Approved 10/4/05

October 7, 2003
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent 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 7:30 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Doyle, Green. Absent: Councilman Bergen (arrived 7:32 P.M.). Others present were Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

RESOLUTION

1. Resolution #346-03, 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. Tax Office

Litigation
1. Magic Touch Litigation v. Borough of Keyport Including Claim before Tidelands Council
2. Kutschman vs Borough of Keyport

Labor Relations
1. PBA Negotiations

Contract Negotiations
1. New Municipal Complex
2. Risk /Consulting Agreement 2003-2004
3. Garbage Contract and Newspaper Contract
4. Reconstruction of Bridge R-2/Monmouth County

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 Senior Citizen Center Meeting Room for the purpose of discussing the following subjects:

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, 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. Stalter

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Absent: Councilman Bergen

Council went into closed session at 7:32 P.M. and this meeting was reconvened at 7:59 P.M.

Mayor Merla called the meeting to order at 8:05 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

The Captain of Raritan Hose thanked the Mayor and Council for the new fire truck which will be coming on Thursday Night.

PRESENTATION

1. Birdsall Engineering/Realignment of American Legion Drive.

Gerald Freda presented plans for American Legion Drive. He reviewed prior plans of 1988-1989 submitted by Schoor DePalma. The idea of lining up American Legion Drive with First Street is a good plan. American Legion Drive, as now, no longer exists up to the Post Office; amenities cannot be done. Green Acres approval is required (lot 49 - what is taken off of American Legion Drive goes to the flip side). We need Green Acres criteria and recommendations, bulkhead elevations and status of project, parking, acquisition of property (swap). The road goes to the back of the properties and has a low resource value and should be made part of the diversion. The second part of the road cannot be done (it would be run through two buildings). The bulkhead elevation was lowered by the Army Corps of Engineers and approved by DEP.

The new road has to be at a certain elevation; there is not enough road between buildings; the Borough may have to take properties. The concern is scheduling. The bulkhead work will be done first and the road work will be done last. The Plan is the best we can do; the Borough parcels should be used in the future for parking. Mr. Bergen asked where the proposed parking is; Engineer Freda said it has not been done (recreational parking only). There should be other Schoor Plans. Mayor Merla said Green Acres thought the Borough did not have enough land; they were advised we own the Mini Park and they agreed to include it. Engineer Freda said that gives the Borough 7/10 of an acre to play with. Mr. Bergen said if the Borough needs to acquire property, it should be done now; he asked if it has to be done at that elevation? Engineer Freda said we are two months behind due to the Army Corps of Engineers.

Mayor Merla said he spoke with Ben Kaiser, DEP, to find out if the plans are at permitting. Engineer Freda said the plans will be submitted tomorrow and then by the end of the week they should go to Trenton on permitting. There are issues to resolve with the promenade i.e. utilities cap on the bulkhead. Mr. Bergen asked if there would be 300 feet of concrete. Engineer Freda said from the pier heading toward the Ye Cottage Inn (designed by the Army Corps and is more expensive). Mr. Bergen asked if the Army Corps of Engineers will pick up the cost; Engineer Freda did not know (County -10%, Keyport 15% and DEP 75%). Mr. Bergen asked if the Road was part of permitting. No, it is a separate issue; Green Acres has to approve. The Mayor said if there is different road realignment, it is subject to Green Acres approval. Mr. Bergen said Council talked about the road a year and a half ago. The Mayor said Keyport would have to fund the road realignment. Mr. Bergen said it is a part of the proposed waterfront development. The Mayor asked if Green Acres approval would be needed. Engineer Freda said yes, the State may look at the 2 for 1 ratio. A road at the back of the properties with a cul-de-sac could be used by everyone.

Mayor Merla said a meeting should be set up with Green Acres to discuss with plans put on the table and the Borough asking what would be approved in order to get funding. Mr. Bergen said the Borough should come up with a plan that Green Acres would approve. Engineer Freda recommended moving ahead with the road approved by Green Acres and the diversion on the bulkhead can also proceed. Mayor Merla told Engineer Freda the last plan was the most appropriate. Engineer Freda said Schoor DePalma's plan of the road was too wide and Birdsall Engineering's plan is not as wide. Mr. Bergen asked if the elevation is to First Street? Engineer Freda said the elevation is not high enough on First Street; if the road is raised, the properties will need drainage.

The Mayor said there are three drains that have not been connected since 1969. He asked what the direction would be; more concepts are needed or the Engineer Freda could recommend his concept. Mr. Doyle said Birdsall's plan seems most logical; time is of the essence. Mr. Stalter agreed with Mr. Doyle. Mrs. Atkins said Council should move forward as long as the plan meets out needs.

Mr. Bergen said the Borough needs to formulate a plan quickly. Mr. Freda recommended taking the plan to Green Acres to get feed back, proposals and estimates. The Chief Financial Officer needs figures for bonding. Applications are due in February, 2004. Land Diversion can be submitted at any time (1 for 1) swap (1.7 acres).

Mayor Merla said the engineer should be authorized to meet with Green Acres regarding the concept plan (with tweaking) and that detailed plans be submitted after Green Acres gives their input. Mr. Freda will contact Green Acres.

PROCLAMATION

Mayor Merla read the Proclamation for Halloween Curfew for 2003.

APPROVAL OF MINUTES

Minutes of January 1, 2003 Reorganization Meeting, Work Meetings of January 7 and May 6, 2003, Closed Meeting of May 6, 2003 and Regular Meeting of July 15, 2003 were approved on motion moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

HEARING ON ORDINANCES

2. Ordinance #24-03, Amend Chapter VII Traffic, Section 7-3.4 (Street Sweeping)

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of September 18, 2003, 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 CHAPTER VII, "TRAFFIC" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

The Hearing was opened to the public for comments or questions at 8:40 P.M. Joanne Staeger asked what the purpose of the Ordinance was. Mayor Merla said to make the district look better. Mrs. Staeger said the business district should buy their own sweeper. Mayor Merla said the downtown is the nucleus of the Borough. Mr. Bergen said the residents are the nucleus and he sweeps his own property. Mr. Hyer said once the downtown is done, then the other sections of the Borough are done. Kathaleen Shaw, KBA said the Business Improvement District is paying and supplementing for the sweeping of the curbs, that the downtown is battling with debris, and that ordinance revisions and regulations have to be put in place. The Hearing was closed at 8:44 PM.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 9, 2003 moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

2. Ordinance #25-03, Amend Chapter XVI, Section 16-6, Recycling

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 18, 2003, 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, SECTION 16-6 MANDATORY SEPARATION OF RECYCLABLE MATERIALS FOR COLLECTION AND RECYCLING

The Hearing was opened to the public for comments or questions at 8:44 PM. Joanne Staeger, Main Street said a flyer was put out, that she spoke with Tom Gallo, Recycling Coordinator about one bulk pick up. She asked if an extra pick up would take place in the summer. Mayor Merla said they would look at an extra pick up when the contract goes out for bid. The Hearing was closed at 8:45 P.M.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of October 9, 2003 moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

3. Ordinance #26-03, Bond Ordinance $173,000

The Clerk reported that the Supplemental Debt Statement was approved by the Division of Local Government Services.

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 18, 2003, 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:

BOND ORDINANCE PROVIDING FOR VARIOUS 2003 CAPITAL IMPROVEMENTS BY AND FOR THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (THE "BOROUGH"); APPROPRIATING $173,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $164,760 BONDS OR NOTIES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

(full copy of the Ordinance is attached hereto and made part of these minutes)

The Hearing was opened to the public for comments or questions at 8:46 PM. There being none, the Hearing was closed at 8:46 PM.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Doyle, Green
Nays: Councilman Bergen (The engineering design work should be kept within the budget.)
Abstain: None
Absent: None

3a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of October 9, 2003 moved by Mrs. Atkins, seconded by Mr. Stalter with Ayes by all present.

4. Ordinance No. 27-03, Vacate Portion of Willow Street

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 18, 2003, 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 BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER, VACATING A PORTION OF A PUBLIC STREET WITHIN THE BOROUGH OF KEYPORT

The Hearing was opened to the public for comments or questions at 8:47 PM. There being none, the Hearing was closed at 8:47 PM

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

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

4a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of October 9, 2003 moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present.

5. Ordinance No. 28-03, Amend Chapter XII Building and Housing

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 18, 2003, 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 BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER XII, BUILDING AND HOUSING

The Hearing was opened to the public for comments or questions at 8:51 P.M. Mrs. Staeger asked what this Ordinance was about. The Mayor said it sets standards. Mr. Bergen asked about the elevations and concrete aprons. The Hearing was closed to the public at 8:51 P.M.

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

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

5a. Motion authorizing the Clerk to publish the Ordinance, as finally

adopted according to law, in the Courier, issue of October 9, 2003 moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present

6. Ordinance No. 29-03, Handicapped Parking Space-40 Church Street

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of September 18, 2003, 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 TO ESTABLISH A HANDICAPPED PARKING SPACE ON A MUNICIPAL ROAD

The Hearing was opened to the public for comments or questions at 8:55 P.M. There being none, the Hearing was closed at 8:55 P.M.

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

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

6a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of October 9, 2003 moved by Mrs. Atkins, seconded by Mr. Doyle with Ayes by all present

INTRODUCTION OF ORDINANCES

1. Ordinance #30-03, Amending Chapter VII Traffic Section 7-3.3, Parking Prohibited at all times on certain streets - Broadway, Eastside

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER VIII, "TRAFFIC" OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT

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

SECTION I. Chapter VII, "Traffic", Section 7-3.3, Parking Prohibited at All Times on Certain Streets and Schedule I is hereby amended and changed as follows:

Name of Street	Side	Location
Broadway	East	Highway 35 South to Nappi Place

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

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

SECTION IV. Effective Date. This Ordinance shall take effect upon its passage and publication according to law and approval by the Department of Transportation of the State of New Jersey, if required.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer
Stalter, Doyle, Green
Nays: None
Abstain: None

Absent: None

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 9, 2003 for a Hearing to be held on October 21, 2003 moved by Mr. Stalter, seconded by Mr. Doyle with Ayes by all present.

2. Ordinance No. 31-03, Part Time Motor Vehicle Operator I

The Clerk read the ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and adopt a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

WHEREAS, the following Ordinance has been prepared with salary ranges therein for the positions listed, wherein the ranges give the minimum salary for the position as well as the maximum for the position, and the exact salary to be paid to each employee as determined by a Resolution duly adopted by the Mayor and Council of the Borough of Keyport which must be within the ranges given in the Ordinance, and the purpose is to save money in preparation and publication costs by making the ranges sufficiently wide to last for several years and also to give greater flexibility, should a position be vacated and it is desired to start a new employee with less experience at a lower salary, since the new salary may simply be set by a Resolution of the Mayor and Council.

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

PLEASE NOTE THAT ALL OF THE FOLLOWING ARE NOT INCREASES IN EXISTING SALARIES, BUT ARE RANGES WITHIN WHICH SALARIES MUST FALL

SECTION 1. The following salary ranges are hereby fixed and determined for the following part time officers and employees effective October 24, 2003:

	MINIMUM SALARY	**MAXIMUM SALARY**
Motor Vehicle Operator I	$10.00 per hour	$20.00 per hour

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

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

SECTION IV. Effective Date. This Ordinance shall take effect upon its passage and publication according to law and approval by the Department of Transportation of the State of New Jersey, if required.

Mr. Bergen asked how many hours this person would work; no more than 28 hours per week.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer
Stalter, Doyle, Green

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of October 9, 2003 for a Hearing to be held on October 21, 2003 moved by Mrs. Atkins, seconded by Mr. Stalter with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Application from Keyport Kiwanis Club for on-premise draw raffle.

   Motion to Approve moved by Mr. Hyer, seconded by Mr. Stalter with Ayes by all present.

2. Letter from Harbor Commission regarding a permanent day marker in the channel.

   Motion to refer to the Borough Attorney moved by Mr. Stalter, seconded by Mr. Green with Ayes by all present.

3. Letter from Harbor Commission regarding the charter fishing boat lease.

   Motion to Receive and File and refer to Councilmember Hyer and Green moved by Mr. Stalter, seconded by Mrs. Atkins with Ayes by all present.

4. Letter from Carol Laengle regarding broken sewer main.

   Motion to list a Resolution moved by Mrs. Atkins, second by Mr. Hyer with Ayes by all present.

5. Letter from John Holden regarding the Seventh Annual Bayshore Crop Walk.

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

6. Resolution from the Borough of Farmingdale supporting designation of entire marsh bog and Mingamahone Brook as category one water.

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

7. Resolution from Woodland Township/Burlington County opposing the state's actions concerning the "Property Tax Reimbursement Program"

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

8. Letter from Freeholder Larrison regarding Monmouth County Municipal Open Space Grant Program

   The Mayor said a grant application was received and is due on December 19th for the Open Space Trust Fund. There are 3 potential projects to look at:

   1. Planning Board Meeting/Preserving Masonic Temple Property
   2. Benjamin Terry Park Bulkhead
   3. Atlantic and Church (across from the Cornucopia) property owned by the County.

   Mr. Bergen said he would like to include the Waterfront Park. The Mayor requested Council get back to him by December 1st; Engineer Freda said an earlier date for a response is needed like November 15th.

UNFINISHED BUSINESS

1. **Parking on Beers Street.** An Ordinance will be prepared.

2. **Possible Amendment to Recycling Ordinance – Removal of Construction**

Debris. Mr. Bergen said a small fee should be charged. Mr. Hyer will bring this matter to the recycling committee.

3. **Green Grove Avenue Apartment Complex.** Mr. Bergen asked the status of the matter. Mayor Merla said he spoke with the Manager and they have to make application to the Planning Board; they have not as of last Thursday. Mr. Bergen said there is a dangerous situation on Green Grove Avenue and someone will get hurt. The signs should be put up again. Mayor Merla said that Manchester Avenue has to be taken care of and Mr. Kain is to advise if it is effective October 21, 2005; the Borough will petition the County to have the signs put back up.

4. **Health Fair.** Mrs. Atkins said there will be a health fair held on October 18th from 11 AM-4 PM at Stop and Shop; the Drug Alliance and BID are sponsoring this. The VNA will be coming.

5. Mr. Stalter asked about overnight bike parking; the Mayor said Chief Gajewski is looking into this.

6. Mr. Doyle thanked the KBA, BID and residents who are helping with the Country Jamboree. He thanked Stop and Shop for the Health Fair.

7. The Mayor said the Borough has new warning notice tag for houses (they are in duplicate). It is illegal to recommend, but the Borough can advise. The people were told propane tanks are not permitted to be disposed of with garbage.

8. There are residents on Kearney Street who are experiencing water/drainage problems. A letter was received from Tracy Panfile that the Department of Public Works installed the drains.

9. The DEP received the Borough's Livable Communities Grant application for Theresa Street Park; they received 500 applications.

10. A letter was received from the Board of Chosen Freeholders thanking us for the use of the Senior Center.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. The last Payment of Bills were as follows: **CURRENT ACCOUNT - $208,058.80, WATER AND SEWER ACCOUNT - $209,315.27, DOG ACCOUNT - $1,017.11, ESCROW ACCOUNT - $18,221.22, GENERAL CAPITAL - $175,660.90 AND RBIT ACCOUNT - $3,020.82.**

ENGINEER'S REPORT

Mr. Freda reported on the following. Theresa Street will be completed by the end of the week. Atlantic Street will follow by Third Street. It was asked if the slate curb and sidewalk on Atlantic Street will stay. Mayor Merla said it should be checked to see if the area falls into the Historic District, if so, it has to be consistent. The Water Tower is the main feed. Mr. Doyle said the slate could be stored and used elsewhere. The Mayor asked if a drain will be put in at Atlantic and Third Streets? Engineer Freda asked where the drain would be run to. The Mayor asked him to take a look at it. Mr. Hyer and George Sappah will conduct a site inspection.

ATTORNEY'S REPORT

Mr. Kain reported on the following. The Kutschman matter has been resolved; the settlement is $137,500.

The Tidelands matter will go to court on October 1, 2003 and Mr. Litwin will handle this. The full Council approved the Borough's grant application and Mr. Burlew objected; his rights expired.

There should be a summary judgment and the matter should be closed by November 2003 in the Magic Touch case.

The diversion was approved for two years on the Ferry. A resolution will be listed on the Agenda.

NEW BUSINESS

1. **Possible Ordinance regarding DWI suspects.** Mr. Bergen requested Mr. Kain prepare an Ordinance for the October 21st agenda.

2. **Handicapped Parking Ordinance.** Mr. Bergen asked that the fine be increased to $250 and 90 days in jail.

3. **Public Works.** A bulk pick up will be held on October 11th and hydrants will be flushed on October 14th.

   Mr. Bergen asked about bulk pick up. The Mayor said it is the same fee; if refuse is taken to Marpal, it is $25.50 less a ton. The cost would be $12,000 per month with pick four times a month plus tipping fees. A certificate of insurance will be provided.

4. **Cedar Street.** It was asked what the time frame is for quotes. The wall on Cedar Street needs to be done. The work has not been completed. The company needs to be contacted and advised to start the work within one week.

5. **Water/Wastewater Systems.** Mayor Merla said Highland Park called and he will visit with them on October 20, 2003 at 4 P.M. regarding their Water/Wastewater Systems. It was requested the Borough Engineer attend the meeting.

6. **Pop Warner.** Mayor Merla said he received many telephone calls (17) concerned residents and coaches who attend the Pop Warner games. An Ordinance is needed for permit parking on Jackson Street. Many of the callers live outside the community and received tickets and did not know why. They were advised. An active roll needs to be taken and the Police should advise that people are not permitted to park during the season. The Police Department needs to be out directing traffic, not Pop Warner members. The Mayor said no Keyport Officers are working the games, it is Union Beach Police.

   Joe Vecchio requested Police be present for fun day and he was told no. The Police are waiting for people to park and they are issuing tickets. Mr. Wedick said it is different with a Police Director than with a Police Chief. The Police Chief has the authority to implement decisions. The Mayor said funds should be provided if overtime is involved.

   Mrs. Staeger said the Union Beach Police Officers did not know where to direct the people to park. There are no signs posted on Atlantic Street. Mr. Hyer said permit parking started as a safety measure because a child was hit; it was not a parking problem. Mr. Bergen said he would take care of the matter and have an officer posted from 7 AM-5 PM. Mrs. Staeger said Jackson Street needs to be open because it is an evacuation site.

   Mayor Merla asked what happened to the field millings; someone will get hurt.

   Kathy Shaw said Pop Warner is not the only challenge. There were years with the BID and officers not aware of parking. Mrs. Shaw sent a letter out regarding an Events Committee for 2004. The Mayor said the KBA events were approved and forwarded to the Police Department.

   John Aumack said Pop Warner cannot run a safe program with members directing traffic. Mr. Bergen said he would ask the Chief about a parking Ordinance on Atlantic Street.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 10:15 P.M. for comments or questions. Mike Lane, First Street, asked about bike racks for the bicycles in the mini park, at the Boat Launching Ramp, American Legion Drive and by the Library. The Henry Hudson

Trail should be connected to the bike racks. Mr. Doyle said a bike lane should connect the trail to the Waterfront. Mr. Lane said he attended a Freeholders meeting and they discussed the trees they planted on West Front Street; Mr. Lane complimented them. Mr. Lane advised that some tree were lost and they were enthusiastic about replacing them; the County will review what we have. A letter should be prepared. There is speeding on First Street with Trucks and buses. The Mayor said the Borough will have to look at traffic safety; the County would conduct a traffic count. The Borough should contact Carol Melnick. Mr. Lane said there is a dip on First Street which gets flood; the County said they would send an Engineer out. There is a timing problem on American Legion Drive and the Borough should think of phases in funding. Mr. Lane said the cardboard and newspaper pick ups are great.

Liz Harbison, First Street, said there is a problem with the Mexican residents at 309 First Street partying all of the time with music blasting and public urination. The Mayor said the Police Department will be meeting with the Mexican Community. There are residents moving in without Certificates of Occupancy. The Borough is making gains with the Landlord Registration Act. Mr. Bergen requested Anthony Vecchio look into the situation and report back. The Mayor said Mr. Vecchio already did (2 units). Mr. Bergen said we should start fining the landlords. Ms. Harbison said she has contacted the Police, they come to the scene and as soon as they leave, the tenants start again. The Mayor said all of these tenants increases the volume of garbage. Mr. Lane asked if there are fines for reoccurrences? Yes, there are repeat offenders.

Mrs. Staeger asked if there was a $50 deposit for the dumpster; yes for general house clean ups. The Recycling Coordinator wanted the weight slips. Mrs. Atkins said there is a general County formula. The Mayor said Keyport is one of the highest in the County. Mrs. Staeger said the newsletter had errors in it i.e. Police telephone number was wrong and other errors. Mrs. Staeger recommended putting up emergency signs on parking during game days.

Mr. Hyer said the traffic lights need to be synchronized at Broad and Highway 36 and Atlantic Street.

The meeting was closed to the public at 10:50 P.M.

RESOLUTIONS

2. Resolution #347-03, Authorizing Emergency - Apollo Sewer - Sanitary Sewer

WHEREAS, an emergency existed on September 7, 2003 arising out of the break in a sewer lateral located on Seventh Street (#207) in the Borough of Keyport; and

WHEREAS, this emergency affected the public health, safety and welfare and required immediate action; and

WHEREAS, the immediate need to repair the broken sewer lateral on an emergency basis could not have been reasonably foreseen and exceeded the amount set forth in NJSA 40A:11-6.1; and

WHEREAS, the Superintendent of Public Works, in furtherance of his duties and responsibilities, authorized acceptance of a proposal from Apollo Sewer of Keyport, New Jersey to repair the broken sewer lateral on a time and materials basis which work was performed at a total cost of up to $8,078.02; and

WHEREAS, the Borough Engineer has reviewed the matter and the scope of the work performed and is satisfied that there was an emergency condition.

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

1. The prior authorization to Apollo Sewer of Keyport, New Jersey to perform emergent work to repair a broken sewer

lateral at 207 Seventh Street, in the Borough of Keyport on and about September 7, 2003 in the total amount of up to $8,078.02 is approved.

2. The appropriate Borough Officials are authorized to sign such documents as may be required to effectuate the foregoing.

3. A certificate of availability of funds is annexed hereto.

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

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

3. Resolution #348-03, Change Order/Preferred Electric - New Municipal Complex

WHEREAS, the Mayor and Council of the Borough of Keyport, did, by previous Resolution, authorize the selection of Preferred Electric, Matawan, New Jersey, to supply and install telephone and data cabling within the new municipal complex; and

WHEREAS, the Mayor and Council did, by prior Resolution, authorize the payment to Preferred Electric, Inc., in the sum of $16,900.00 for services relative to the supply and installation of telephone and data cabling for the new municipal complex; and

WHEREAS, the Mayor and Council have been advised by Lloyd Consultants, Inc., consultant as to the design and installation of telecommunications and data systems for the Borough of Keyport, relative to the construction of the new municipal complex, that additional work is required based upon directives the Administrative of the Court, relative to the repair, modification and installation of additional telecommunications equipment to be utilized by the Municipal Court and further that additional cabling is required to complete communications necessary for the operation of the Emergency Management Room and departments within the municipal complex; and

WHEREAS, the initial award of contract was awarded pursuant to NJSA 40A:11-3 as the proposed contract with Preferred Electric, Inc., was below the bid threshold as required under statute; and

WHEREAS, the Borough has received proposals from Preferred Electric, Inc. to perform additional telephone data cabling installation, repairs and modifications to systems installed for the operation of the Municipal Court and Emergency Management Room located within the new municipal complex, the revised aggregate additional cost of $9,717.51, combined with the previous contract amount of $16,900.00 for a total of $26,617.51, which total will exceed the bid threshold as required under statute; and

WHEREAS, the Mayor and Council have reviewed and considered the need for such additional telephone and data cabling modifications, especially as required and mandated by the Administrative Office of the Courts, and are mindful of requirements of the Local Public Contracts Law; and

WHEREAS, the Mayor and Council have determined to proceed rather than delay the construction of the municipal complex which would result in additional costs and expenses to the taxpayers of the Borough of Keyport which is contrary to the legislative intent behind the Local Public Contracts Law; and

WHEREAS, the Mayor and Council are mindful that they may proceed to pay the additional sums to Preferred Electric, Inc. pursuant to NJSA 40A:11-5(i) as an extraordinary unspecifiable service, required in this case by mandates imposed by the Administrative Office of the Courts and pursuant to NJSA 40:11-6 as an emergency contract required for the completion of the municipal complex; and

WHEREAS, the total additional compensation requested by Preferred Electric, Inc. is in the amount of $10,602.51 for services to be completed in connection with the installation, repair and modification of telephone and data cabling required in the municipal court and emergency management room and departments within the new municipal complex; and

WHEREAS, the Mayor and Council have reviewed the recommendation from the consultant, Lloyd Consultants, Inc. supporting such request for additional payment to Preferred Electric, Inc. relative to work performed in the telephone and data cabling area in the municipal complex; and

WHEREAS, Mayor and Council are satisfied that additional services should be rendered by Preferred Electric, Inc., relative to the installation, repair and modification of the telephone and data cabling systems within the municipal complex.

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

1. The Mayor and Council hereby authorize additional funding to be paid by Preferred Electric, Inc., Matawan, New Jersey, in connection with the additional installation, repair and modification of telephone and data cabling systems effecting the municipal court as mandated by the Administrative Office of the Courts and the Emergency Management Room within the new municipal complex in the additional sum of Ten Thousand, Six Hundred and Two Dollars and Fifty One Cents ($10,602.51).

2. The Mayor and Council having determined to proceed beyond the bid threshold based upon the provisions of NJSA 40A:11-5(i) as an extraordinary unspecifiable service and/or pursuant to NJSA 40A:11-6 as an emergency contract necessary to the timely completion of the municipal complex.

3. The within agreement and resolution is contingent upon a Certification by the Municipal Finance Officer of funds being available for the within services either in the appropriate Bond ordinance or within the general funds within the Borough of Keyport.

4. The Borough Clerk shall forward copies of the within resolution to Preferred Electric, Inc., Matawan, New Jersey, Lloyd Consultants, Inc., Red Bank, New Jersey, the project architect, Edmond H. Gaunt, Jr., Clerk of the Works, Municipal Finance Officer and the Borough Clerk shall retain a copy of the within Resolution for public inspection.

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

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

4. Resolution No. 349-03, Award of Contract/Recording System-New Municipal Complex

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize construction of a new municipal complex; and

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that it is necessary to purchase and install a new recording system for use by the municipal court in accordance with mandates promulgated by the Administrative Office of the Court; and

WHEREAS, the Borough of Keyport having solicited quotes from vendors authorized by the Administrative Office of the Courts to provide recording systems; and

WHEREAS, the Municipal Court Administrator having reviewed the quotes received and having recommended the selection of Gramco Business Communications, Clifton, New Jersey, based upon their low quote of Eight Thousand Seven Hundred and Ninety Four ($8,794.00) Dollars; and

WHEREAS, the Mayor and Council are mindful of the requirements for public bidding and have determined this purchase may be undertaken pursuant to the provisions of NJSA 40A:11-3; and

WHEREAS, the within purchase being further contingent upon the certification of funds by the Municipal Finance Officer from the appropriate bond ordinance or from the general funds of the Borough of Keyport.

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

1. The Mayor and Council hereby authorize the purchase of a sound system for use by the municipal court in the new municipal complex from Gramco Business Communications, Clifton, New Jersey, based upon their proposal submitted dated July 1, 2003 in the amount of Eight Thousand Seven Hundred Ninety Four ($8,794.00) Dollars to include installation, training software and hardware.

2. The Mayor and Council hereby award the within contract based upon the low quote received pursuant to the provisions of NJSA 40A:11-3.

3. That a Notice of Award of this contract be published in a legal newspaper of the Borough of Keyport in accordance with NJSA 40A:11-1 et. seq.

4. A copy of the within Resolution shall be forwarded to the Municipal Finance officer, Municipal Court Administrator and to Gramco Business Communications, Clifton, New Jersey and that a copy be retained in the Office of the Borough Clerk for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer
Stalter, Doyle, Green

Nays: None
Abstain: None
Absent: None

5. Resolution No. 350-03, Award of Engineering Proposal/Public Works Yard/Birdsall Engineering

WHEREAS, the Mayor and Council of the Borough of Keyport have authorized the construction of a new Public Works Facility to be located on Rollo Place in the Borough of Keyport which will house the Department of Public Works, which will include the construction of various structures, including buildings, parking bays, salt dome and fueling station, which the Mayor and Council believe will service the needs of the Borough of Keyport into the foreseeable future; and

WHEREAS, the Mayor and Council received a proposal from the Borough Engineer for engineering plans relative to the necessary design parameters including construction plans, detail, technical specifications, grading, stormwater management together with all site related work as contained in their written proposal dated September 9, 2003 which is based upon three (3) phases in the design, bidding and construction administration; and

WHEREAS, Borough Engineer has proposed in Phase I to undertake the topographic survey, prepare a conceptual layout plan and the preliminary design for an initial engineering fee of Thirty One Thousand, Five Hundred ($31,500.00) Dollars; and

WHEREAS, the Borough Engineer has proposed in Phase II to develop detailed construction plans, drawings and specifications, including such lighting plans and appropriate permitting including the preparation of documents necessary for public bidding in the amount of Twenty Five Thousand ($25,000.00) Dollars; and

WHEREAS, the Borough Engineer has proposed in Phase III to undertake construction administration of the new public works facility, inclusive of preconstruction meetings, construction administration services, inspection services, review and approval of all payment vouchers by the successful bidder, in an amount of Fifty Four Thousand ($54,000.00) Dollars; and

WHEREAS, the Borough Engineer will provide all engineering services relative to the design, Bid documents, bid support, submissions of permits and construction administration and inspection at their hourly rates for a total fee not to exceed One Hundred and Ten Thousand, Five Hundred ($110,500.00) Dollars based on their proposal based on their proposal submitted by letter dated September 9, 2003; and

WHEREAS, the Mayor and Council have reviewed the proposal prepared by the Borough Engineer and have determined to authorize the Borough Engineer to undertake this proposal in conjunction with the construction with the construction of the new public works facility, subject to the certification of availability of funds by the Municipal Finance Officer from the appropriate bond ordinance or from the general funds of the Borough of Keyport.

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

1. The Borough Engineer is authorized to prepare design plans for the construction of the within new public works facility for a total fee in the amount of Thirty One Thousand, Five Hundred ($31,500.00) Dollars in accordance with Phase I of their written proposal dated September 9, 2003.

2. The Borough Engineer is further authorized to prepared appropriate design plans, inclusive of construction plans, detailed technical specifications and structural calculations to include the preparation of appropriate bid documents in accordance with Phase II of their written letter proposal dated September 9, 2003, for a total fee in the sum of Twenty Five Thousand ($25,000.00) Dollars.

3. Upon the award of contract for the construction of the new public works facility, the Borough Engineer is authorized to provide construction administration inclusive of preconstruction meetings, construction and administrative services, inspection services and the review and approval of all payment vouchers submitted by the successful bidder in accordance with Phase III of their written letter proposal dated September 9, 2003 for a total fee in the amount of Fifty Four Thousand ($54,000.00) Dollars.

4. The Borough Engineer shall provide engineering services relative to the design, construction and administration of the new public works yard, based upon their stated hourly rates, in a total amount for all phases not to exceed the sum of One Hundred and Ten Thousand, Five Hundred ($110,500.00) Dollars based upon their letter proposal dated September 9, 2003.

5. The within approval for each phase and the total aggregate amount is subject to the certification by the Municipal Finance Officer as to the availability of funding from the appropriate bond ordinance or from the general funds of the Borough of Keyport.

6. That a certified copy of this resolution be forwarded to the Borough Engineer and Municipal Finance Officer and that a copy of the within Resolution be retained in the office of the Borough Clerk for public inspection.

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

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

6. Resolution No. 351-03, Kutschman vs. Borough of Keyport Settlement

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize the Borough Attorney to institute condemnation proceedings to acquire the property located at Block 1, Lot 40 on the Tax Map of the Borough of Keyport for the purpose of constructing a new public works facility; and

WHEREAS, upon the filing of the condemnation proceeding an answer was filed by the property owners contesting the fair market value upon the date of taking by the Borough of Keyport; and

WHEREAS, the matter has been pending in the Superior Court of New Jersey as a contested matter as to the determination of the compensation relative to the taking of the within property; and

WHEREAS, following extensive negotiations between the patties, a proposed settlement has been reached whereby the Borough of Keyport will pay to the present owners a total sum of One Hundred and Thirty Seven Thousand, Five Hundred ($137,500.00) Dollars in full value of the within property; and

WHEREAS, the Borough of Keyport has previously authorized the issuance of municipal bonds for the purpose of financing the taking of the within property for municipal purposes and funds are available for this purpose; and

WHEREAS, the Mayor and Council have reviewed the within claim and conclude the within litigation based upon a total settlement amount of $137,500.00 which funds are presently available in the existing bond ordinance.

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

1. The Mayor and Council hereby authorize the Borough Attorney to settle the condemnation litigation in the matter captioned Borough of Keyport vs. Kutschman, et al, which is pending in the Superior Court of New Jersey, Monmouth County, Docket No: MON-L-625-02, involving property identified as Block1, Lot 40 on the Tax Map of the Borough of Keyport, commonly known as 41 Chingarora Avenue, Keyport, New Jersey.

2. The Mayor and Council further authorize payment for the within property in the total sum of $137,500.00 to the within defendants, through their attorney, upon receipt of the necessary stipulation of dismissal with prejudice.

3. The Mayor and Council have confirmed that funds are available within the applicable bond ordinance to authorize the within settlement and payment.

5. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, Borough Engineer and Borough Attorney and a copy shall be retained in the office of the Borough Clerk for public inspection.

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

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

7. Resolution No. 352-03, Catamaran Lease - termination/refund

WHEREAS, the Mayor and Council have previously authorized the execution of lease agreement with Tracey Dell for the purpose of operating a charter catamaran services from the municipal dock from May 15, 2003 through October 15, 2003; and

WHEREAS, following the award of the lease agreement, the Mayor and Council learned of the condition on the floating dock at the municipal pier would need to be replaced prior to the commencement of the lease activity; and

WHEREAS, the Mayor and Council of the borough of Keyport took appropriate steps to secure three (3) competitive quotes and subsequently placed an order for a floating dock to replace the existing dock to be utilized by the public at the municipal pier and in conjunction with the catamaran charter service; and

WHEREAS, despite the best efforts to secure the floating dock, the floating dock did not arrive in time to be utilized in conjunction with the charter catamaran service; and

WHEREAS, based upon the foregoing circumstances, the Mayor and Council desire to terminate the within lease agreement and authorize and return the lease payment, security deposit and lease preparation fee to Tracey Dell.

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

1. The Mayor and Council authorize the Borough Clerk to return to Tracey Dell the sum of Two Thousand Three Hundred ($2,300.00) representing all lease payments, security deposit and lease preparation fee relative to a certain lease agreement for the operation of a charter catamaran service.

2. The Mayor and Council further authorize the termination of the within lease agreement with Tracey Dell for the operation of a charter catamaran service for the period of May 15, 2003 through October 15, 2003.

3. A copy of the within Resolution shall be forwarded to the State of New Jersey, Green Acres Program, Tracey Dell, the Borough Attorney, Municipal Finance Officer and a copy shall be maintained in the Office of the Borough Clerk for public inspection.

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

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

8. Resolution No. 353-03, Creating the position of Part Time Motor Vehicle Operator I

WHEREAS, it is necessary to create the position of Part Time Motor Vehicle Operator I for the purpose of driving a bus which was donated to the Senior Center; and

WHEREAS, funds are available in the 2003 Budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the position of Part Time Motor Vehicle Operator I is hereby created effective October 24, 2003.

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

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

Stalter, Doyle, Green
Nays: None
Abstain: None
Absent: None

9. Resolution No. 354-03, Payment of Bills

See full copy of Resolution as pages 20-25 of these minutes.

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

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

10. Resolution No. 355-03, Authorize Preparation of Bids/Ferry Service

WHEREAS, the Mayor and Council have previously authorized the operation of a commuter ferry service from the Borough of Keyport to New York City by means of a lease agreement approved by the State of New Jersey, Green Acres Program and executed by the Borough of Keyport, for a term ending October 15, 2003; and

WHEREAS, the Mayor and Council have determined that the previous lessee had defaulted in the lease agreement by failing to operate the commuter ferry service which the Mayor and Council believe would be advantageous to the residents of the Borough Keyport; and

WHEREAS, the Mayor and Council authorized an application to the State House Commission to request a diversion in order to permit the Borough of Keyport to re-establish a commuter ferry service with a recreational component to promote increased waterfront activity in the Borough of Keyport; and

WHEREAS, the State House Commission has approved the application of the Borough of Keyport for a two (2) year diversion by which the Borough of Keyport may lease a portion of the municipal pier for use as a commuter ferry service from the Borough of Keyport to New York City, while further providing for recreational activities consistent with the use of the waterfront; and

WHEREAS, the Mayor and Council of the Borough of Keyport desire to authorize and direct the preparation of bid specifications to bid a commuter ferry service for the within two (2) year period and to provide for the preparation of a lease agreement encompassing parking, recreational activities and related matters relative to the re-establishment of the commuter ferry service; and

WHEREAS, the Mayor and Council desire to finalize this resolution and authorize the Borough Attorney to prepare the appropriate bid documents inclusive of a lease agreement which shall comport with requirements established by the Green Acres Program to be received and opened at the Keyport Borough Hall at a date to be fixed upon public advertisement as shall be directed by the Mayor and Council.

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

1. The Mayor and Council further authorize the Borough Attorney to prepare appropriate documents relative to bid specifications inclusive of a proposed lease agreement for the re-establishment of a commuter ferry service from the Borough of Keyport to New York City, which shall further include a requirement that the successful bidder provide for recreational activities consistent with the use of the waterfront, including, but not limited to charters, trips, sightseeing tours and related excursions as part of any lease

agreement.

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

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

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

11. Resolution No. 356-03, Accept 2003 Fire Pumper and Authorize Payment

WHEREAS, the Borough of Keyport did award a contract for the procurement of a 2003 fire custom pumper truck with Absolute Fire Protection Company, Inc. pursuant to Resolution No. 149-03 which further directed the delivery of said equipment; and

WHEREAS, the Raritan Hose Truck Committee has performed an inspection on the within equipment and has concluded that the fire pumper fulfills the requirements set forth in the bid specifications and has recommended the equipment be accepted by the Borough of Keyport; and

WHEREAS, the Borough of Keyport has previously allocated the sum of Two Hundred and Forty Nine Thousand, Nine Hundred and Ninety Four ($249,994.00) Dollars towards the purchase of the within equipment; and

WHEREAS, the Mayor and Council of the borough of Keyport have determined to accept delivery of the equipment, authorize payment and further require the equipment to be placed on the applicable Borough insurance policy upon delivery.

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

1. The Mayor and Council hereby authorize and accept delivery of a 2003 fire custom pumper truck from Absolute Fire Protection Company, Inc. which delivery shall take place on or about October 9, 2003.

2. Upon delivery, the Mayor and Council authorize payment of the contract price of Two Hundred and Forty Nine Thousand, Nine Hundred Ninety Four ($249,994.00) be made and delivered to Absolute Fire Protection Co., Inc., from the appropriate bond ordinance or the general funds of the Borough of Keyport.

3. Upon receipt of the within equipment, the Borough Clerk is authorized to process all papers relative to the title and registration and shall take steps to add the within vehicle to the insurance policy of the Borough of Keyport.

4. Copies of the within resolution shall be forwarded to the Municipal Finance Officer, Fire Chief, Raritan Hose Fire Department and a copy of the within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

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

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

12. Resolution No. 357-03, Repair of Sewer Main/Payment of Claim

WHEREAS, there was a sewer main collapse on Seventh Street; and

WHEREAS, due to the collapse, the property owner at 177 Seventh Street experienced a sewer problem and incurred costs.

NOW, THEREFORE, BE IT RESOLVED that Carol Laengle, 177 Seventh Street is to be reimbursed for costs incurred in the amount of $127.27 as per the bill submitted.

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

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

ADJOURNMENT

Motion to Adjourn moved by Mrs. Atkins, seconded by Mr. Green with Ayes by all present.

Time of Adjournment: 10:53 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk/Administrator

Allyson M. Cinquegrana

Per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk