AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE
FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND
EMPLOYEES OF THE BOROUGH OF KEYPORT, NJ. IN THE COUNTY
OF MONMOUTH AND STATE OF NEW JERSEY**

The Hearing was opened to the public for comments or questions at 8:59 P.M. There being none, the Hearing was closed to the public at 8:59 P.M.

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

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

Nays: None
Abstain: Councilman Hassmiller
Absent: None

- 9a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of October 20, 2005 moved by Mr. Bergen, second by Mrs. Atkins with Ayes by all present.

10. Ordinance No. 24-05, Closure of Doors/Liquor License Establishments

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of October 6, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

**ORDINANCE NO. 24-05
AN ORDINANCE AMENDING AND SUPPLEMENTING THE
BOROUGH OF KEYPORT ORDINANCE 6-4.6 CLOSURE OF DOORS**

The Hearing was opened to the public for comments or questions at 9:00 P.M. The Police Chief is against the Ordinance on the books and requested a change in the ordinance. The present Ordinance allows for the doors to be open which created a disturbance i.e. people have a few beers and begin to use "colorful language" and a complaint would be called into the Police Department; currently there is no way to force the establishments to close their doors. Mike Lane, First Street, said Smith's Liquors doors are shut; he asked what a noise complaint is. There is no definition. Mr.

Bergen said we need to make the community pedestrian friendly and the Council is willing to try; if there are complaints received regarding this Ordinance, it can be rescinded. Mayor Merla said he was on Council in the 1980's when the present Ordinance was voted on (when Jim Flynn was Mayor); it was done because there were musicians performing outside of the establishments. Police Chief Gajewski said he was glad to see that the Ordinance was enacted in 1980 because the music was audible to the public, but it was also a bad idea. Mr. Bergen said another Ordinance could be done to take certain language out of the Ordinance.

Robert Ludwig, Beers Street, said the area being discussed is an enforcement problem; there is disruptive behavior from the patrons and it taxes Police resources.

Mr. Bergen said the renewal resolution for the Liquor Licenses can contain conditions based on Police reports. Mayor Merla said Mr. Ludwig mentioned tapes; the Mayor said he had seen them, but not from the Police Department. It was asked how Mr. Ludwig got them; they are a residents tapes.

Roy Caddo asked if residents have complained about the matter at a Council Meeting or to the Police Department. A resident said the Borough should see how this Ordinance works.

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 9:19 P.M.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

- 10a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of October 20, 2005 moved by Mr. Walling, second by Mrs. Atkins with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance No. 25-05, Bond Ordinance - Repairs to Municipal Complex Roof and Related Equipment

The Clerk reported that the Supplemental Debt Statement was filed with her prior to the Ordinance's introduction.

The Clerk read the Ordinance by Title:

ORDINANCE NO. 25-05

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE BOROUGH HALL ROOF AND RELATED IMPROVEMENTS IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING \$300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) **AS FOLLOWS:**

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$300,000, including the sum of \$15,000 as the down payment required by the Local Bond Law. The down payment is now available by virtue of

provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$285,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is for the replacement of the Borough Hall roof and related improvements, as more specifically described in the Summary of Work section of the Bid Specs on file in the office of the clerk, including all work and materials necessary therefor and incidental thereto.

b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 15 years.

c) The Supplemental Debt Statement required by the Local

(Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$285,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$100,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

Section 7. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or if other then as referred to in Section 1 hereof, to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The chief financial officer of the Borough is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the Borough and to execute such disclosure document on behalf of the Borough. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the Borough pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the Borough and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the Borough fails to comply with its undertaking, the Borough shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 9. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy *ad valorem* taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 10. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Mr. Bergen said there are problems with leaks on the roof of the Municipal Complex; the Borough is in litigation regarding this matter. The Borough went to bid and needs to put financing in place. Mr. Wedick said Council hopes to recoup the money through the lawsuit that has been filed.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

- 1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 20, 2005 for a Hearing to be held on November 1, 2005 moved by Mrs. Atkins, second by Mr. Wedick with Ayes by all present.

