Approved 12/20/05

October 5, 2004
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Borough Hall, Council Chambers, 70 West Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, Newark Star Ledger and Two River Times and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:05 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

Mayor Merla offered condolences to the Cottrell and Bergen families and called for a moment of silence.

Councilman Wedick advised the particulars of the wake and funeral for Mr. Cottrell (Councilman Bergen's stepfather).

RESOLUTION

1. Resolution #323-04, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

Litigation

1. Marrone Disposal
2. Defino Contracting/Washington Street Phase III

Labor Relations

1. PBA Negotiations
2. Clerical Grievance

Contract Negotiations

1. Municipal Complex
2. Historical Society Lease

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

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

BE IT FURTHER RESOLVED that the discussion on Litigation, Labor Relations and Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved, and with regard to Labor Relations when negotiations are completed and a contract executed, and this meeting shall continue in approximately 20 minutes.

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

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

Council went into closed session at 7:06 P.M. and this

meeting was reconvened at 8:02 P.M.

Mayor Merla called the meeting to order at 8:07 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

APPEARANCE & DISCUSSION

1. **Keyport Fire Department - 2004 Dive Team.** Michael Walling, Team Coordinator, introduced the entire dive-team including himself: Michael Walling, Gregory J. Maddox, Kieran T. Gormley, Scott Eack, Walter Straub, Tom Grabowski, Ruth Grabowski, Joseph Moscatiello, and Timothy E. Regan(non-diver in training). The dive team was formed as there is a need for divers in the bay front communities. The team members have paid for their own training and gear with no cost to the Borough. They are here to protect our residents and visitors. The team has already assisted in Keansburg, New Jersey. Each diver has put in five weeks of training plus diving hours in addition to the normal firemen's training courses. Mayor Merla stated the all new team is amazing and we are proud of them. He stated it was wonderful that they paid for all their training and gear themselves. Mayor Merla said the Borough would be happy to help them in the future.

PRESENTATION

1. Ken Honer/Inversys - Sensus Water Meter Systems.

Mr. Honer stated his company sells, maintains, and can install water meters and has done so in many local towns. They use Rockwell Meters (Rockwell has been in business since 1860). He said there are many advantages to this system, among them having multiple reading per day at various times right from the computer based in the office. There is also the advantage of having very accurate readings as many older meters are inaccurate and do not even pick up on small drips which can cost the Borough money in lost fees. He stated the cutback in flow over the years can be from 10-25% over a ten year period. With old meters a two gallon per minute flow or slower may not even be detected and in some cases the meter may stop completely even while water is flowing. Mr. Honer stated that encoded meters are always accurate. They read up to 3000 meters per day and store the data. Final readouts stay in the system. Billing can be down-loaded quarterly or even monthly and there is no human error involved in the readings. Mr. Honer stated that with pool fills after the fact, they can read the data within 100th cubic foot. High, low and stuck meter reports are instantaneous. The system self-checks. His company can do an install of the Borough in approximately three months if desired. The readouts are based on all sizes, including 5/8" etc. The system is color coded for easy readings.

Councilman Wedick asked if time-of-day readings are staggered and is there a slow rotation of readings. Mr. Honer replied yes. Councilman Wedick asked the life expectancy of the batteries and units. Mr. Honer stated the life of the batteries is 20 years and the casing 25 years. He also stated that any new upgrades can be added to the unit. Mr. Wedick asked if we can purchase parts for the units anywhere. Mr. Honer replied you cannot obtain parts for these units from other companies. Mr. Freda stated we would need a public bid. Specifications would have to be written up and Department of Public Works or from a company to install the options. Mr. Freda also stated that by law we would have to accept a low

bid for any such purchase. Mayor Merla suggested we refer this item to a committee for follow up. He suggested George Sappah (Superintendent of Public Work), Mr. Fallon, CFO (Finance), Mr. Freda (Borough Engineer) and Mr. Palamara (Borough Administrator) start the process for the 2005 Budget. Mayor Merla stated we need to put a budget and description together. He would like Mr. Honer to be available in the future for any questions the committee may have. Mr. Palamara stated he has found this to be a good system. He stated a fixed base system is the best way to go and is the most cost effective. Councilman Hyer stated three (3) systems were reviewed and we must go with a new system in the 2005 budget year. He stated we will recoup costs with accurate water meter readings. Mayor Merla said let the proper committee come up with recommendations. Mayor Merla then thanked Mr. Honer for his presentation.

PROCLAMATION

HALLOWEEN CURFEW 2004

I, John J. Merla, Mayor of the Borough of Keyport, do hereby proclaim a curfew to be in effect in the Borough of Keyport from 8:00 P.M. through 6:00 A.M. on October 29, 30, 31, 2004. Affecting all persons age 17 and under except youth traveling to and from work and/or school.

APPROVAL OF MINUTES

1. The minutes of the Regular Meeting of August 19, 2003 were approved as read on motion made by Mr. Doyle, second by Mr. Hyer with Ayes by all present

HEARING ON ORDINANCES

1. Ordinance #19-04, Amending Chapter VII, Section 7-12, Schedule XXI; Repeal of Certain Handicapped Parking Spaces

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of September 23, 2004, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk read the Ordinance by Title:

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

The Hearing was opened to the public for comments or questions at 8:34 P.M. There being none, the Hearing was closed at 8:35 P.M.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

1a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of October 7, 2004 moved by Mrs. Atkins, seconded by Mr. Doyle with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Keyport Indians Pop Warner to take Ad in Ad Book (last year a full page was taken - see Resolutions).

   Motion to approve moved by Mr. Wedick, seconded by Mr. Hyer with Ayes by all present.

2. Application from Keyport Kiwanis for Off Premises Cash Raffle 12/14/04.

   Motion to approve moved by Mr. Doyle, seconded by Mr. Strang with Ayes by all present.

3. Request from Countryside Developers for final inspection and release of Performance Guarantees for Block 78, Lots 9.02-0.05.

   Motion to refer to Borough Engineer moved by Mr. Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

4. Request from Karen Henry for adjustment to water/sewer bill due to pool filling.

   Motion to refer to Administrator and Public Works moved by Mr. Hyer, seconded by Mr. Doyle, with Ayes by all present.

UNFINISHED BUSINESS

1. Department of Public Works Facility Bids - To be listed on the next meeting. Mr. Freda recommended that at next meeting the Governing Body either accept or reject the Bids.

ADMINISTRATOR'S REPORT

Mr. Palamara reported on the following. The September 29, 2004 Payment of Bills are as follows: **CURRENT-$156,970.54, WATER/SEWER-$55,307.58, GENERAL CAPITAL-$226.07 and RBIT-$656.67.** With regard to the sidewalk/curb meeting, information will be sought regarding overlays. It was asked if residents should be noticed. Mayor Merla replied that Therese Street and Atlantic Street needed overlay and only the residents involved should be notified; he does not want families to think this program is for houses and private property. During the week of October 18, 2004 Oswald Sewer will be conducting storm drain cleanings. A part-time evening Maintenance Person is needed for additional help in cleaning the municipal building and the senior center. It was suggested the person should also be able to perform light maintenance work. It was decided this should be referred to Councilman Doyle to see if funds are available and to make a recommendation at the next meeting. A projector and podium should be purchased for meetings in Borough Hall.

Regarding 75 Manchester Avenue, the letter from the architect is inadequate. Regarding 25 Church Street, the owner filled out a building application. Regarding 319 First Street, the property is vacant and in bad condition; the Property Maintenance Officer has issued notices and summonses. Public Works will clean the property and the Borough will bill the property owner.

BOROUGH ENGINEER'S REPORT

Mr. Freda advised the Gas Company is finishing up and moving to Atlantic Street. They will be coordinating with Manzo. He suggested that Manzo let the Gas Company finish up first. He said Manzo is a good contractor and we should coordinate with Manzo to start street paving.

Mr. Freda asked about the Defino 2004 Road Program. Mayor Merla recommended we pass it to council for recommendations regarding funding for the rest of the area on the trail, to check with the county.

BOROUGH ATTORNEY'S REPORT

Mr. Kain suggested they resolve the grievance with various clerical employees. Regarding a police matter there is no change and Mr. Kain will meet with Councilman Wedick. He also stated the Magic Touch litigation brief was delivered and the Borough's brief is due this week.

NEW BUSINESS

1. Green Acres/American Legion Drive. Mr. Freda, Borough Engineer to prepare application. Mr. Freda will also set up a meeting. Ken Bowers of Phillips, Preiss, Shapiro may be contacted also for information. The Steering Committee draft is to be presented to the Unified Planning Board possibly at the October 28, 2004 meeting. The Mayor has been advised that a dredging appraisal study is in the works for the 2005 fiscal year thanks to the combined efforts of the Borough of Keyport, Kathaleen Shaw,Senator Corzine, Senator Lautenberg and Congressman Pallone. Money has been put aside for Keyport. The timeframe for this study is two to six months to study or channel. This will take approximately two to four months to complete. Dredging past eight feet would take an "Act of Congress." We think we do not need that depth. At eight feet we can bring in commercial water vehicles. Mayor Merla will keep everyone up to date.

2. Councilman Doyle stated the Jamboree was a great success. Regarding the Jamboree - some businesses reported great success some did not. Overall it was a great success.

3. Councilwoman Atkins stated October is Breast Cancer Awareness Month.

4. Mayor Merla stated that at the Atlantic Street paving project a slate walk was broken. We picked up pieces of slate and Public Works will try to reset them at no expense to the Borough.

5. Mayor Merla stated there are reports he asked Andrew Wilner for his resignation as a Planning Board Member. He said the tapes were listened to and that was not said. He stated "I never mentioned a name!" He stated we need a copy of the tape.

6. It was announced that the stores downtown will remain open late on Thursday evenings in the fall.

7. Councilman Wedick commented on public document requests for himself and Councilman Bergen. He stated that as a member of Council he should be able to request any documents and not have to fill out a public records request and that anything coming into the Borough for Mayor and Council should be given to them. Mr. Bergen said he did not recall what document had been requested.

8. Mayor Merla stated that in 2003 Mr. Carton advised him that as the Mayor he could speak at Planning Board Meetings but could not vote. The Mayor went on to say that Mr. Mullen said he was hired in 2004 and had nothing to do with the Woodmont application. Mayor Merla stated Mr. Mullen wrote the resolution for final approval of the Woodmont project. Mr. Mullen advised Mayor Merla he could speak and comment but could not vote. Class 1 and Class 3 members do not vote. Mr. Mullen was sent a memo advising there was a conflict of interest with regard to his holding of the two positions. Mr. Mullen replied he would appeal this decision. Mayor Merla went on to state that Mr. Mullen resigned from his position. Mr. Mullen was asked to resign due to a conflict of interest issue an ethics question arising due to Mr. Mullen holding two positions which appear to be a conflict of interest). Mr. Mullen sent a copy of his resignation letter dated September

1, 2004 and sent directly to Mark Sessa, Planning Board Chairman. It is not known when Mr. Sessa received this letter. The letter was not received by the Planning Board Secretary, Virginia Febo, until September 27, 2004, which date is stamped received by Borough. Mr. Mullen said he would appeal this decision. Mayor Merla stated he disagrees with Mr. Mullen's resignation - stating that his words were taken out of context. The Mayor suggested all minutes be read and all tapes listened to regarding this matter. Mr. Wedick stated Mayor Merla uses strong language leaving the Borough and Taxpayers at risk of appeals because the Mayor spoke when he should not have. Mayor Merla stated this is a very good concern but the first time it was ever mentioned was on August 20, 2004. Mayor Merla suggested Mr. Wedick get a copy of the letter which advises he cannot participate but can speak as a resident. Mr. Wedick further stated that Mr. Sessa accepted the resignation whatever day it was received. Mr. Sessa called Mr. Mullen and assumed we all had copies as Mr. Mullen said he sent copies to everyone. Mr. Kane stated the Planning Board is a separate entity. Legal representation in matters acting on the Borough's behalf no one can accept legal process by other than the Borough. Mayor Merla stated that he and Mr. Bergen had a discussion and it was agreed that Anne S. Babineau, Esq. be assigned as Special Council. Mr. Bergen was okay with this. Mr. Wedick stated he believed everyone had a copy of the letter when in fact only Mark Sessa did. Mayor Merla asked if all council members received copies of the letter. Each council member replied no. Regarding Ms. Babineau the Mayor said he told Mrs. Poling everyone should get a copy of her resume. The Mayor further stated that even without a resignation letter from Mr. Mullen we needed an attorney. He spoke with Mr. Bergen who knew and had worked with Ms. Babineau.

Mr. Wedick questioned letters handed out to residents with regard to the Aero Marine property relative to Redevelopment /Eminent Domain/Defined Zones. He stated that when a letter is signed by the Mayor it reflects statements made as the Mayor not as a resident! One area Mr. Wedick has a problem with is the mention of a resident by name. He stated the resident in question had a copy of a "draft study" and used it as a document read into testimony. Mr. Wedick stated that Mrs. Poling concurred with the fact that he had a copy. Mr. Wedick stated that as a private resident "I can stand on the corner and hand out flyers." He stated that part of the "study" not "plan" must be made public. Mayor Merla stated he knocked on 57 doors and that 56 households are scared. Mayor Merla stated that in 1991 the resident in question said it (Aeromarine) was as blighted area, now he is against redevelopment. Mayor Merla also stated that someone said we have no money in the redevelopment fund and that this is an outright lie. Mayor Merla asked that Mr. Wedick advise the residents it is a study - not a plan - he asked Mr. Wedick to "tell the truth" as rumors are hurting resident's property values and that of the thirteen (13) properties in the study five (5) of them are for sale.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 9:29 P.M. for comments or questions. Robert Ludwig, 50 Beers Street: Mr. Ludwig stated the Mayor did not mention any names at the meeting with regard to the letter in the newspapers regarding the Planning Board and Mr. Andrew Willner. With regard to the matter of Aero Marine he stated "There are con-artists subject to question." This is not caused by disclosure. There are people trying to get property on the cheap "vultures are out there." He further stated, with regard to Mr. Mullen he said that on one occasion Mr. Mullen objected to the Mayor speaking. Mayor Merla agreed with this statement. Mayor Merla further stated that the attorney told him that he could speak as a resident but not vote. Mr. Ludwig went on to state there was participation by Mr. Doyle and Mayor Merla and that people getting paid to comment were not listened too. He stated that Mr. Menna advised the Mayor to speak as a resident which is totally acceptable. Mr. Ludwig then mentioned the School Board Letter. He went on to state he did not like comments that were made to Mr. Michael Lane at the council meeting. Mayor Merla said he asked Mr. Lane to say whatever he wants but "be accurate." Mr. Ludwig then stated that Mr. Bergen "went off" on Mr. Palamara for twenty minutes and it was "totally inappropriate."

Dennis Manfrey and Patricia Mooney, Prospect Street stated that they knew nothing about the gas line being put in on their street. No one called, no flyers or letter was sent out to the residents. Mr. Palamara commented that the Gas Company was to notify residents and that in the future the Borough will do all notifications. He stated the road is to be overlayed and paved as the lines have cracked from roots coming through. Mayor Merla stated there will be overlay paving on the nine worst streets in the Borough to make it through the winter (this is just a stop-gap). He also stated televising will be done. It will be a six to eight week process and that hot spots will be taken care of - if the roads need to be repaved they will be. The Mayor said Oswald will be in town in two weeks. Mr. Manfrey then commented on the parking problems at First and Prospect Streets. He stated that homeowners who pay $5,000 in taxes cannot park in front of their own homes and that multi-family dwellings should have to provide parking for their residents. Mr. Kain stated that some older homes are grandfathered and the law protects regarding parking laws. Parking is only allowed on one side of the street and parking is worse during the summer months, but with plowing done in winter months it is really worse then - sometimes cars are left on the street for four days covered in snow and in one instance a van had to finally be towed away by the police. Mayor Merla said if there are more problems to call Capt. Dayback and ask him to run the plates. If they are First Street residents we can ask them to move their cars.

George Walling, Second Street, commented regarding the Dubleski property stating that Mr. Palamara was there at 8:30 P.M. on September 5. The mirror was removed, then one was put back! Mr. Palamara had received a call and went to check it out. Mr. Palamara took photographs. A summons will be issued by 12:00 Noon tomorrow. Mr. Kain stated that all fines will accrue. He also stated a summons and order were served, the matter has been scheduled for the past three weeks and has been adjourned each time. Mr. Walling stated the town is open to a lawsuit and there is still no C.O. (certificate of occupancy) for the building yet. Mr. Kain stated the summons is served individually, not to a corporation, and that a new summons has been issued.

This portion of the meeting was closed at 9:52 P.M.

RESOLUTIONS

2. Resolution #324-04, Authoring the Removal of Uncollectible Taxes

WHEREAS, the Municipal Collector of Taxes, submits a schedule of adjustments and/or refunds due for various reasons; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds as recommended by the Municipal Collector of Taxes;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. Formal authorization is hereby given to remove uncollectible taxes as per N.J.S.A. 54:4-91.1. The below listed properties were consolidated and then sub-divided into eight properties. Even though the taxes were consolidated and divided in the Tax Duplicate it did not have the same effect in the computer. Therefore, open balances were left on the old blocks and lots. Therefore, I must request that these erroneous balances be cancelled.

Block & Lot	NAME	AMOUNT
103 - 1	Devino	630.91
103 - 8	Devino	114.48
103 - 9	Devino	243.37
103 - 10	Devino	287.47
103 - 11	Devino	341.74

2. Certified copies of this Resolution to Municipal Collector of Taxes, Administrator and any other interested parties.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

3. Resolution #325-04, Authorizing the Special Citizens Area Transportation 2005 Agreement

WHEREAS, the Borough of Keyport has heretofore entered into an Agreement with the Monmouth County Board of Chosen Freeholde4rs, specifically the Office of Special Citizens Area Transportation (SCAT), to provide certain services to senior citizens and handicapped individuals among others, residing within the Borough of Keyport for the year 2004 pursuant to an agreement between the Borough of Keyport and the Board of Chosen Freeholders of Monmouth County; and

WHEREAS, the Governing Body of the Borough of Keyport wishes to continue said services.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the aforesaid agreement be extended upon its same terms for calendar year 2005 as if the same has been set forth at length herein.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute this Agreement.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

4. Resolution No. 326-04, Authorizing Contribution to the Keyport Pop Warner Ad Book

WHEREAS, the Keyport Indians Pop Warner is located in the Borough of Keyport and County of Monmouth and conducts activities that benefit the public good; and

WHEREAS, the Keyport Indians Pop Warner has requested that the Borough of Keyport contribute the sum of $125.00 for an Ad in the Hall of Fame Ad Book 2004.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $125.00 is hereby approved as a contribution to the Keyport Indians Pop Warner and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

5. Resolution No. 327-04, Authorizing Purchase of Edmunds Associates Software for Tax/Water & Sewer/Finance

WHEREAS, the Finance Department wishes to purchase a windows based financial accounting, payroll, tax collecting, utility billing and collecting, electronic requisition and escrow software from an authorized vendor under the State of New Jersey Cooperative Purchasing Program I-NJCP, and

WHEREAS, Edmunds and Associates, Inc., 301-A Tilton Road, Northfield, New Jersey 08225 has been awarded New Jersey State Contract Number A81201 for minicomputer, microcomputer workstation and associated products term contract for the period July 1, 1997 to December 31, 2004, and,

WHEREAS, the Finance Department recommends the utilization of this contract on the grounds that it represents the best price available and the best support available.

WHEREAS, the actual cost for the purchase of the windows based software is $34,025.00, and the first year of support is included in these fees, and the support fees annually will be $11,000.00, and

WHEREAS, the Finance Officer has certified the availability of funds for this contract,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey that Edmunds and Associates, Inc. be awarded a contract in the amount of $34,025.00 for the acquisition, installation, training and support of above listed financial software.
Offered for adoption by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

6. Resolution No. 328-04, Payment of Bills

See Resolution as pages 15-16 of these minutes)

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

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

Nays: None
Abstain: None
Absent: Councilman Bergen

7. Resolution No. 329-04, Amend Resolution for Place to Place Liquor License transfer to show Keyport Liquor License, LLC as owner not Jolie Schwartz

WHEREAS, the Mayor and Council have previously authorized the place to place transfer of the Plenary Retail Consumption License Number 1322-33-012-004 to 2 West Front Street, Keyport, New Jersey; and

WHEREAS, the initial resolution listed Jolie Schwartz as the license holder for the Plenary Retail Consumption License Number 1322-33-012-004, which was subsequently determined to be incorrect; and

WHEREAS, the Mayor and Council have been advised that the within license is owned by Keyport Liquor License, LLC, who made the application to transfer the within inactive license to 2 West Front Street; and

WHEREAS, the Mayor and Council desire to amend Resolution 310-04 to properly authorize the place to place transfer to the actual license holder, Keyport Liquor License, LLC and to confirm the balance of the previous resolution.

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

1. The Mayor and Council hereby amend Resolution 310-04, which approved the place to place transfer of the Plenary Retail Consumption License Number 1322-33-012-004, to 2 West Front Street, Keyport, New Jersey to correctly list the owner of said license as Keyport Liquor License, LLC.

2. Any additional terms contained in Resolution 310-04 not expressly modified herein are hereby confirmed. The intent being to correct the name of the license owner to Keyport Liquor License, LLC.

3. Copies of the within Resolution shall be forwarded to the Keyport Police Department, Division of Alcohol Beverage Control, Borough Attorney and to the applicant, Keyport Liquor License, LLC a copy shall be retained in the office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

8. Resolution No. 330-04, Adjustment and/or refund of Water and Sewer Utility Rents

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

Formal authorization is hereby given to adjust the 3rd quarter water/sewer since the minimum would be charged twice. Adjustment would be made so they would only pay the overage usage.

Account #	Name	Amount	Reason
1-81855042	Carey	$54.80	Owner needed tenant read But asked for final and Was charged minimum charge twice

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

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

9. Resolution No. 331-04, Settlement of Grievance of employees Carol Cerase, Donna Purcell and Barbara Hassmiller

WHEREAS, the Mayor and Council of the Borough of Keyport did previously hear and consider the grievance of Local 68 as it relates to certain claims for salary increases for Carol Cerase, Barbara Hassmiller and Donna Purcell based upon a calculation error made by the Borough in a certain salary resolution adopted by the Mayor and Council following the execution of the contract between Local 68 and the Borough of Keyport; and

WHEREAS, the Borough of Keyport did correct the miscalculation and paid all salaries due to the employees

pursuant to the contract which resulted in the denial of the grievance filed by Local 68 by the Mayor and Council; and

WHEREAS, the Mayor and Council of Borough of Keyport have previously approved the settlement of the grievance filed by Casey Andrews and have since been further advised that Local 68 has agreed to the proposed settlement offered to Local 68 members, Donna Purcell, Barbara Hassmiller and Carol Cerase which will resolve the within grievances based upon the facts presented and an offer of the Borough to resolve these grievances; and

WHEREAS, based upon the totality of facts and circumstances, the Mayor and Council have agreed to a Five Hundred ($500.00) Dollar salary adjustment for Donna Purcell, Barbara Hassmiller and Carol Cerase effective January 1, 2004, in full settlement of the grievance filed by Local 68 and the resolution of the within matter; and

NOW, THEREFORE, BE it resolved, by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. The Mayor and Borough Council hereby authorize the settlement of a grievance filed by Local 68 as it relates to Barbara Hassmiller, Donna Purcell and Carol Cerase which will provide for an increase in salary of Five Hundred ($500.00) effective January 1, 2004 in full satisfaction of the within grievance..

2. The Mayor and Council further authorize the payment set forth above to Donna Purcell, Barbara Hassmiller and

Carol Cerase of all past due salary from and after January 1, 2004, with appropriate payroll deductions as permitted. The Mayor and Council further direct that their current salaries be increased to reflect the adjustment of $500.00 authorized herein..

3. Copies of the within Resolution shall be forwarded to Charles McDonald, Business Representative Local 68, Municipal Finance Officer, Borough Attorney and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

10. Resolution No. 332-04, Historical Society Lease

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized a long term lease between the Borough of Keyport and the Keyport Historical Society, which lease is scheduled to expire on November 1, 2004 for the premises identified as Lot 51A, Block 21, on the Tax Map of the Borough of Keyport, located on American Legion Drive; and

WHEREAS, the Mayor and Council have received a written request from the Board of Directors of the Keyport Historical Society requesting a renewal of the lease agreement with the Borough of Keyport; and

WHEREAS, the Mayor and Council of Borough of Keyport are cognizant of the efforts of the Keyport Historical Society to preserve the rich history of the Borough of Keyport for current and future generations; and

WHEREAS, the Mayor and Council of the Borough of Keyport are further mindful of changes occurring along American Legion Drive including the road relocation necessitated by the replacement of the bulkhead along American Legion Drive and such other redevelopment of the waterfront essential to the future of the Borough of Keyport; and

WHEREAS, the Mayor and Council are resolved to address the current needs of the Keyport Historical Society by authorizing the Borough to enter into a five year extension of the present lease agreement effective November 1, 2004 through October 31, 2009, subject to the terms and conditions set forth herein.

NOW, THEREFORE, BE it resolved, by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. The Mayor and Council hereby authorize the Borough Attorney to prepare an addendum to the present lease agreement providing for a five year extension of the current lease from November 1, 2004 through October 30, 2009 subject to the right of the Borough to terminate the lease agreement on 120 days notice to the Historical Society based upon future development of the Keyport waterfront.

2. The Mayor and Borough Council hereby further authorize the Borough Attorney to provide for an additional five year extension of the lease agreement upon the consent of both the Borough of Keyport and the Keyport Historical

Society at the continued rental of $1.00 per year which the Borough of Keyport determines is reasonable based upon the service provided to residents and non-residents of the Borough.

3. The Mayor and Borough Clerk are hereby authorized to execute the within lease extension on behalf of the Borough of Keyport.

4. Copies of the within Resolution shall be forwarded to Board of Directors, Keyport Historical Society, Municipal Finance Officer and the Borough Attorney and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

11. Resolution No. 333-04, Extend Employment/Frank Grabowski to continue as Clerk of the Works to March 2005

WHEREAS, the Mayor and Council of Borough of Keyport, have been advised by the Project Architect that the appointment of a Clerk of the Works would be in the best interest of the Borough in order to monitor the ongoing construction at the new municipal complex; and,

WHEREAS, the Mayor and Council have previously authorized the appointment of Frank Grabowski to serve in the position of Clerk of the Works for Borough of Keyport to oversee the construction related activities relative to the construction of the new municipal complex; and,

WHEREAS, following the Mayor and Council have been apprised of certain conditions relative to the construction of the complex which will require further review and examination including certain testing which must be performed with respect to the roof; and

WHEREAS, the Mayor and Council of the Borough of Keyport are resolved to extend the appointment of Frank Grabowski as a temporary, at will, employee of the Borough of Keyport, in the capacity of Clerk of the Works beyond the completion of the new Municipal Complex to monitor testing required in order to fully protect the interests of the Borough; and,

WHEREAS, the Mayor and Council have further resolved to continue payment to Frank Grabowski, a temporary, at will, employee of the Borough of Keyport, at the rate of sixty-dollars ($60.00) per hour to a maximum of fifteen (15) per week as authorized and approved by the Borough Administrator through March 15, 2005.

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

1. Frank Grabowski is hereby continued as a temporary, at will, employee for the Borough of Keyport, in the capacity of Clerk of the Works for the purposes of monitoring any testing performed relative to the complex and the complex roof of the Municipal Complex and attending such meetings as may be required on behalf of the Mayor and Council to properly advise the Borough relative to any conditions.

2. Frank Grabowski, as a temporary, at will, employee of the Borough of Keyport and Clerk of the Works, shall continue to be paid the sum of sixty-dollars ($60.00) per hour for a maximum of fifteen (15) hours per week as assigned or directed by the Borough Administrator at the continued pleasure of the Mayor and Council until the expiration set forth herein or the further direction of the Mayor and Council.

3. All terms of the previous resolutions appointing the Clerk of the Works not specifically modified herein are hereby confirmed.

4. The within resolution and appointment is contingent upon the certification of the Municipal Finance Officer as to the availability of funds for payment of the within position.

5. Copies of the within Resolution shall be forwarded to the municipal Finance Officer, Project Architect and Borough Engineer and a copy shall be retained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

ADJOURNMENT

Motion to Adjourn moved by Mr. Hyer, seconded by Mr. Doyle with Ayes by all present.

Time of Adjournment: 9:53 P.M.

Typed from the Notes taken by Joanne Clemente, Deputy Borough Clerk

THE ATTACHED MINUTES OF THE REGULAR MEETING OF OCTOBER 19, 2004 WERE PREPARED IN JANUARY OF 2006.

DUE TO THE FACT THAT THERE WERE AN INSUFFICIENT NUMBER OF 2004 COUNCIL MEMBERS SERVING IN JANUARY OF 2006 TO VOTE ON THEIR APPROVAL, PER BOROUGH ATTORNEY, JOHN WISNIEWSKI, ESQ., THESE MINUTES CANNOT BE APPROVED.

THEY HAVE BEEN TYPED AND INSERTED INTO THE MINUTE BOOK.

TO THE BEST OF MY KNOWLEDGE, THEY ARE CORRECT.

JUDITH L. POLING, RMC
BOROUGH CLERK

October 19, 2004
Keyport, New Jersey

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

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

ROLL CALL

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

RESOLUTION

1. Resolution #334-04, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel
1. Brian Mullen, Esq. (Former Planning Board Attorney)

Litigation
1. Marrone Disposal
2. Defino Contracting/Washington Street Phase III

Labor Relations
1. PBA Negotiations

Contract Negotiations
1. Municipal Complex
2. Special Counsel/Redevelopment
3. Historical Society Lease

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

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

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins Stalter, Hyer
Nays: None
Abstain: None
Absent: Councilman Bergen

Council went into Closed Session at 7:04 P.M. and this meeting was reconvened at 8:13 P.M.

Mayor Merla called the meeting to order at 8:21 P.M. and read the Sunshine Law Notice. Councilwoman Atkins led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

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

Mayor Merla said the last meeting began on a sad note with Mr. Bergen's step-father. A resident passed away (7 year old boy) in a fatal accident. Today there were 250 people who said goodbye to Jason Graves. His minister and 1st grade teacher spoke. The family does not have insurance. The residents and business people have been gracious. The funeral home picked up the funeral costs and Dawn's Auto paid for the monument; people do care.

The Mayor said in 2002 he met with the Police Chief, Captain and Lieutenant regarding a crime report which showed crime had increased. When asked why, the Mayor was told the report was based on actual reports and crime. He hoped in 2003 the standards would be raised. Monmouth County's prime rate dropped 8% and Keyport's prime rate dropped 19.2%. The Police Department has done an outstanding job of reducing crime. He would like to present Police Chief, Captain, Lieutenant with a hanging medal. The Mayor presented Matthew Salvatore, PBA President, with a plaque for the men and women of the Department for efforts to reduce crime. Mayor Merla said he received a letter regarding Shannon Hyman from a retired New York City Detective (28 years). Chief Gajewski thanked Mayor and Council and said it is nice to be recognized by Mayor and Council. The Mayor said the Captain, Lieutenant and Officers did an outstanding job and the Borough is proud of them.

COMMITTEE REPORTS

Councilman Wedick; Police: Mr. Wedick reported on the following. There will be maternity leave needed for the Deputy Court Administrator. The Borough Administrator will report on this.

Councilman Bergen; Finance: Mr. Bergen reported on the following. He thanked the Governing Body for their kind thoughts, the First Aid and Fire Department for their participation in the funeral and all of the friends and relatives for their condolences.

This year's budget was tight; the tightest he has seen in all of his years which were reflected in the accounts that were over expended. A spending freeze memo will go out and will be in effect until the end of the year. The over expenditures will be covered with transfers. The Mayor said Councilmembers should take Mr. Bergen's recommendation. Councilman Bergen said the Borough needs to build surplus.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle reported on the following. The desks and shelves need to be repaired in the Library; Tom Rose will advise. The front steps to the Library need to be repaired; there needs to be serious consideration on repairs. Mr. Bergen said there is money available for the Historical significances and will speak with Ned Gaunt, Architect. The Borough is waiting on an ADA grant.

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins reported on the following. The First Aid has responded to 672 calls to date. There was a Drug Alliance function on October 4th; the Police, Elks, Drug Counselors and grammar schools attended the event. A table was set up at open house for sign ups. The Recreation Commission held their meeting. It was reported that 200 children attended the Summer Program and there are new ideas for the winter program. This Saturday will be a tea hosted by the Historical Society. The Hall of Fame for Keyport High School is also this Saturday and Mr.

Hyer is one of the honorees.

Paul Roman, Monmouth County Regional Health, said articles in the newspaper were discussed at the Health Meeting. All towns will pay for 5 people, as needed. It will take a year to ascertain the costs; $1.00 per capita. October is Breast Awareness Month.

Mayor Merla asked if the park improvements are in kind from Woodmont? Mrs. Atkins said she will meet with George Sappah.

Councilman Strang; Fire. Mr. Strang reported on the following. Truck 2291 (Hook and Ladder) went out for repairs. There was a fire on Clark Street. This past Saturday there was a walk through of Fragrance Resources; fire trucks were there.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following. The resurfacing program is in effect. The Department of Public Works has been cleaning up sites; there is a Resolution on the Agenda. The Department of Public Works put down peat moss at the Parks. Monmouth County Board of Health gave Keyport's Recycling Center "a clean bill of health". The Harbor railing was put up by the Department of Public Works.

Administrator Palamara. Mr. Palamara reported on the Payment of Bills of October 13, 2004 as follows: **CURRENT: $160,797.28, WATER AND SEWER: $68,110.34, GENERAL CAPITAL: $1,122.43 AND RBIT: $867.56.** He reported that the Deputy Court Administrator (Violations Office) will be going out on Maternity Leave and Mrs. Coffey would like to hire a Part Time Temporary person (25 hours a week or 3 days per week). A clean up was done at a house on First Street; Mr. Bergen will check with the Tax Assessor regarding liens. A summons for Property Maintenance was issued to 75 Manchester Avenue. A professional Engineer states the building was secured; the door was open. The owners are in the process of preparing plans for the Planning Board and will present an application. Mr. Bergen asked if the Borough received a report that the building was sound; Mr. Palamara said yes.

The owner of 25 Church Street was in Court last Wednesday and fines will be held in obeyance of what needs to be done. Mr. Dubleski has 7 days to secure all permits and file them; the electrical permits need to be filed. If there are any safety concerns, he needs to correct it within 72 hours or vacate the premises. He must file a site plan with the Planning Board. If Mr. Dubleski does not comply, he must go back to court. Mr. Bergen said if there are any violations, the matter should go to trial.

Mr. Palamara said he and Mr. Hyer met with the School Board regarding Shared Services for paper (23% less); we can buy in bulk for the year.

Mr. Bergen asked Attorney Kain to meet with Robert Burlew and review the Ordinances regarding dilapidated structures.

Engineer Freda: Mr. Freda reported on the following. The Road Improvement Program has begun and should be completed by the end of the month. The Gas Company is waiting for Atlantic Street to settle and then they will pave. Water is coming down the road into Gateway Condo Association from the Van Dorn Drainage; recommendations were given to the Borough Administrator. Mr. Bergen asked how much has been done on this. Engineer Freda said he will not bill the Borough for all that he has done; he said when he is asked to do something, he does it. Mr. Bergen said there are plans on file with the Planning Board and that the Engineer should be contacted. Engineer Freda said this is a matter of old property vs. new property and there is water running down the street onto the Condo property. Mayor Merla said there was no Stormwater Management Plan submitted and they were told to pave the street. Engineer Freda said the project was built according to the plans submitted. Mr. Bergen said Engineering is over budget ($20,000 was budgeted). Mayor Merla asked if Mr. Freda received a budget from CFO Fallon; no. He asked if the Engineer received a status report; no. Mr. Bergen said if there is a drainage problem, the Engineer must be much more cautious when the applicant is before the Planning Board. Mayor Merla said one project that was before the Board had a Stormwater Management Plan (Division Street Homes and Woodmont). The Mayor said it is hard to determine this for the future.

Mr. Wedick asked about Brown's Point; there is nothing new.

Attorney Kain: Mr. Kain reported on the following. The Public Work Facility bids should be awarded or rejected. Mayor Merla felt they should be rejected. Attorney Kain said he and Mr. Bergen met with Mr. Swift. The Historical Society Lease will expire soon. PBA negotiations continue. The water test has been completed for the Municipal Complex Roof.

Mr. Bergen asked Engineer Freda about TVing the lines; a Bond Ordinance is needed. Engineer Freda said Oswald would subcontract to the Borough and would begin in November. The Mayor asked if Oswald Sewer is aware that Police Protection is required; yes, they are aware. Mr. Bergen asked if Engineer Freda is following the new Ordinance on sidewalk aprons with all project; yes.

Mayor Merla: The Mayor reported on the following. The American Legion is holding a Veteran's Day event on November 11th. Gordon Litwin, Esq. submitted his records for the Bulkhead and correspondence between him and John Garafalo. There is a State Aid Agreement. Bids will be held in October/November. The Mayor thanked Council for their attendance at the ribbon cutting ceremonies held for 21 new businesses. The Borough Council and Borough staff attended bench dedications this past Saturday for Police employees who have passed away. There have been complaints about speeding (after school and on the weekends, Sunday at 11 AM)) on Broad Street near the school. There are various speed limits. Discussions with the County are needed on making the intersections of Green Grove and Maple Place and Green Grove and First Street safer. Signage is needed and a thorough evaluation. Chief Gajewski said Captain Dayback spoke with the County regarding Maple Place and Green Grove Avenue and they are considering a blinking light. Mr. Bergen asked Chief Gajewski to put together a plan and set up radar. Mayor Merla said a program could be started for May as an Awareness Month. Mayor Merla asked if 7-11 should be asked if deliveries could be made at night; there are tractor trailers and trucks obstructing traffic.

REPORTS OF DEPARTMENTS

SEPTEMBER 2004

1. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ -0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	45.00
WATER METER W/TO	200.00
DEMOLITION	300.00
TOTAL WATER/SEWER, CHECK #3619	**$ 545.00**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	-0-
LIMO LICENSE	-0-
PHOTOCOPIES	57.25
POSTAGE	.97
RAFFLE LICENSE	-0-
TAXI LICENSE, DRIVER	-0-

TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	400.00
SEARCHES	-0-
VENDING LICENSE	30.00
LIQUOR LICENSE	-0-
STREET OPENING	300.00
FISH & GAME	1.00
RECYCLING PERMITS	160.00
PARKING PERMITS	10.00
AUCTION LICENSES	-0-
TOTAL CURRENT, CHECK #3620	**$ 959.22**

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$2,190.00
BAIT	246.00
ICE	54.75
ICE CREAM	-0-
SODA	-0-
TOTAL RBIT, CHECK #3621	**$2,490.75**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3622	$ 108.00
TOTAL RECEIPTS	**$4,102.97**

Submitted by Judith L. Poling, Borough Clerk

2. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
STATE DCA FEE	40	$ 503.00
CONSTRUCTION CERTIFICATES	02	221.00
PLUMBING PERMITS	18	1728.00
ELECTRICAL PERMITS	13	985.00
BUILDING PERMITS	27	4699.00
FIRE SUB CODE	12	1332.00
CONST CERT OF OCCUPANCY	48	1270.00
TRANSFER OF TITLE	12	400.00
SMOKE DETECTORS	44	1460.00
ZONING	18	180.00
200 FOOT PROPERTY LIST	00	-0-
MISCELLANEOUS	08	200.00
COPIES	00	-0-
CONST. DEPOSITS DEPOSITS	11	550.00
CONST. VIOLATIONS & REINSP.	00	-0-
OVERPAYMENT	02	10.00
TOTAL		**13538.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2476	$12485.00
STATE FEE DUE 3RD QTR 2004	1676.00

Submitted by Carole Cerase, Senior Permit Clerk

3. Tax Collector's Report

2005 TAXES	$ 7,976.87
2004 TAXES	2,115,603.44
2003 TAXES	25,822.49
INTEREST AND COSTS	7,509.20
MUNICIPAL COURT FINES	20,038.94
UNIFORM CONST. CODE FEES	13,400.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	29,117.98
POLICE ACCICENT REPORTS	511.00
LANDLORD REGISTRATION	2,500.00
NJ STATE AID	51,621.00
NSF CHECK CHARGES	60.00
ADMINISTRATIVE FEES	190.00

ALL OTHER MISCELLANEOUS REVENUE	9,413.10
TOTAL CURRENT RECEIPTS	**$2,283,764.02**

WATER & SEWER RENTS	$ 44,763.76
INTEREST AND COSTS	625.98
WATER/SEWER CONNECTION FEE	-0-
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	20.00
POOL FILL PERMITS	-0-
WATER METERS WITH TURN ON	400.00
NEW METER CHARGE	-0-
METER TEST CHARGE	-0-
CELLULAR TOWER LEASE	7,068.00
ANNUAL FIRE CONNECTION CHARGE	394.58
TOTAL WATER/SEWER RECEIPTS	**$ 53,272.32**

Submitted by Keri R. Stencel, Tax Collector

4. Board of Health

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE $2306.80

DOG LICENSES	$ 54.80
CAT LICENSES	-0-
MARRIAGE LICENSES	252.00
DOMESTIC PARTNERSHIP AFFIDAVITS	-0-
BURIAL PERMITS	150.00
DEATH CERTIFICATES	915.00
MARRIAGE CERTIFICATES	245.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	665.00
MISCELLANEOUS	25.00

DISBURSEMENTS

CHECK #2809 - BOROUGH OF KEYPORT MISC. ACCT	$2027.00
CHECK #2810 - BOROUGH OF KEYPORT TRUST ACCT	225.00
CHECK #2811 - BOROUGH OF KEYPORT DOG ACCT	44.00
CHECK #2812 - NJ STATE DEPT OF HEALTH	10.80

Submitted by Anne R. Biagianti, Treasurer

5. Municipal Court Report

STATE FINES	$ 400.00
STATE SURCHARGE	421.00
STATE UNINSURED	556.00
COUNTY FUNDS	3927.76
COUNTY FINES	5133.00
MUNICIPAL FINES	5133.00
MUNICIPAL COSTS	4617.50
MUNICIPAL PARKING	1403.00
MISCELLANEOUS	3252.74

Submitted by Kathie Coffey, Court Administrator

6. Librarian's Report

On file in Borough Clerk's Office for review.

Submitted by Jacqueline LaPolla, Librarian

Motion to accept all reports as read, moved by Mrs. Atkins second by Mr. Doyle with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Letter from Matawan-Aberdeen Regional Board of Education regarding aerial network installation, requesting corridor rights from the Borough of Keyport.

   Maple Place is a County Road.

   Motion authorizing Attorney Kain to contact their attorney moved by Mr. Doyle, second by Mr. Hyer with Ayes by all present.

2. Letter from Michael Vinik regarding docking of commercial tug boat along bulkhead.

   Mr. Vinik should attend the next Harbor Commission meeting.

   Motion to refer to the Harbor Commission and have them report back and make recommendations to Mayor and Council moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

3. Letter from New Jersey State Firemen's Association denying Gerald A. Greene application for membership due to over age.

   Motion to approve membership in the Keyport Fire Department, moved by Mr. Bergen, second by Mr. Hyer with Ayes by all present.

4. Letter from Kathleen Shaw, KBA Advocate, regarding summer part time employees.

   Motion to Receive and File and advise the Public Works and Finance Departments moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions at 9:39 P.M. Peggy Hayes, 55 First Street, said there is speeding on First Street and the County should be beseeched for the speed bumps and/or reduce the speed limit. She discussed the stop intersections and signs. At the intersection of First and Broad Streets, cars do not stop at the line. Mayor Merla said the County will not see speed bumps on the roads when snow plowing. Tickets should be issued by the Police Department. Mrs. Hayes asked about the Flu vaccine and if there was any news; Mrs. Atkins suggested she contact her doctor. Mrs. Hayes asked with regard to the Historic Districts, is there any aid by the County or the State. Mr. Doyle said individuals can apply to the State. Kathy Shaw said there is no funding. Mr. Bergen said the County should be contacted for their Open Space funds; Engineer Freda said this is not an easy process. Mr. Doyle said there are design standards through Smart Growth.

Mike Lane, 51 First Street, said the Borough should work with the County regarding the speeding on First Street. The white line should be moved out from First Street. Radar should be set up by Church Street. Mr. Lane said he received a letter from the Borough dated September 24th with two attachments; one being on Woodmont. On January 1, 1991, there was a letter based on the direction the Borough should be going. The Borough should be looking at the Highway Commercial areas. Mayor Merla said with regard to Highway Commercial, there is a cost factor that has been eliminated; if there are more funds, highway commercial will be included. Mr. Lane said he supports the Aeromarine Property and the downtown area, but opposes the Ferry. Mr. Lane said he listened to the Planning Board recordings of Ken Bowers presentation. Mayor Merla said there was discussion regarding a Planning Board Member who supposedly gave out the draft study. Andrew Willner was not asked to resign from the Planning Board and his name was not mentioned at the Council Meeting. Some Councilmembers did not get the draft copy and Mr. Lane gave testimony against the project using the draft. Mayor Merla said Mr. Lane should have filled out a request form for the information. Mr. Lane said he did fill out the form and was denied; he said he had to write letters and follow up. The letter written in 1991 states that the Aeromarine property should not be taken and it should be aligned with the view. Resolution No. 104-04 was a working report. Mr. Bergen said he wished the Mayor did not send the letter; the Planner's report was in the public document. The Mayor said he agreed with him. The matter was heard at a meeting and was not a public document. There was discussion on the procedures between the Mayor and Councilmembers. Mayor Merla said no one ever mentioned taking over anyone's property. There are people on Council and involved in the Redevelopment Committees that should receive the draft before others.

John Uler, 287 Broad Street, said he has written letters to Mayor and Council over the past 8 years regarding the speeding on Broad Street. The Borough needs flashing lights with cameras. Mayor Merla said Captain Dayback is in charge of Traffic Safety and the Borough needs to get the County involved along with the Police and the School. Mr. Bergen said there needs to be a happy medium.

Robert Ludwig, 50 Beers Street, said the intersection of Monroe and Broad Streets is a problem. The Borough should ask its attorney for advice. Mr. Ludwig said the Mayor's letter to Mr. Lane had a negative slant to it and it should have been reviewed by the Borough Attorney. The Property owners should be participants in this process; individual views may have repercussions. Mayor Merla said Mr. Ludwig was saying things that may jeopardize him suing Mr. Ludwig. The Mayor said he can exercise his rights. Mr. Ludwig suggested the Mayor keep separate his views as an individual and an official. Mayor Merla asked Council if they have received calls or letters regarding the study area and there being concerns on eminent domain. Mr. Wedick said he received 2 calls and Mr. Bergen said he has received calls.

Chief Gajewski said a letter was received from the Prosecutor's Office regarding the polling places being manned.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 11:00 PM.

RESOLUTIONS

2. Resolution #335-04, Adjustment to Water/Sewer Bill #1-1855042/Carey/Third Quarter Billing

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. Formal authorization is hereby given to adjust the 3rd quarter water/sewer since the minimum would be charged twice. Adjustment would be made so they would only pay the overage usage.

ACCOUNT #	NAME	AMOUNT	REASONS
1-1855042	Carey	$ 54.80	Owner needed tenant read but asked for final and was charged the minimum charge twice.

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

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

3. Resolution No. 336-04, Adjustment to Water/Sewer Bill #1-0639003/Henry - Pool Filling

WHEREAS, Karen Henry, 140 Church Street, Keyport, NJ., Water/Sewer Account Number 109369003 has requested an adjustment to the Water/Sewer bill for filling their pool once; and

WHEREAS, it is the desire of the Mayor and Council to approve these adjustments and/or refunds.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth and State of New Jersey as follows:

1. The sewer portion of the bill as it relates to the pool filling shall be waived for Account #1-0639003. Ms. Karen Henry has already applied and paid for one pool permit.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

4. Resolution No. 337-04, Person to Person Liquor License Transfer #1332-33-003-007 from Eugene Adamo to Keyport Broad C, LLC (inactive license)

WHEREAS, an application has been filed for a Person to Person Transfer of Plenary Retail Consumption License Number 1322-33-003-007, heretofore issued to Eugene Adamo for an inactive license with no premises, with a mailing address of 185 Lynch Road, Middletown, New Jersey 07748; and

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

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the licensed business.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Keyport that the Governing Body does hereby approve, effective October 20, 2004, the transfer of the aforesaid Plenary Retail Consumption License to Keyport Broad C, LLC an inactive license with no premises with a mailing address of The Bulkhead Bar and Grille, 59A West Front Street, Keyport, New Jersey 07735 and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Keyport Broad C, LLC, effective October 20, 2004."

BE IT FURTHER RESOLVED that the license number is hereby changed to 1322-33-003-008.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer
Nays: None
Abstain: Councilman Bergen
Absent: None

5. Resolution No. 338-04, Payment of Bills

See full copy of Resolution as pages 17-19 of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

6. Resolution No. 339-04, Resolution in Support of the Repeal of S1701 regarding School District Financial Practices

WHEREAS, pursuant to Article 8, Section 4, Paragraph 1 of the New Jersey Constitution, the provision of a thorough and efficient system of education is the responsibility of the State Legislature; and

WHEREAS, school expenditures are primarily driven by State and Federal mandates and "fixed costs"; and

WHEREAS, local property taxes are the major source of revenue for public education in New Jersey; and

WHEREAS, the State has failed to fully fund its school aid statutes for three consecutive years, increasing the burden on local property taxpayers; and

WHEREAS, S-1701 (Ch. 73, P.L. 2004) signed into law on July 1, 2004, alters school district financial practices and in fact could result in property tax increases; and

WHEREAS, S-1701 will force local school districts to adopt imprudent practices and will diminish communities; discretion over the financial operations of their schools; and

WHEREAS, S-1701 will force school districts to reduce free balance (surplus) in 2004-2005 and 2005-2006 resulting in temporary property tax decreases that will not be sustainable and which will result in property tax increases in 2006-2007; and

WHEREAS, this reduction of surplus to perilously low levels could force districts to cut education programs and could increase costs by possibly contributing to the lowering of bond ratings; and

WHEREAS, S-1701 will require school districts to decrease their capital reserve accounts, forcing them to defer necessary maintenance and repairs, to cut education programs or to borrow funds; and

WHEREAS, S-1701 reduces the spending growth limit, or cap, on school district operating budgets, infringing on school districts' ability in the future to meet the State's Core Curriculum Content Standards; and

WHEREAS, S-1701 imposes unnecessary administrative spending limits on New Jersey School Districts, limiting local discretion over the staffing necessary to meet the State and Local education goals and penalizing school districts that may be saving taxpayer money in other areas; and

WHEREAS, S-1701 will require school districts to obtain the Commissioner of Education's approval before transferring funds between budgetary line items, impeding their ability to make optimal use of funds and moving a simple budgeting decision from the community into State bureaucratic channels; and

WHEREAS, S-1701 reduces the Spending Growth Limitation Adjustment (SGLA) for hazardous busing services, making it increasingly difficult for school district to provide a service designed to ensure student safety; and

WHEREAS, S-1701 eliminates the SGLA for early childhood program aid and demonstrably effective program aid, further limiting local school boards' ability to provide necessary education programs and services; and

WHEREAS, S-1701 restricts the submission of second ballot finance questions at the Annual School Election, thereby infringing on a community's ability to determine educational program expenditures for its children.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport urges the State Legislature to repeal Ch. 73, P.L. 2004 (S-1701) immediately.

BE IT FURTHER RESOLVED that the Mayor and Council of the Borough of Keyport urges the State Legislature to fully fund the Comprehensive Educational Improvement and Financing Act and related school aid formulas.

BE IT FURTHER RESOLVED that a copy of this Resolution be sent to Senate President Richard Codey, Senator Joseph M. Kyrillos, Jr., Assemblyman Joseph Azzolina and Assemblyman Samuel D. Thompson, Commissioner of Education, William Librera, Monmouth County Superintendent, Eugenia Lawson, the New Jersey School Boards Association and the Monmouth County School Boards Association.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Doyle, Atkins
Strang, Hyer
Nays: None
Abstain: Councilman Bergen
Absent: None

7. Resolution No. 340-04, Authorize Refund of CFC Permit Fee

WHEREAS, application has been made for a refund and said application has been approved by the Borough Clerk.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the following refund is hereby approved.

TO	**FOR**	**REFUND AMOUNT**
Martha Lopez 33 Osborn Street Keyport, NJ 07735	CFC Permit #1396	$20.00

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None

Abstain: None
Absent: None

8. Resolution No. 341-04, Municipal Charges/Block 138, Lot 7

WHEREAS, the Mayor and Council of the Borough of Keyport have previously received numerous complaints with respect to the condition of the premises located at 319 First Street, Keyport, New Jersey; and

WHEREAS, the Mayor and Council have referred this matter to various Borough Officials who have conducted inspections at the within property and have concluded that the within property posed a substantial health and safety risk to surrounding residents within the Borough and further has been found in violation of numerous Property Maintenance Codes by various inspectors; and

WHEREAS, the Mayor and Council have made numerous attempts to locate, contact and compel the owner of the within property to rectify the conditions described herein and to abate the health, safety and property maintenance issues affecting this property, without success; and

WHEREAS, based upon the conditions described herein, the Mayor and Council have directed the Superintendent, Department of Public Works to undertake remedial measures to address the conditions cited herein and to utilize public employees to address the health, safety and property issues described herein; and

WHEREAS, the Mayor and Council have been advised that the Department of Public Works has expended men and equipment to abate the within conditions consisting of 6 hours of public labor which translates to a cost of $246.07 together with equipment, machinery and disposal charges in the additional sums of $76.42; and

WHEREAS, the Mayor and Council desire to memorialize the services performed to abate the health, safety and Property Maintenance violations to the subject property and to further direct the Tax Collector of the Borough of Keyport to attach the property identified as Block 138, Lot 7 on the Tax Map of the Borough of Keyport more commonly known as 319 First Street and recognize the said municipal charges to the within property in the total amount of $322.55 in favor of the Borough of Keyport for service performed on this property; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution authorizing the Tax Collector to attach the within municipal charges to the within property identified herein.

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

1. The Mayor and Council of the Borough of Keyport hereby authorize and direct that the Tax Collector of the Borough of Keyport recognize, attach and record charges incurred by the Borough of Keyport in the total sum of $322.55, representing repairs necessary to abate or correct certain health, safety and Property Maintenance conditions on the property identified as Block 138, Lot 7 on the Tax Map of the Borough of Keyport, more commonly known as 319 First Street and to maintain such encumbrance until such time as the within account is satisfied in full inclusive of any additional charges.

2. The Tax Collector shall perform all functions necessary to protect the filing of the within attachment in accordance with this resolution.

3. That a copy of the within Resolution, duly certified, be forwarded to the Owner of Record, if known, at their last known address, David Foley and Mary Jo Swartz, any recorded lien holder, Tax Collector, Borough Attorney and Municipal Finance Officer.

4. Copy of the within resolution shall be retained in the Office of the Borough Clerk for public inspection according to law.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

9. Resolution No. 342-04, Municipal Charges, Block 51, Lot 19, 324 Main Street

WHEREAS, the Mayor and Council of the Borough of Keyport have previously received numerous complaints with respect to the condition of the premises located at 324 Main Street, Keyport, New Jersey; and

WHEREAS, the Mayor and Council have referred this matter to various Borough Officials who have conducted inspections at the within property and have concluded that the within property posed a substantial health and safety risk to surrounding residents within the Borough and further has been found in violation of numerous Property Maintenance codes by various inspectors; and

WHEREAS, the Mayor and Council have made numerous attempts to locate, contact and compel the owner of the within property to rectify the conditions described herein and to abate the health, safety and Property Maintenance issues affecting this property, without success; and

WHEREAS, based upon the conditions described herein, the Mayor and Council have directed the Superintendent, Department of Public Works to undertake remedial measures to address the conditions cited herein and to utilize public employees to address the health, safety and property issues described herein; and

WHEREAS, the Mayor and Council have been advised that the Department of Public Works has expended men and equipment to abate the within conditions consisting of 40 hours of public labor which translates to a cost of $1,619.69 together with equipment, machinery and disposal charges in the additional sum of $1,114.24; and

WHEREAS, the Mayor and Council desire to memorialize the services performed to abate the health, safety and Property Maintenance violations to the subject property and to further direct the Tax Collector of the Borough of Keyport to attach the property identified as Block 51, Lot 9 on the Tax Map of the Borough of Keyport, more commonly known as 324 Main Street and recognize the said municipal charges to the within property in the total amount of $2,733.93 in favor of the Borough of Keyport for services performed on this property; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution authorizing the Tax Collector to attach the within municipal charges to the within property identified herein.

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

1. The Mayor and Council of the Borough of Keyport hereby authorize and direct that the Tax Collector of the Borough of Keyport recognize, attach and record charges incurred by the Borough of Keyport in the total sum of $2,733.93 representing repairs necessary to abate or correct certain health, safety and Property Maintenance conditions on the property identified as Block 51, Lot 19 on the Tax Map of the Borough of Keyport, more commonly known as 324 Main Street, and to maintain such encumbrance until such time as the within account is satisfied in full inclusive of any additional charges.

2. The Tax Collector shall perform all functions necessary to perfect the filing of the within attachment in accordance with this resolution.

3. That a copy of the within Resolution, duly certified, be forwarded to the Owner of Record, if known, at their last known address, any recorded lien holder, Robert Del Vecchio, Esq., Tax Collector, Borough Attorney and Municipal Finance Officer.

4. Copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection according to law.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

10. Resolution No. 343-04, Cancel Taxes for Block 67, Lot 24 - 315 Broad Street

WHEREAS, because of off site environmental issues the property at 315 Broad Street, Block 67, Lot 24 has been assessed for and paid taxes on, a swimming pool that does not exist today and was rendered unusable in 2002; and

WHEREAS, the Tax Assessor has reviewed this property and corrected the tax assessment for the upcoming year and recommends that the tax assessment and property taxes collected for prior years be corrected.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, County of Monmouth, State of New Jersey that the Tax Collector is hereby authorized and directed to cancel the following taxes and apply these funds to currently due taxes, if any, and refund any balance to the property owner:

Block/Lot	**Property Owner**	**Address**
67/24	Mr. & Mrs. Joseph Vecchio	315 Broad Street

	-----Adjusted Assessment----				
Year	**Land**	**Improv**	**Total**	**Adjustment**	**Amount to be cancelled**
2002	$53,000	$84,200	$141,000	$ 5,500	$186.56
2003	$53,000	$84,200	$141,000	$ 5,500	$199.32
2004	$53,000	$88,100	$141,000	$14,000	$558.04
	TOTAL				$943.92

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

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

Nays: None
Abstain: None
Absent: None

11. Resolution No. 344-04, Hire Temporary Part Time Clerk for Violations - Michelle Smallze

WHEREAS, the current Deputy Court Administrator will soon take temporary medical leave for several months and there is a need to provide assistance to the Court and Violations during this vacancy; and

WHEREAS, Michelle Smallze has served as a clerk in the Keyport Court and Deputy Court Administrator in other courts and is familiar with both AOC regulations and Keyport procedures and will not need any further training to fill this position; and

WHEREAS, the Court Administrator has recommended that Michelle Smallze be hired for the position of Clerk on a temporary, part time basis; and

WHEREAS, sufficient funds have been provided in the 2004 Budget for this position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Michelle Smallze is hereby hired as temporary part time clerk, assigned to court and violations.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $10.00 per hour; that the maximum number of hours per week is not to exceed 25 hours; that employment shall not begin until the Deputy Court Administrator begins her medical leave and that there are no benefits provided for this part time position.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

12. Resolution No. 345-04, Reject bids received for the Construction of the Public Works Facility

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the construction of a new Public Works Facility within the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk, consistent with the advertised Notice to Bidders on August 26, 2004; and

WHEREAS, a review of the bids conducted by the Borough Engineer revealed that the bids received were far in excess of the estimates prepared and substantially in excess of the funds proposed for the within project; and

WHEREAS, the Mayor and Council have reviewed the within bids received and have concluded that it is in the best interest of the Borough of Keyport to reject the bids received for the Public Works Facility based upon the proposals received and the financial ability of the Borough of Keyport to award a contract to any responsible bidder based on the proposals received; and

WHEREAS, based upon the within considerations, the Mayor and Council are resolved to reject all bids received for the within project and authorize all bid documents to be returned to all respective bidders.

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

1. The Mayor and Council hereby reject the bids received by the Borough Clerk for work in connection with the construction of the new Public Works Facility for the reasons incorporated in the body of this resolution.

2. The Borough Clerk is authorized to notify the bidders of the decision of the Mayor and Council and to return all relevant documents to the bidders consistent with this resolution.

3. Certified copies of the within Resolution shall be forwarded to all bidders who previously submitted bids, Borough Engineer, Municipal Finance Officer and a copy of the within resolution shall be retained by the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Strang, Hyer
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

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

Time of Adjournment: 11:04 P.M.

Respectfully submitted,

Judith L. Poling, RMC/CMC
Borough Clerk
Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk