Approved 12/20/05

November 1, 2005
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, N.J. pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the 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 7:02 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Bergen, Wedick, Walling, Hassmiller. Absent: Councilman Doyle. Others present were Mr. Ebner, Borough Attorneys Office and Mr. Antonucci, Administrator.

RESOLUTION

1. Resolution #333-05, Closed Meeting - Personnel, Possible Litigation, and Contract Negotiations

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

Personnel
1.Fire Inspector Replacement
2.Plumbing Inspector and Plumbing Subcode Replacement
3.Registrar
4.Health Insurance Reimbursement
5.Closed Session of October 18, 2005
Possible Litigation
1. Weisbecker vs. Borough of Keyport
Contract Negotiations
1.Interlocal with Board of Education/Janitorial Services

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, in the Council Chambers for the purpose of discussing the following subjects:

Personnel, Possible Litigation, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Possible Litigation, 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 concluded and a contract executed, and this meeting shall continue in approximately 20 minutes.

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

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

Council went into closed session at 7:03 P.M. and this meeting was reconvened at 8:07 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 Atkins, Bergen, Wedick, Walling, Hassmiller. Absent: Councilman Doyle. Others present: Mr. Ebner, Borough Attorneys Office and Mr. Antonucci, Administrator.

SPECIAL HEARING

1. Memorandum of Understanding - Century Land Group

The Hearing was opened at 8:08 pm. Gordon N. Litwin, Esq., Redevelopment Counsel said on October 18, 2005 a Resolution was adopted pertaining to this matter. On July 22, 2003 a Resolution was adopted regarding a Memorandum of Understanding. This prior Resolution expressed the right to terminate the "MOU" with a 10 day notice or at the sole discretion of the Borough that the project was not in the best interest. A Redevelopment Plan for the Aeromarine was prepared in June, 2005 and was revised in September, 2005 (lower density). Century Land Group is seeking variances for use, density and height for 10 multi family, 569 dwelling units. A concept plan has been filed with the Unified Planning Board. Century Land Group was given advance notice of this Hearing by the Borough Clerk. Century Land Group has filed a law suit on the "MOU". The Borough has determined the area is in need of redevelopment and has a plan. Century Land Group is not in agreement. The "MOU" is ultra vires - a zoning ordinance is needed or redevelopment. The suit is presently in court. According to the Resolution, the Borough has the right to terminate the "MOU" with 10 days notice and to terminate at the Borough's sole discretion if it is not in the best interest of the Borough. Mr. Litwin urged the Governing Body to determine to terminate the "MOU"

Bruce Snyder, Litigation Counsel for Century Land Group said there are two law suits, one Federal and one in Superior Court. Century Land Groups position is that terminating the "MOU" is bad policy, that they have proceeded in good faith and have done everything to fulfill their obligation. He said there is no sense in terminating the "MOU". He said the Borough will not know who they are getting. The "MOU" says 10 days notice and that it is a little bit late. Mr. Snyder said it is not appropriate to litigate the matter here. He said the "MOU" has been breached by the Borough and the Borough has failed in their obligation. Century Land Group has spent $600,000 on plans and studies. Termination of the "MOU" violates the Borough's obligation. He questioned that Century Land Group's plan is not in the best interest to the Borough. Century has worked with the Borough and received no cooperation. Century's plan is feasible and in the best interest of the Borough. To say to Century that the Borough doesn't like their application violates the "MOU". Mr. Snyder said the Borough has already decided to terminate the "MOU" and Century reserves their rights.

Mr. Litwin said you function under the laws of the State of New Jersey. Century may be designated the developer. There has been no discussion by the Governing Body on pre-determination; there has been no pre-agreement by the Mayor and Council. Mr. Litwin recommended that the Governing Body act in the interest of the Borough, not the developer. There has been a long process with public input which has led to the Borough Plan. Councilman Bergen asked Mr. Snyder that in both litigations, Century Land Group asserts that the Borough breached the "MOU"; yes. Mayor Merla said for the record, there have been no discussions with Mr. Litwin or Councilmembers on this subject. Mayor Merla asked if there were any questions or comments from the Public. There was none. Mr. Snyder said he does not allege there were improper discussions.

RESOLUTION

2. Resolution #334-05, Termination of Memorandum of Understanding with Century Land Group

Mr. Litwin read the Resolution advising that it terminates the "MOU" pursuant to the terms of the "MOU". Councilman Wedick asked Mr. Litwin about the escrow account date of November, 2004 and Mr. Litwin said that it is correct. Mr. Litwin said Century Land Group can submit a Request for Proposal and be given an equal chance.

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

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

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

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

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

WHEREAS, the Mayor and Council has, upon due notice, afforded Century the opportunity to be heard on the issue of termination of the MOU, and has duly considered the matter;

WHEREAS, without prejudice to, and notwithstanding any legal position asserted or that may be asserted by the Borough in pending legal proceedings with Century that the MOU is void or not enforceable, the Mayor and Council has determined that it is nevertheless in the best interest of the Borough to exercise its right to terminate the MOU upon ten (10) days written notice, and also determined that with the adoption of the Redevelopment Plan, Century's proposed project is not in the best interest of the Borough;

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

1. The Borough shall immediately exercise its right to terminate the MOU upon ten (10) days' written notice to Century;

2. The Borough Clerk is hereby authorized to send such notice on behalf of the Borough which shall be in a form approved and reviewed by Redevelopment Counsel;

3. The Borough Clerk shall further cause any balance in the escrow account established under the MOU as of November 1, 2004 to be returned to Century in accordance with terms of the MOU.

Offered by Councilman Wedick, seconded by Councilman Bergen

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

PROCLAMATION

1. Mayor Merla read a Proclamation for Veteran's Day, November 11, 2005 and requested that copies be forwarded to the Veteran's of Foreign Wars and the American Legion.

APPROVAL OF MINUTES

Minutes of the Regular Meetings of November 3 and 17, 2003, Special Meetings of October 4 and 18, 2005, Closed Meetings of November 3, 2003 (2), November 17, 2003, October 4 and 18, 2005-as amended per Councilman Wallings request, were approved, moved by Mrs. Atkins, seconded by Mr. Bergen, with Ayes by all present except Councilmembers Wedick, Walling and Hassmiller abstained on all minutes from 2003.

HEARINGS ON ORDINANCES

1. Ordinance #25-05, Bond Ordinance/Repairs to the Municipal Complex Roof and Other Related Improvements

The Borough Clerk reported that the approved Supplemental Debt Statement has been received back from the Department of Community Affairs.

The Borough Clerk reported that the Ordinance was

published as introduced, in the Courier, issue of October 20, 2005, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Board and made available to the public.

The Borough Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT
OF THE BOROUGH HALL ROOF AND RELATED

IMPROVEMENTS IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING $300,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $285,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The Hearing was opened to the Public for comments or questions at 8:28 pm. Edward Burlew, 59 W. Front Street asked if the Borough was going back to the Bonding Company because the roof has to be replaced. Mayor Merla said this matter is in litigation and this is an emergency. Councilman Bergen said the Borough is in litigation. The contractor says there is nothing wrong with the roof. The roof has to be fixed. The manufacturer of the roof said they would make good and that they stand by their product. Mayor Merla said in general, the roof was done wrong. Mr. Bergen said the contractor sued the Borough to stop the Borough from replacing the roof. Police Chief Theodore Gajewski asked if the ceiling tiles, etc. will be replaced. Mayor Merla said the roof has to be fixed first and then related issues will be addressed if there is enough money left in the Ordinance. Mr. Bergen said the Bond Ordinance provides a cushion in case other things are found. The Hearing was closed at 8:32 pm

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

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

1a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of November 3, 2005, moved by Mr. Walling, seconded by Mrs. Atkins, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Memo from Keri Stencel, Tax Collector, regarding 100% Disabled Veteran - Robert J. Gross being issued a refund of 2004 taxes.

   Motion to add a Resolution to the Agenda, moved by Mr. Bergen, seconded by Mr. Walling, with Ayes by all present.

2. Letter of resignation from Errol Lamberson, Plumbing Subcode Official, Plumbing Inspector and Fire Inspector.

   Motion to accept with regret, moved by Mr. Bergen, seconded by Mrs. Atkins, with Ayes by all present.

3. Request for Water/Sewer Bill adjustment from Rose Olini, 44 Walnut Street (responses from Water/Sewer Collector and Public Works Superintendent attached).

   Motion to refer to the Finance Committee and list on the November 15, 2005 agenda, moved by Mr. Wedick, seconded by Mrs. Atkins, with Ayes by all present.

4. Request for Water/Sewer Bill adjustment from Eric Yurowski, 43 Atlantic Street (response from Water/Sewer Collector attached).

   Mr. Yurowski said he has been paying $270.00 a quarter and he received this bill in the amount of $2,300.00 and is seeking a refund ($800.00). He has checked for leaks and had the meter checked (when there was no water going through the meter).

Mr. Bergen questioned why there were estimated reads in 2004.

Motion to refer to the Finance Committee and list on the November 15, 2005 agenda, moved by Mr. Walling, seconded by Mrs. Atkins, with Ayes by all present.

5. On Premise Nightly 50/50 Raffle License Application from St. Joseph Church for May 31 through June 4, 2006.

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

6. On Premise Non Draw Raffle License Application from St. Joseph Church for May 31 through June 4, 2006.

   Motion to approve, moved by Mr. Walling, seconded by Mrs. Atkins, with Ayes by all present.

7. Letter from Monmouth County Board of Chosen Freeholders regarding Transportation Funding being in jeopardy (see Resolutions)

   Motion to support, moved by Mr. Walling, seconded by Mrs. Atkins, with Ayes by all present.

8. Certification of the Table of Equalized Valuations and Certification of Average Ratios and Common Level Ranges for use in the Tax Year 2006 (response from Tax Assessor attached).

   Motion to accept Tax Assessor Report not to file appeal, moved by Mr. Bergen, seconded by Mr. Walling, with Ayes by all present.

9. Response from Tax Assessor regarding Block 1.01, Lot 43.

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

10. Request from Cablevision to address Mayor and Council regarding Verizon and Cable Television Franchising.

    Motion to hold until researched, moved by Mr. Walling, seconded by Mr. Wedick, with Ayes by all present. Mr. Bergen requested that a Resolution Opposing be listed on the November 15, 2005 Agenda.

11. Letter from Cablevision regarding Telvue Corporation services as it applies to the Cablevision Contract.

    Motion to receive and file, moved by Mr. Bergen, seconded by Mrs. Atkins, with Ayes by all present.

12. Resignation from SLEO II Recruit Tom McManus.

    Motion to accept, moved by Mrs. Atkins, seconded by Mr. Wedick, with Ayes by all present. The Borough sponsored Mr. McManus to attend school.

UNFINISHED BUSINESS

1. **First Aid.** Mrs. Atkins said she would like to set up a meeting with Mr. Bergen regarding the First Aid.

2. **Mayor.** Mr. Walling said at the last meeting John Merla was

asked to step down as Mayor and he is again asking Mayor Merla to step down (citing the Vice President Chief of Staff). Mayor Merla said he would not compare this situation with that of Washington and said he appreciated Mr. Walling's opinion. Mayor Merla said that the Ordinance adopted allowing doors to stay open until 9 pm in liquor license establishments, as Mayor, he could have signed it but that Council President Wedick signed it. Mr. Wedick said he voted against the Ordinance, but did sign it.

ADMINISTRATOR'S REPORT

Mr. Antonucci reported on the following. October 25, 2005 Payment of Bills: Current Account-$831,363.66; Water & Sewer Account-$18,882.25. He will be attending the League Convention and will not be at the November 15, 2005 Council Meeting. He attended a Seminar on USDA Grant Funding, and appeared in Superior Count regarding the litigation on the Municipal Complex Roof. The Payment of Bills has been streamlined and Mrs. Febo's work has been eliminated. The Pool Filling Permit Application has been amended. A security mirror has been installed in the Administration section. A Smart Growth Grant Application has been filed. Mr. Bergen thanked him. He attended the tour at Fragrance Resources and the dedication of the walk at the Senior Center. There was a meeting with Kaplan, Gaunt, DeSantis, Architect for the Municipal Complex and a punch list was put together and is being sent to the Borough Attorney for review. He met with the new garbage contractor to coordinate pick ups. He and Mrs. Poling, Borough Clerk met with a vendor for Codification of Ordinances. The last time the ordinances were codified was 1988. He commended Mrs. Poling on keeping the Ordinance Book up to date with supplements. The phone system has been changed to make user friendly. The Web Site is being addressed for updates on information. A Monmouth County Open Space Grant Application has been filed. He is having a vendor provide service at $350.00 for the computer server. Mr. Walling said the Administrator will be at the Convention 11/15-18/05 and asked if any members of the Governing Body were attending. Mr. Bergen said he is, and asked about moving the 11/15/05 meeting. Councilman Hassmiller will be attending the Convention and Councilwoman Atkins advised she will not be at the 11/15/05 meeting. After discussion, it was agreed that the meeting will stand and will be held on November 15, 2005.

ENGINEER'S REPORT

Mr. Norbut reported on the following. **Boiler Replacement and Fuel Oil Tank Removal/Senior Center.** Mr. Norbut referred to his letter which Mayor and Council received: $145,000 for the boiler (duel fuel model) and $35,000 for fuel oil tank removal; total $180,000. There is $25,000 left in a prior bond ordinance. Mr. Bergen asked if the tank is lined (pressure test). The cost to check the tank would be less than $1,000. Mr. Bergen requested this matter be referred to his attention. Mr. Wedick said the DEP has a grant program and Mayor Merla said to check with Monmouth County as they have funded programs in the Senior Center). Mr. Norbut said his mechanical engineer will check the building. **Beach Park Application.** The application was submitted for $100,000 to replace equipment plus landscaping,(50% County and 50% matching). Support letters are needed. Rubberized safety surface was discussed. Mr. Bergen referred to Woodmont streetscape. Mr. Norbut said the **Woodmont** site was pumping water into the sanitary sewer and has been fined. Mayor Merla asked Mr. Norbut to keep track of engineering and Public Works time and to back charge Woodmont. They blocked off the street to drop off equipment and Robert Burlew, CCO spoke with the Police Chief. Mr. Bergen said the site has to be cleaned up, sidewalks, etc. **Bump Out/Municipal Complex.** Mayor Merla asked Mr. Norbut to check with the County, that they were going to take the Bond money posted and correct the problem.

ATTORNEY'S REPORT

Mr. Ebner had no report.

NEW BUSINESS

Mayor Merla said there will be a meeting on Friday at 10:30 am regarding **garbage dumpsters**. He said spaces would be lost in the parking lot and the dumpsters will interfere with snow removal. Mr. Bergen said easement agreements are needed with the properties abutting. Mr. Walling requested that meetings be scheduled either later in the day or at night so people can attend. Mr. Bergen said he would like to coordinate the Third Street Project with sidewalks and streetscape for the **Library** and will try to find money.

RESOLUTIONS

3. Resolution #335-05, Payment of Bills

(Full copy of Resolution attached hereto and made part of these minutes as pages 20-36)

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

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

4. Waive Sewer Fee for 44 Beers Street Mr. Walling said this is not the Borough's responsibility, that the property was left for periods of time; Mr. Wedick agreed. Mr. Bergen said the owner should pay the whole water bill plus interest. Motion to hold this matter, moved by Mrs. Atkins, seconded by Mr. Wedick, with Ayes by all present.

5. Resolution #336-05, Amend September 20, 2005 Payment of Bills

WHEREAS, the Payment of Bills of September 20, 2005 in the Current Account Section was approved with the total $827,579.15.

WHEREAS, it has been determined that the balance should be $827,334.30 in the Current Account Section of the September 20, 2005 Payment of Bills.

BE IT FURTHER RESOLVED, that Mayor and Council approve this change and that the balance in the Current Account Section of the Payment of Bills for September 20, 2005 be amended to read $827,334.30.

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

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

6. Resolution #337-05, Set Forth Recommendations for Reauthorization of the NJ Transportation Trust Fund

WHEREAS, the County of Monmouth is dedicated to serving the needs of those who live, work and visit the county and considers transportation to be a key component of those needs; and

WHEREAS, the New Jersey Transportation Trust Fund has been used for nearly twenty years to fund much needed road, rail and other transportation improvements throughout Monmouth County, the region and the State; and

WHEREAS, the New Jersey Transportation Trust Fund faces a crisis in that by the beginning of State Fiscal Year 2007 it will only have enough funds to pay off debt unless restored with new revenue; and

WHEREAS, a State Blue Ribbon Committee on Transportation was established to seek solutions to the problems facing the New Jersey Transportation Trust Fund in November 2003 released recommendations regarding the funding needs of the State, Counties and Municipalities, including the need for approximately $375 million a year in Local Aid to Counties and Municipalities; and

WHEREAS, the Borough of Keyport recognizes the significant negative impacts that the depletion of the New Jersey Transportation Trust Fund could cause, including delayed or canceled transportation projects for the County, Region and State and reduced access, mobility, safety and quality of life for its citizens and increased difficulty in securing federal transportation funding for the region; and

WHEREAS, the Borough of Keyport supports efforts to make transportation a higher State, Regional and County priority and to ensure that State funding will finance key future transportation projects and improvements, ensuring access, mobility, safety and quality of life for its citizens and increased difficulty in securing federal transportation funding for the region; and

NOW, THEREFORE, BE IT RESOLVED that the Borough of Keyport urges its representatives in the State Assembly and State Senate to work diligently with their colleagues toward legislative and gubernatorial approval of a bill reauthorizing the New Jersey Transportation Trust Fund at a level of at least $4.6 billion a year as recommended by the State's Blue Ribbon Commission on Transportation; and

BE IT FURTHER RESOLVED that the copies of this Resolution have been forwarded to the members of the County of Monmouth's delegation to the New Jersey State Legislature, Honorable Richard J. Codey, Acting Governor, Honorable Nicholas Sacco, Chairman of the Senate Transportation Committee, Honorable John Wisniewski, Chairman of the Assembly Transportation Committee; the Mayors of Monmouth County's municipalities; Jack Lettiere, Commissioner of the NJDOT; George Warrington, Executive Director, NJ Transit and Peter S. Palmer, Chairman, North Jersey Transportation Planning Authority.

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

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

Walling, Hassmiller
Absent: Councilman Doyle

7. Resolution #338-05, Appointment of Plumbing Subcode Official

WHEREAS, there exists a vacancy in the part time position of Plumbing Sub Code Official; and

WHEREAS, funds are available in the 2005 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that George W. Lacey is hereby appointed Part Time Plumbing Sub Code Official, effective October 31, 2005 at the annual salary of $3,500.00.

BE IT FURHTER RESOLVED that George W. Lacey will work 4 hours per week.

BE IT FURTHER RESOLVED as this is a Part Time position, there are no benefits.

BE IT FURTHER RESOLVED that this appointment will expire on December 31, 2005.

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

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

8. Resolution #339-05, Appointment of Plumbing Inspector

WHEREAS, there exists a vacancy in the part time position of Plumbing Inspector; and

WHEREAS, funds are available in the 2005 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that George W. Lacey is hereby appointed Plumbing Inspector, effective October 31, 2005 at the annual salary of $3,000.00.

BE IT FURTHER RESOLVED that George W. Lacey will work 2 hours per week.

BE IT FURTHER RESOLVED as this is a Part Time position, there are no benefits.

BE IT FURTHER RESOLVED that this appointment will expire on December 31, 2005.

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

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

9. Resolution # 340-05, Appointment of Fire Inspector

WHEREAS, there exists a vacancy in the part time position of Fire Inspector; and

WHEREAS, funds are available in the 2005 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Anthony Vecchio is hereby appointed Fire Inspector, effective October 31, 2005 at the annual salary of $3,000.00.

BE IT FURTHER RESOLVED that Anthony Vecchio will work 2 hours per week.

BE IT FURTHER RESOLVED as this is a Part Time position, there are no benefits.

BE IT FURTHER RESOLVED that this appointment will expire on December 31, 2005.

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

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

10. Resolution #341-05, Award of Contract for Municipal Complex Roof Repairs

WHEREAS, the Borough has had numerous inspections made to the roof of the Municipal Building, and

WHEREAS, such inspections have made it clear that the roof of the Keyport Municipal Building was not installed according to manufacturers specifications causing numerous leaks, and

WHEREAS, the Municipal Building's leaking roof will lead to other problems and damage if not immediately repaired, and

WHEREAS, The Mayor and Council of the Borough of Keyport have advertised for the receipt of bids for repairs to the roof of the Keyport municipal building, and

WHEREAS, Badger Roofing, Cypreco Industries and G&M Eastern Contracting submitted bids in response to the advertisement for the same, and

WHEREAS, the Mayor and Council have reviewed the bids submitted and have determined the lowest responsible bidder to be Badger Roofing.

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

1. Said contract is awarded to Badger Roofing in accordance with the bid specifications, which are incorporated hereto and made a part hereof by reference, for a total base bid not to exceed Two Hundred Eighty Five Thousand Five Hundred Dollars ($285,500) excluding differentials.

2. The differentials are as follows: for off hours work Thirty Thousand Dollars ($30,000); vapor barrier, if not required a credit of Two Thousand Five Hundred Dollars (-$2,500); second layer of insulation, if not required a credit of Thirteen Thousand Dollars (-$13,000). The differential, Forty Five Thousand Dollars ($45,000), for six hundred linear feet of copper pan flashing under coping stone is included in the total base bid. The foregoing award of Contract is subject to the

certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Badger Roofing, executing and delivering the Contract for said roof repairs, the performance bond, the certificate of insurance, the vehicle identification affidavit, affirmative action affidavit and such other documents required in the bid specifications or required by the Borough of Keyport.

3. The Bid Guaranty in the form of a bid bond or certified check submitted by Badger Roofing, is hereby released.

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

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

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

11. Resolution #342-05, Authorize Consultant to Assist in Drafting of RFP (Aeromarine Redevelopment)

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("the Redevelopment Law"), N.J.S.A. 40A:12A-1 et seq., the Mayor and Council has adopted a redevelopment plan entitled "Aeromarine Area Redevelopment, Borough of Keyport, New Jersey" ("Redevelopment Plan") dated June 2005 (revised September 2005) for Block 141, Lots 14 and 15 in the Borough of Keyport ("the Aeromarine property");

WHEREAS, in furtherance of selecting a redeveloper to implement the Redevelopment Plan, the Mayor and Council desires to retain a professional planner to assist the Borough with the preparation of a Request for Proposals and with the evaluation of the proposals submitted in response thereto;

WHEREAS, **Victor Furmanec, P.P., A.I.C.P.** of the firm **Beacon Planning & Consulting Services, LLC** possesses the necessary technical and professional expertise to assist the Borough with the aforementioned tasks;

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(a) permits the Borough to award a contract for professional services without public advertising for bids and bidding;

WHEREAS, sufficient funds are available and have been or will be appropriated for this specific purpose.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute an agreement with Victor Furmanec, P.P., A.I.C.P. of the firm Beacon Planning & Consulting Services, LLC to:

1. assist the Borough with the preparation of a Request For Proposals for the redevelopment of the Aeromarine property in accordance with the Redevelopment Plan,

2. assist the Borough with the evaluation of proposals submitted to the Borough in response to said Request For

Proposals,

3. provide compensation for said services at an hourly rate as per attached proposal for a sum not to exceed $1,600.00.

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

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

12. Resolution #343-05, Authorize Application to Monmouth County Open Space Program

WHEREAS, the Monmouth County Board of Chosen Freeholders has approved an Open Space Trust Fund and established a Municipal Open Space Program to provide Program Grant funds in connection with municipal acquisition of lands for County park, recreation, conservation and farmland preservation purposes, as well as for County recreation and conservation development and maintenance purposes; and

WHEREAS, the Governing Body of the Borough of Keyport desires to obtain County Open space Trust Funds in the amount of $50,000 to fund improvement to Beach Park, Block 94, Lots 1, 2 and 3 at the corner of First Street and Broad Street; and

WHEREAS, the total cost of the project including all matching funds is $100,000.00; and

WHEREAS, the Borough of Keyport will be holder of any interest acquired with County Open Space Trust Funds.

WHEREAS, the Borough of Keyport is the owner of and controls the project site.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH OF KEYPORT MAYOR AND COUNCIL THAT:

1. Thomas Antonucci, Borough Administrator is authorized to (a) make an application to the County of Monmouth for Open Space Trust Funds, (b) provide additional application information and furnish such documents as may be required for the Municipal Open Space Grants Program and (c) act as the principal contact person and correspondent of the above names municipality; and

2. The Borough of Keyport is committed to this project and will provide the balance of funding necessary to complete the project in the form of non-county matching funds as required in the Policy and Procedures Manual for the Program; and

3. If the County of Monmouth determines that the application is complete and in conformance with the Monmouth County Municipal Open Space Program and the Policy and Procedures Manual for the Municipal Grants Program adopted thereto, the municipality is willing to use the approved Open Space Trust Funds in accordance with such policies and procedures, and applicable federal, state, and local government rules, regulations and statutes thereto; and

4. Thomas Antonucci, Borough Administrator is hereby authorized to sign and execute any required documents, agreements, and amendments thereto with the County of Monmouth for the approved Open Space Trust Funds; and

5. This resolution shall take effect immediately.

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

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

13.Resolution #344-05, Award of Contract/J.D. Cummins-Project Management and Project Monitoring/Repairs to Municipal Complex Roof

RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF KEYPORT AUTHORIZING MR. HENRY VITALE OF JAMES D. CUMMINS & CO. TO PERFORM PROJECT MANAGEMENT AND PROJECT MONITORING OF THE MUNICIPAL COMPLEX ROOF REPAIR/REPLACEMENT

WHEREAS, the Borough has had numerous inspections made to the roof of the Municipal Building, and

WHEREAS, such inspections have made it clear that the roof of Keyport Municipal Building was not installed properly causing numerous leaks, and

WHEREAS, the Municipal Building's leaking roof will lead to other problems and damage if not immediately repaired, and

WHEREAS, in accordance with local governmental contract law bids for the roof repair/replacement were solicited and received, and

WHEREAS, a contract for roof repairs to the Municipal Complex was awarded to the lowest responsible bidder, and

WHEREAS, the project requires the services of professional building consultants to manage and monitor the project to ensure compliance with the contract specifications, and

WHEREAS, Mr. Henry Vitale of James D. Cummins & Co. has the necessary expertise to oversee Project Management and Project Monitoring, and

WHEREAS, the Local Public Contracts Law, *NJSA* 40A:11-5(1)(a)i permits the Borough of Keyport to award a contract for professional services without public advertising for bids and bidding, and

WHEREAS, sufficient funds are available and have been or will be appropriated for this specific purpose,

NOW, THEREFORE BE IT RESOLVED, BY The Mayor and Council of the Borough of Keyport that Mr. Henry Vitale of James D. Cummins & Co., is authorized to perform Project Management and Project Monitoring of the contract between the Borough of Keyport and Badger Roofing for the replacement/repair of the municipal complex roof for the amount of thirteen thousand five hundred dollars ($13,500) subject to the terms and conditions set forth in James D. Cummins & Co.=s proposal dated November 1, 2005. Said proposal is incorporated hereto and made a part hereof by reference.

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

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

14. Resolution #345-05, Authorize Advertisement for Receipt of Bids for Janitorial Services

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough Clerk is hereby authorized to advertise for Receipt of Bids for Janitorial Services.

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

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

15. Resolution #346-05, Cancellation of Taxes-100% Disabled, Robert J. Gross, Block 63, Lot 3

WHEREAS, The Department of Veteran Affairs determined that Mr. Robert J. Gross a former resident of Keyport at 119 Broad Street, Block 63 Lot 3 to have a service connected disability that is totally disabling as of December 1, 1997;

WHEREAS, Mr. Robert J. Gross has provided the proper documentation to show that the Department of Veteran Affairs has made such a determination, and;

WHEREAS, it is Borough policy to grant the exemption for the current year, and one preceding year.

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 Tax Collector is directed to cancel taxes as follows:

NAME	Year	AMOUNT
Gross	2004	2434.51

2. The Tax Collector is directed to process a refund for any overpayment due to the cancellation of taxes.

Copy to: Tax Collector
Finance
Tax Assessor

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

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

16. Resolution #347-05, Interlocal Agreement with the Keyport Board of Education for Janitorial Services

WHEREAS, the municipal complex and senior center are in need of janitorial and cleaning services, and

WHEREAS, the Mayor and Council are opinion that it is cost effective to have janitorial and cleaning services for municipal complex and senior center performed through an interlocal agreement for said services with the Keyport Board of Education; and

WHEREAS, pursuant to N.J.S.A. 40:8A-1 et seq., the Borough of Keyport is authorized to facilitate and promote interlocal and regional service agreements; and

WHEREAS, the utilization of an interlocal agreement for janitorial and cleaning services with the Board of Education will enable the Borough to provide said services will result in a cost savings to the Borough and citizens of Keyport.

NOW THEREFORE BE IT RESOLVED by the Mayor and Borough Council that the Mayor is authorized to execute an interlocal agreement with the Keyport Board of Education for janitorial and cleaning services for the municipal complex and senior center.

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

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

17. Resolution #348-05, Authorize Administrator to Advertise for Part Time Building Maintenance Worker

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Business Administrator is hereby authorized to advertise for a Part Time Building Maintenance Worker.

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

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

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 9:10 P.M. for comments or questions. Edward Burlew, 59 W. Front Street asked the status of the bike ordinance. It was referred to the Police Chief. Chief Gajewski said certain sections need to be repealed and other sections added. There is nothing in the Ordinance that says you cannot ride on the sidewalk. The State Statute lumps skateboards, bicycles together. Bike riders have to obey all traffic laws if they are in the street. If was asked if an age restriction could be implemented and if the hours could be defined. If was asked if skateboards are allowed on American Legion Drive. Chief Gajewski said he would provide a memo for the 11/15/05 Council Meeting. Mr. Burlew said in Wildwood bikes have to be off the boardwalk by 10 pm. Mr. Burlew asked Mayor Merla if Mr. Walling asked the Mayor to step down; yes. Mr. Burlew asked if he did, who would take his place. Mr. Wedick advised that the Republican Committee would have to submit three names to be voted on within 30 days. A Therese Street resident inquired into the status of having the street repaired due to damage by private contractors. Mr. Antonucci said the Borough is operating in good faith, that the Borough Engineer inspected the site and that the Borough is close to a resolution (within a few days) with the responsible party (a contractor) and that the Borough is addressing all concerns of the residents. Mr. Norbut said the paving of the street by Manzo is fine. Mr. Antonucci is to notify the resident when the repairs are to be done. The Public Comment Portion was closed at 9:21 P.M.

ADJOURNMENT

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

Time of Adjournment: 9:21 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC
Borough Clerk