REPORTS OF COMMITTEES

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins reported there were 79 first aid calls, 10 motor vehicle accidents and 30 other calls; there have been 826 calls to date.

With regard to Recreation, the Director gave a proposal and it was requested this be copied for Mayor and Council.

Mrs. Tooker sent a thank you letter to the First Aid for allowing the Seniors to have their luncheon in their building.

The Drug Alliance Coordinator reported the Borough received a Monmouth County grant. There will be a volunteer appreciation dinner.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle reported on the following. There will be a dedication of the walk and garden on October 24th at 11 AM. The Walk of Memories bricks cost \$25 each; there are forms at the Senior Center and in Borough Hall.

Councilman Bergen; Finance and Redevelopment. Mr. Bergen did not have a report.

Councilman Wedick; Police. Mr. Wedick reported on the following. There were 66 motor vehicle accident calls, 60 first aid calls, 230 cars stopped, 60 warrants issued and arrests made (without the canine officer). Sergeant Dillon is out on disability.

Mr. Wedick read a memo he received from Mayor Merla to the public. He asked for the Mayor's resignation. Mr. Walling said he heard a tape from a KBA Meeting and he received a letter from the Mayor. Mike Norris, KBA, said the tape must have come from the Prosecutor's office.

Councilman Walling; Public Works/Recycling/Property Maintenance. Mr. Walling reported on the following. He thanked Public Works for their work during the rain storm (he also thanked the Police and Fire Departments).

The Recycling Brochure is being printed.

There is no report from the Property Maintenance Officer.

The Harbor Commission is concerned with the Engineering report on the Fishing Pier; there are 2 pilings that are really bad. They should be pulled and checked. Engineer Norbut said he would attend the next Harbor Commission meeting. Mr. Bergen said some questions have been raised about replacing the pier. Atlantic's report needs to be finalized. A Council Committee should meet with the members of the Harbor Commission and the Borough Engineer.

Councilman Hassmiller; Fire. Mr. Hassmiller reported there is an Ad Journal request for the 2006 Firemen's Ball on tonight's agenda.

Administrator Antonucci. Mr. Antonucci reported on the following. There will be a Public Works meeting held with the KBA to coordinate future events. He met with the Borough Clerk. He attended a County Meeting regarding the GIS System. He met with the Emergency Management Coordinator regarding flood areas. He is working on an Interlocal Agreement for Janitorial Services with the School. A meeting was held with the Construction Code Official regarding work flow. Regarding the telephone system, he has changed the Caller ID according to the requests from the Borough Employees; this will be done on a case by case basis. The automated attendant has been reworked and 9-1-1 has been added (Department Heads have signed off).

Monmouth County has shared services for computer training (free of charge); they train for the Microsoft Word, Excel and Outlook programs.

He is coordinating with Schoor DePalma for an additional Smart Growth Grant. There is a USDA Grant for Water/Sewer Projects. He coordinated with the Public Works and Police Departments before the rain storms; they did a good job on the streets.

A walk through of the Municipal Building was done to go over leaks. There were tiles removed and tarps put in place. There were buckets in the rafters (pictures were taken).

A Department Head meeting was held today on various topics.

An Engineering Meeting was held for current status on projects.

He attended the ribbon cutting ceremonies for the new businesses and met the new business owners.

Engineer Norbut: Mr. Norbut reported on the following. Keyport qualifies for the USDA Loan/Grant; a request will be submitted. A letter was received from Manzo requesting to be removed from the contract on Atlantic Street Phase II; Mr. Norbut agreed. The Gas Company is doing work on Warren and Third Streets.

Attorney Wisniewski: Mr. Wisniewski had nothing to report.

Mayor Merla: The Mayor reported on the following. An approval letter was received regarding the Green Acres Waterfront Park Improvements; we were awarded \$600,000. There was site clearance at the intersection of Monroe and Main Streets. Captain Dayback had the DOT investigate. There was a sign missing which will be replaced. The old Public Works area was left open and there is dumping there. Monmouth County said the bump out is not correct; a bond needs to be supplied and the County will complete the work. He thanked all emergency services regarding the work they did during the rain storms. There were 20 ribbon cuttings for new businesses. Keyport's Pop Warner team is still winning. Jersey Shore Magazine featured 64 Broadway; they owners did all of the work themselves.

REPORTS OF DEPARTMENTS

August 2005

1. Municipal Court

STATE FINES	\$ 372.00
STATE SURCHARGE	404.00
STATE UNINSURED	1050.00
COUNTY FUNDS	3109.04
COUNTY FINES	3634.50
MUNICIPAL FINES	3634.50
MUNICIPAL COSTS	3153.00
MUNICIPAL PARKING	1887.00
MISCELLANEOUS	1920.96

Submitted by Kathie Coffey, Court Administrator

September 2005

2. Municipal Clerk

WATER/SEWER ACCOUNT

WATER CONNECTION	\$ 25,700.00
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	11,500.00
SEWER/POOL PERMIT	30.00
WATER METER W/TO	600.00
DEMOLITION	300.00

TOTAL WATER/SEWER, CHECK #3663 \$38,130.00

CURRENT ACCOUNT

BINGO LICENSE	\$ -0-
GUN PERMITS & ID'S	-0-
LIMO LICENSE	-0-
PHOTOCOPIES	165.25
POSTAGE	.37
RAFFLE LICENSE	120.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	200.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	-0-
STREET OPENING	525.00
FISH & GAME	-0-
RECYCLING PERMITS	320.00
PARKING PERMITS	10.00
AUCTION LICENSES	-0-
TOW TRUCK OPERATOR LIC.	75.00
RETURNED CHECK CHARGE	20.00
TOTAL CURRENT, CHECK #3664	\$1435.62

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	\$ 3780.00
BAIT	241.50
ICE	96.75
ICE CREAM	-0-
SODA	-0-
TOTAL RBIT, CHECK #3666	\$ 4118.25

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3665	\$ 771.00
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TOTAL RECEIPTS	\$44454.87
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Submitted by Judith L. Poling, Borough Clerk

3. Tax Collector

2006 TAXES	\$ 3,217.34
2005 TAXES	201,275.04
2004 TAXES	27,565.75
INTEREST AND COSTS	8,852.86
MUNICIPAL COURT FINES	17,925.31
UNIFORM FIRE SAFETY	2,611.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	28,142.00
UNIFORM CONSTRUCTION CODE	9,407.00
ADMINISTRATIVE FEES	400.00
PLANNING BOARD APPLICATION FEES	175.00
SUPPLEMENTAL ENERGY RECEIPT TAX	201,957.75
CMPTRA - STATE AID	263,575.80
EXTRAORDINARY STATE AID	175,000.00
MUNICIPAL HOMELAND SECURITY AID	50,000.00
US HOMELAND/FIRE GRANT	30,310.00
ALL OTHER MISCELLANEOUS REVENUE	53,086.42
TOTAL CURRENT RECEIPTS	\$1,073,501.27

WATER & SEWER RENTS	\$ 63,673.21
INTEREST AND COSTS	1,019.23
WATER & SEWER CONNECTIONS	46,200.00
METER WITH TURN ON CHARGE	900.00
NSF CHECK CHARGES	40.00
POOL FILL PERMITS	60.00
METER INSTALLATION FEE	-0-
NEW METER CHARGE	-0-
DEMOLITION	300.00
CELLULAR TOWER LEASE	20,236.00

TOTAL WATER/SEWER RECEIPTS	\$ 132,428.44
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Submitted by Keri R. Stencel, Tax Collector

4. Building Department

<u>PERMITS</u>	<u>NUMBER OF PERMITS</u>	<u>AMOUNT RECEIVED</u>
STATE DCA FEE	37	\$ 395.00
CONSTRUCTION CERTIFICATES	7	665.00
PLUMBING PERMITS	28	2784.00
ELECTRICAL PERMITS	29	3060.00
BUILDING PERMITS	21	3826.00
FIRE SUB CODE	17	1497.00
CODE ENFORCEMENT C OF O	40	1010.00
TRANSFER OF TITLE C OF O	13	455.00
SMOKE DETECTOR INSPECTION	40	1280.00
ZONING PERMITS	13	130.00
200 FT PROPERTY LIST	01	10.00
MISCELLANEOUS	14	350.00
COPIES	00	-0-
CONST. DEPOSITS REFUNDABLE	05	250.00
CONST. VIOLATIONS	00	-0-
REINSPECTION	00	-0-
TOTAL		15712.00

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2531	\$15,067.00
STATE FEE DUE-PAID QUARTERLY, CHECK #2532	1,130.00

Submitted by Carole Cerase, Senior Permit Clerk

5. Municipal Court

STATE FINES	\$ 200.00
STATE SURCHARGE	502.00
STATE UNINSURED	225.00
COUNTY FUNDS	3324.06
COUNTY FINES	3825.50
MUNICIPAL FINES	3825.50
MUNICIPAL COSTS	2999.00
MUNICIPAL PARKING	704.00
MISCELLANEOUS	2597.94

Submitted by Kathie Coffey, Court Administrator

Motion to approve all reports as read, moved by Mr. Bergen, seconded by Mr. Wedick with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Certification of Add/Omitted Tax Bill Mailing from Keri Stencel, Tax Collector.

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

2. Letter from Rowland Seckinger regarding Environmental Commission matters.

Motion to Receive anf Dile moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

3. Letter from 2006 Fire Department Ball Committee regarding Ad Book donations (see Resolutions).

Motion to approve a \$100.00 full page ad moved by Mr. Hassmiller, second by Mr. Wedick with Ayes by all present.

4. Letter from Taffy Notarcola requesting water bill adjustment due to Water Plant situation.

Mr. Wedick said there should be a deadline to submit these requests. Attorney Wisniewski said it may not be legal. Mr. Bergen said he would review the matter.

Motion to refer this matter to the Finance Committee moved by Mr. Walling, second by Mrs. Atkins with Ayes by all present.

5. Letter from Fran Miele requesting water bill adjustment due to Water Plant situation.

Mr. Wedick said there should be a deadline to submit these requests. Attorney Wisniewski said it may not be legal. Mr. Bergen said he would review the matter.

Motion to refer this matter to the Finance Committee moved by Mr. Walling, second by Mrs. Atkins with Ayes by all present.

6. Memos from Keri Stencel and Robert Burlew regarding Pool Filling Permits

A policy should be created where the homeowner must show they replaced the liner for their pool.

Motion to refer this matter to the Administration moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

7. Letter from St. John's United Methodist Church regarding overpayment to Sewerage Authority

Motion to refer to the Finance Committee and Borough Administrator moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

8. Off Premise Cash Raffle License Application from St. Joseph's PTA

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

9. Keyport Business Alliance Raffle License Applications:
 - a. On Premise Cash Raffle (11/26 & 12/10)
 - b. Off Premise Cash Raffle (12/19/05)

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

10. Fire Department Membership Application from Sean Smith Liberty Hose Company (contingent upon State approval)

Motion to Approve moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

11. 2006 Bingo License Application from St. Joseph PTA

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

12. 2006 Bingo License Application from St. Joseph Church

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

UNFINISHED BUSINESS

1. Sewer Bill/44 Beers Street

Motion to waive the sewer portion, let the water bill stand as is and add a Resolution to the Agenda moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

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

Motion to refer to Mr. Bergen moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

3. Water Leak/323 Main Street.

Motion to refer to the Administrator moved by Mr. Wedick, second by Mr. Walling with Ayes by all present.

4. Water/Sewer Bill - 158 Broadway

Motion to refer to the Administrator and Tax Collector to respond moved by Mr. Walling, second by Mrs. Atkins with Ayes by all present.

RESOLUTIONS

2. Resolution No. 320-05, Payment of Bills

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

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

3. Resolution No. 321-05, Authorize Contribution to Keyport Fire Department/2006 Firemen's Ball Ad Book

WHEREAS, the Keyport Fire Department is an Organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Keyport Fire Department has requested that the Borough of Keyport contribute the sum of \$100.00 for the purpose of assisting them with funds for their 36th Annual Firemen's Ball Ad Book.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the sum of \$100.00 is hereby approved as a contribution to the Keyport Fire Department and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

4. Resolution No. 322-05, Chapter 159: Municipal Drug Alliance

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special items of revenue in the budget of any county or municipality when such items 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 received \$8,224.00 in funding from the Monmouth County Municipal Drug Alliance and wishes to amend its 2005 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 2005

in the sum of \$8,224.00 which is now available as a revenue from:

Miscellaneous Revenues - 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:
Municipal Drug Alliance \$8,224.00

BE IT FURTHER RESOLVED that a like sum of \$8,224.00 be and the same is hereby appropriated under the captions of:

(A) Operations-Excluded from "CAPS" - Public and
Private Programs Offset by Revenues
Municipal Drug Alliance \$8,224.00

BE IT FURTHER RESOLVED that the required cash match of \$2,056.00 be made available from the Municipal Drug Alliance Trust Account.

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. Doyle, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

5. Resolution No. 323-05, Establish Bank Accounts - Sovereign Bank

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

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

6. Resolution No. 324-05, Authorize Council to afford Century Land Group an opportunity to be heard on issue of Memorandum of Understanding termination

WHEREAS, the Borough of Keyport is a party to a Memorandum of Understanding ("MOU") with the Century Land Group, LLC ("Century") dated July 22, 2003, regarding the redevelopment of Block 141, Lots 14 and 15 in the Borough of Keyport (the "Aeromarine site"); and

WHEREAS, the Borough has the express right to terminate the MOU without cause upon ten (10) days written notice; and

WHEREAS, the Borough also has the express right to terminate the MOU if, in its sole discretion, it determines that Century's proposed project (which includes 569 residential units) is not in the best interest in the Borough; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("the Redevelopment Law"), NJSA 40A:12A-1 et seq, the Mayor and Council have declared the Aeromarine Property an area in need of redevelopment and have adopted a redevelopment plan entitled "Aeromarine Area Redevelopment, Borough of Keyport, New Jersey" ("Redevelopment Plan") dated June 2005 (revised September 2005); and

WHEREAS, the Redevelopment Plan is distinguishable from the proposed project of Century in several respects, including lower residential density and diversity of uses; and

WHEREAS, the Mayor and Council desire to consider the termination of the MOU and to afford Century an opportunity to be heard regarding such action.

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

1. No action shall be taken to terminate the MOU until the November 1, 2005 Council Meeting.

2. Century shall be afforded an opportunity to be heard at the November 1, 2005 Council Meeting on the issue of whether the MOU should be terminated .

3. The Borough Clerk shall give Century advance written notice of the November 1, 2005 Council Meeting and of its opportunity to be heard on the issue of the MOU termination.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

7. Resolution No. 325-05, Authorize Mayor to execute Stormwater Grant Agreement with the NJDEP - \$8,468.00

WHEREAS, the Governing Body of Borough of Keyport desires to further the public interest by obtained a grant from the State of New Jersey in the amount of \$8,468.00 to fund stormwater activities as described in the Scope of Services.

NOW, THEREFORE, BE IT RESOLVED that the Governing Body resolves that John J. Merla or the successor of to the Office of Mayor is authorized to make application for such a grant, if awarded, to execute a Grant Agreement with the State and any amendments thereto which do not increase the Grantee's obligations.

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

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

8. Resolution No. 326-05, Rescind Resolution No. 315-05, 10/4/05, Fireman's Suspension

WHEREAS, on October 4, 2005 the Mayor and Borough Council adopted Resolution No. 315-05 which suspended Borough firefighter Daniel Fox; and

WHEREAS, the aforementioned suspension was based upon information that the Borough Council had the authority to suspend said firefighter; and

WHEREAS, additional facts have been brought to the attention of the Mayor and the Borough Council which demonstrate that the aforementioned conclusion may have been inaccurate.

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

1. Resolution No. 315-05 is rescinded and vacated nunc pro tunc.

2. That the matter concerning disciplinary action against firefighter Daniel Fox be referred to the Complaint Board of Review pursuant to Borough Ordinance 3-39 and a copy of the within Resolution be placed in the permanent file of Daniel Fox and that a copy be supplied to Daniel Fox, the Borough Attorney and Business Administrator and that a copy of the within Resolution shall be retained by the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

9. Resolution No. 327-05, Capital Budget Amendment-Ordinance #25-05

WHEREAS, the Borough of Keyport, New Jersey desires to amend the 2005 Capital Budget by inserting thereon or correcting the items therein as shown in the budget for the following reason:

Additional costs not originally anticipated in the Capital Budget

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

Section 1. The 2005 Capital Budget of the Borough of Keyport is hereby amended by adding thereto a Schedule to read as follows:

**AMENDMENT NO. 05-02
CAPITAL BUDET OF THE BOROUGH
OF KEYPORT, NEW JERSEY
Projects Schedule for 2005
Method of Financing**

Project	Est Cost	Capital Imp. Fund	Bonds & Notes
Replacement of Borough Hall Roof and Related Improvements	\$300,000	\$15,000	\$285,000

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

10. Resolution No. 328-05, Atlantic Street Phase II/Rescind Award of Contract

WHEREAS, the Borough of Keyport awarded a construction contract for the reconstruction of Atlantic Street, Phase II, to Ace-Manzo, Inc., of Aberdeen, New Jersey, and

WHEREAS, as a result of delays, outside the control of either the Borough or Ace-Manzo, Inc., the project cannot be completed until after the winter months, and

WHEREAS, the costs of labor and material have substantially increased, and

WHEREAS, both the Borough of Keyport and Ace-Manzo, Inc. have mutually agreed to rescind the contract for the reconstruction of Atlantic Street, Phase II.

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the contract for the reconstruction of Atlantic Street, Phase II is hereby rescinded.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

11. Resolution No. 329-05, Accept Engineering Proposal for Warren and Third Streets

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

12. Resolution No. 330-05, Waive Sewer Portion of Water Bill/Cummins 44 Beers Street

WHEREAS, the Municipal Collector of Water and Sewer Utility Rents, submits a schedule of adjustments and/or refunds due to an erroneous sewer charge to 44 Beers Street, Account No. 1-2023012, and

WHEREAS, it has been determined by the Municipal Collector of Water and Sewer Utility Rents that due to broken water pipes at 44 Beers Street during winter 2004/2005, Account No. 1-2023012 was erroneously charged for sewer fees, when in fact the water from the broken pipes did not enter the sewer system.

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

NOW THEREFORE BE IT RESOLVED, by the Mayor and the Council of the Borough of Keyport that authorization is given to remove the sewer charge of Six Thousand Thirty Three Dollars and one Cent (\$6,033.01) from 44 Beers Street water and sewer account No. 1-2023012.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

13. Resolution No. 331-05, Endorse Smart Growth Application and authorize Borough Administrator to execute

WHEREAS, the Borough of Keyport desires to apply for and obtain a Grant from the New Jersey Department of Community Affairs for approximately \$35,000.00 to carry out a project for a Rehabilitation Area Feasibility Analysis and Redevelopment Plan.

BE IT FURTHER RESOLVED that the Borough of Keyport does hereby

authorize the application for such a grant and recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms of the agreement between Borough Council and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED that the persons whose names, titles and signatures appear below are authorized to sign the application and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith.

Thomas W. Antonucci, Business Administrator
Judith L. Poling, Borough Clerk

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

14. Resolution No. 332-05, Authorize Preliminary Eligibility Determination - USDA Grant

WHEREAS, the Mayor and Borough Council recognize the need to submit a request for eligibility determination for USDA Rural Development Utilities Service Grant and Loan program, and

WHEREAS, the Mayor and Borough Council seek the grant for development of utility service within the Borough, and

WHEREAS, The Mayor and Borough Council recognize that the aforementioned utility development is in the best interests of the Borough of Keyport, and

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

Authorizing Tom Fallon to prepare and submit a preliminary request for eligibility determination for USDA Rural Development Utilities Service Grant and Loan program.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 10:12 P.M. Rowland Seckinger said Clean Ocean Action will be holding their Beach Clean Up this weekend; Jennifer Henning is Chairperson for Keyport. The trash from all of the rain collected on the Beach so this is good that the clean up is this weekend. A Stormwater display will be put out.

A Therese Street resident asked if the Administrator has negotiated with the Contractor to correct the damage at Borough Hall. Mayor Merla said the heat box is what Kiley uses.

Art Hopper asked if there is an Ordinance on the books that prohibits bikes on the sidewalks; the Police Chief will check.

Roy Cadoo, Washington Street, said there are cats that are overrunning the area and the Humane Society will not pick them up; their new contract says they will not pick up a colony of feral cats. He asked if the curb on Main Street (ingress and egress) from the parking lot is on the Punchlist items to correct; the Administrator will address this matter. Mr. Cadoo said there is a crack on Washington Street (Phase II); this will be referred to the Borough Engineer and the Maintenance Bond will be checked.

Daniel Fox, Firefighter, said there was an illegal meeting held to discuss him and he was not present. He was told he is not an employee. Mr. Bergen said the resolution is on this evening agenda to rescind the action taken on October 4th; it will be forwarded to Mr. Fox. The Borough Clerk can provide copies the minutes. Mr. Fox said he would refer the matter (illegal meeting) to the Prosecutor; he said the Fire Chief has a personal vendetta against him. Fire Chief Walling said this is a personnel issue and will be heard at a meeting with the seven Company Presidents.

Donna Wedick, Therese Street, said last January her husband had a bout of depression and her sister approached the Mayor and Mrs. Wedick contacted him about the matter and the Mayor said "it was a shame it was in the newspapers". Mrs. Wedick thanked the Councilmembers saying Keyport is a small town and the Mayor and her husband have attacked one another and she asked that it stop; this is a medical not criminal issue and it should be left alone. Mayor Merla gave his word that he never went to the newspapers and he would never bring Councilman Wedick's incident to the newspapers. The Mayor said he has been attacked and there are other ways to do it. There have been many articles about the bickering. There will be no more letters to the Editor.

Ed Burlew said there are bikes tied to the trees and bikes on the sidewalks and he has been told by Captain Dayback there is an Ordinance. Mr. Bergen said he received the letter from Mr. Burlew dated October 13th about the KBA closed session tape.

Art Hoffer said there is a leash law regarding dogs and that the pet owner could be sued and he felt there should be one regarding bikes.

Robert Ludwig said the Planning Board has requested the fee schedule be updated and Mr. Vecchio and Mr. Burlew have asked for recommendations from the Council.

Mrs. Wedick said bikes are chained to poles and trees. The mayor said they should not be chained to anything. Mr. Bergen recommended the chains be cut and bikes be taken.

Isaiah Cooper said he would like to spend the day with the Police.

There being no further comments or questions from the audience, the meeting was closed to the public at 10:42 P.M.

15. Resolution No. 333-05, Closed Meeting - Personnel, Possible Litigation and Contract Negotiations

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

Personnel

1. Possible Borough Clerical Position

Possible Litigation

1. Police Investigations

Labor Relations

Contract Negotiations

1. Keyport Tax Map Proposal
2. KBA Storage of Files in Borough Hall and Use of Borough Address

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

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

Personnel, Possible Litigation, Contract Negotiations

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

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen,
Wedick, Walling, Hassmiller

Nays: None
Abstain: None
Absent: None

Council went into closed session at 10:43 P.M. and this meeting was reconvened at 11:20 P.M.

ADJOURNMENT

Motion to Adjourn moved by Mr. Bergen, seconded by Mr. Wedick, with Ayes by all present.

Time of Adjournment: 11:21 P.M.

Respectfully submitted,

Judith L. Poling
Judith L. Poling, RMC
Borough Clerk

Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk