Approved 10/4/05

Keyport, New Jersey
December 16, 2003

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date, in the Keyport Senior Center, 110 Second Street, Keyport, N.J. pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent and Two River Times and posted on the Bulletin Board, in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

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

ROLL CALL

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

RESOLUTION

1. Resolution No. 414-03, 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
2. Borough Clerk's Office

Litigation

1. Health Insurance
2. PBA vs. Borough of Keyport
3. Magic Touch vs. Borough of Keyport

Labor Relations

1. PBA Negotiations
2. Administrative and Non Union Agreements
3. Grievance/Barbara Hassmiller
4. Grievance/Salaries for Various Clerical Employees
5. IUOE/Clerical Employees – Floater

Contract Negotiations

1. New Municipal Complex
2. Property and Casualty Insurance
3. Shorelands Water Company/Keyport Borough Base Allocation Lease
4. Charter Fishing Boat Lease
5. Interlocal/Matawan Regional Board of Health
6. 2003 Road Improvement Program/Receipt of Bids

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 and 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. Hyer, second by Mrs. Atkins

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

Council went into closed session at 7:06 P.M. and this meeting was reconvened at 8:08 P.M.

Mayor Merla called the meeting to order at 8:11 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Bergen, Atkins, Hyer, Doyle, Green. Absent: Councilman Stalter (arrived 8:26 P.M.). Other present: Mr. Kain, Borough Attorney and Mr. Freda, Borough Engineer.

Councilman Green led the Pledge of Allegiance and Moment of Silence. Madeline Hulsart passed away.

APPEARANCE AND DISCUSSION

1. **Emergency Management Officer.** The First Aid Building will be equipped with a generator. Ken Krohe has agreed to take the project on and requested it be entertained in the 2004 budget ($30,000) for Emergency Management. The Fire and First Aid concur with this. Mr. Hyer said the Borough needs to designate a place for elderly assistance. The Red Cross will contribute blankets, etc. The First Aid Building can be a place to bring residents and students, etc. It is a central evacuation point. The Mayor asked that the same presentation be made in 2004 to the new Council.

2. **Keyport Business Alliance/2003 Year End Summary.** Mrs. Shaw said the BID is a private section/non-profit sector with a $220,000 budget. Media kits will be supplied. The budget will be used for visual improvements (banners, flags, trash receptacles, a lighted message board, Welcome signs, etc). Ordinances have been reviewed. There has been an Economic Development Committee formed. There has been a 30% turn over in the downtown area and Highway Commercial. There is a Smart Growth strategy. Marketing is the largest portion of the Borough.

   Mr. Stalter arrived at 8:26 P.M.

   A video from Unreal Productions was shown regarding the 2003 overview. Mayor Merla asked about the 2004 revenue generating goals. Mrs. Shaw said there would be an insert or special piece.

HEARING ON ORDINANCE

1. Ordinance No. 37-03, Set Minimum/Maximum Salary Ranges for Deputy Tax Collector and Deputy Treasurer

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of December 4, 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 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

The Hearing was opened to the public for comments or questions at 8:37 P.M. There being none, the Hearing was closed to the public at 8:37 P.M.

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

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 December 18, 2003 moved by Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance No. 36-03, Ordinance Amending Chapter XIV, Water and Sewer, Section 14-1.15, Minimum Quarterly Charges for Water Service

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 SUPPLMEENTING CHAPTER XIV, WATER AND SEWER

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Chapter XIV, Water and Sewer, is hereby amended and supplemented as follows:

SECTION 1. Declaration. The mayor and Council of the Borough of Keyport have received a report from the Municipal Finance Officer which concludes that water rates must be increased with the Borough of Keyport. The immediate need for this rate increase is the estimated debt owed to the Bayshore Regional Sewerage Authority which must be addressed in 2004. This debt can only be satisfied through a substantial rate increase. The Mayor and Council further believe that an increase is necessary to address the aging infrastructure which comprises the water and sewer systems within the Borough of Keyport. The Mayor and Council recognize that many of the water and sewer pipes were installed over 90 years ago and must now be replaced. An increase in water rates will be necessary to commence a major capital project affecting the water to all residents and to properly dispose of wastewater in the future. The Mayor and Council are further cognizant of the will of the residents for the Borough to operate and maintain the public water and wastewater systems. The within increase will permit the Borough of Keyport to address the immediate and long range objectives to modernize and improve the public utility.

SECTION 2. Title: Borough Ordinance Chapter, XIV, Water and Sewer, Section 14-1.15 is hereby amended and supplemented as follows:

SCHEDULE I

METER SERVICE

Minimum Quarterly Charges for Water Service.

a. The minimum quarterly charge for all one-family residential dwelling or unit is forty five dollars and seventy five cents ($45.75) per quarter, with a minimum allowance for four hundred fifty (450) cubic feet of water.

b. The minimum quarterly charge for multi-unit residential or multi-unit commercial or a combination of the two (2) classes of users, serviced through a single water meter, shall be determined by the product of the number of units by the minimum quarterly charge for a five-eighths (5/8") inch meter for all residential users and further by the product of the number of units by the minimum quarterly charge for the actual size of the meter for all commercial users as established in this rate schedule. The maximum water allowance will be determined in the same manner using an allowance of four hundred fifty (450) cubic feet per residential unit and an allowance as per this rate schedule per commercial unit as determined by the actual size of the meter. If there exists a combination of the aforementioned two (2) classes of users, add the total of the products arrived from the above calculations.

c. All other classes of users will be subject to the following minimum quarterly charges in accordance with their applicable service meter size:

Quarterly Minimum Water Charge

Meter Size	Water Allowance (CF)	Rates
5/8"	450	$ 45.75
¾"	900	88.00
1"	1,350	133.50
1 ¼"	1,800	179.50
1 ½ "	2,250	221.50
2"	4,500	443.00
3"	6,750	668.00
4"	9,000	889.50
6"	18,000	1,777.50
8"	27,000	2,672.00

Excess Water Consumption

Consumption in excess of the water allowance for the minimum quarterly charge for each applicable meter size shall be based upon the following:

First 2,500 C.F. $28.25 per 1000 C.F.

Over 2,500 C.F. $25.00 per 1000 C.F.

SECTION 3. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies. All sections not expressly modified herein are hereby confirmed.

SECTION 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

Mr. Bergen said he would abstain as he wants to discuss the figures with CFO Fallon. Mayor Merla said this has been an issue for a couple of years. The Referendum was defeated and Council raised the rates to pay off the short falls to put the water/sewer infrastructure in line. A First Street main break has occurred. The Borough relies on the CFO. This has to be done; the Borough has not raised water rates in 13 years. In 1994 the sewer rates were adjusted. In the past years, the Borough has absorbed the costs by buying water and paying the BRSA for the sewer rates. The adjustments will affect the tax rate. The Council supports CFO Fallon to balance the water/sewer budget. We must introduce and adopt an Ordinance.

Mr. Bergen said it is obvious the vote went down. It was asked if the commercial rates will be raised. Mr. Bergen said he would like to review the matter and would like to look into a surcharge instead of increasing rates.

The Mayor asked CFO Fallon if he reviewed every option. CFO Fallon said he looked at the commercial rates which were only 10% of the billing. This is inordinate. He said he looked at the Water Utility leases which were reduced down to 25% from 34%. He looked at the general and utility funds splits; the increase appropriates the

2004 budget. There will be an additional $20,000 in the Capital Budget, $1,400 in surplus. The Borough received a $750,000 increase from the BRSA and we only generated $630,000. The rate will have to be adjusted again for 2005 (6 cents on the tax rate). Mr. Bergen said he would like to look at the figures. Mr. Hyer said avenues should be researched for adjustments. Mr. Stalter agreed to look at the figures.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of December 18, 2003 for a Hearing to be held on December 30, 2003 moved by Mr. Doyle, second by Mr. Stalter with Ayes by all present except Mr. Bergen who abstained.

REPORTS OF COMMITTEES

Councilman Bergen, Police. Mr. Bergen did not have a report for this meeting.

Councilwoman Atkins; Fire. Mrs. Atkins read the Fire Department's report for November; a full copy is under Reports of Departments. The Fire Department held their election on December 3, 2003; there was a tie between Mike Walling and Ken Krohe. A run off election was held and Mr. Walling won. Mrs. Atkins attended the First Aid Squad's meeting. The Keyport Fire Patrol will hold its annual Santa Breakfast this weekend from 9AM-12 PM. The House Tour will also take place. She wished everyone a Happy and Health Christmas.

Councilman Hyer; Public Works/Recycling/Property Maintenance. The sanders have arrived. There were 210 man hours There was a flood due to the tide and the Fireman's Park walkway was damaged. Public Works Laborer interviews were held. The Department of Public Works held a residents meeting and concerns were put to rest. There was a flyer distributed in District 2 regarding the sidewalk program. The Recycling flyer is at the printer. The Borough has purchased two 6-cubic yard dumpsters. The Borough will collect computers next year. The Harbor Commission and Baykeeper met and will make recommendation.

Councilman Stalter; Health/Recreation/Parks. Mr. Stalter commended George Sappah and Bert Morris; the parks look great. The Recreation Committee was suppose to meet, but there was no quorum. There is a Blueclaws trip coming up. May 1, 2004 will be Keyport Day at the ball game. Mr. Stalter wished everyone a Happy Holiday.

Councilman Doyle; Finance. Mr. Doyle said background checks will be done for the Tax Collector/Treasurer position. He requested that everyone follow the purchasing procedures for the Borough of Keyport.

Councilman Green; Buildings and Ground/Library. Mr. Green said the roof leaks at the new Municipal complex. There are punch list items that need to be addressed. The furniture has been delivered. Mr. Green thanked Mrs. Poling for working with the decorator and attending meetings and also spearheading the move for January 2004.

Mr. Green left the meeting at 9:00 P.M. and returned later.

Administrator Poling. Mrs. Poling thanked Mr. Green. She said the refrigerator and blinds have been ordered. The ballards will be installed in front of the Municipal Complex.

She reported on the December 9, 2003 Payment of Bills.

Engineer Freda. The Receipt of Bids for Therese Street will be taken on December 30, 2003. The bulkhead plans were filed with the DEP. Mr. Doyle asked when this will be started. The Mayor said he asked for the project to begin in September. The Harbor Commission needs answers to their concerns. Mr. Hyer asked Engineer Freda to attend the Harbor Commission's Meeting in January 2004 (it's the second Monday).

Attorney Kain. Mr. Kain reported the Magic Touch case was carried to January 9, 2004. The

DOT denied the parking Ordinance for Manchester Avenue. We requested the DOT review making it one way. The Mayor said the County should also be asked. The DOT will review Church Street.

The Charter Fishing Lease has been carried for two weeks. With regard to the 2003 Road Improvement Program, he recommended the bids be rejected and the Borough combine the 2003/2004 Program.

Mayor Merla. The Mayor reported at the DOT meeting, several issues were discussed. A letter was received the Army Corps of Engineers, Col. O'Dowd. Senator Corzine's Office was acknowledged in the drafting of the channel one mile long and 12 feet down; if it is deeper than 8 feet, the Borough would need an Act of Congress.

With regard to the Cedar Street Bulkhead, the Borough Engineer, Borough Attorney and CFO put together the information. It is a hazard.

He thanked George Sappah for doing a great job with snow removal. The only complaints received were for the County Roads.

There is a meeting Thursday night with the Planner regarding Smart Growth. The Mayor asked if Mr. Bergen or Mr. Hyer would attend with Mrs. Atkins. The meeting will be with Joe Donnel.

With regard to the Mosquito Commission, they discussed Therese Street area adjacent to the Keyport Marine Basin. Homes are seeing water build up and it was asked if the high water table is due to the dredging? Doug Stout said it started the spring of last year.

The Brownsfield Application was submitted. Judy Shaw, State Office, called and said Keyport is one out of four municipalities to participate.

The diversion of American Legion Drive road has been approved.

The Mayor congratulated Keyport's High School Football team for their 11-1 record; the cheer-leaders and staff deserve the credit. They are ranked 2nd in the Country. There will be scholarships awarded during June graduation.

He and Mr. Sappah said in on the interviews for Public Works Laborer and Calvin Cheatum will be hired.

Mayor Merla wished Council, Mrs. Poling and the public a great Christmas. There is a lot of work ahead for 2004.

The Mayor thanked George Sappah for the cardboard pick up that took place when it snowed.

REPORTS OF DEPARTMENTS

October 2003

1. Tax Collector Report

2002 TAXES	$ 18,408.34
2003 TAXES	1,659,568.46
2004 PREPAID TAXES	13,330.46
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	9,760.59
TAX SEARCHES	-0-
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	31,487.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	68,341.44
TOTAL CURRENT RECEIPTS	$1,801,033.79
WATER/SEWER RENTS	518,783.82
INTEREST AND COSTS	1,617.40
TURN ON CHARGES	-0-

RETURNED CHECK CHARGES	-0-
POOL PERMITS	-0-
WATER METERS WITH TURN ON	-0-
NEW METERS AND INSTALLATION CHARGE	-0-
WATER AND SEWER CONNECTIONS	-0-
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS, ETC.	-0-
DEMOLITION PERMITS	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	$ 520,401.22

Submitted by Pauline Redmond, Tax Collector

2. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$2,097.85**
DOG LICENSES	11.20
CAT LICENSES	-0-
MARRIAGE LICENSES	140.00
BURIAL PERMITS	43.00
DEATH CERTIFICATES	1,595.00
MARRIAGE CERTIFICATES	165.00
BIRTH CERTIFICATES	5.00
POOL PERMITS	-0-
PLAN REVIEW	100.00
FOOD HANDLERS	25.00
MISCELLANEOUS	13.65

DISBURSEMENTS

Check #2771 – Borough of Keyport Misc. Account	$1,948.00
Check #2772 – Borough of Keyport Trust Account	125.00
Check #2773 – Borough of Keyport Dog Trust	7.00
Check #2774 – NJ State Dept. of Health	4.20
Check #2770 – Keyport Post Office	13.65

Submitted by Anne R. Biagianti, Treasurer

3. Librarian's Report

See full copy on file in the Borough Clerk's Office.

Submitted by Jacqueline LaPolla, Librarian

October and November 2003

4. Property Maintenance Report

See full copy on file in the Borough Clerk's Office.

Submitted by William R. Cerase, Property Maintenance Officer

November 2003

5. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$4,000.00
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	4,000.00

SEWER/POOL PERMITS	45.00
WATER METER W/TO	400.00
TOTAL WATER/SEWER, CHECK 3583	**$8,445.00**

CURRENT ACCOUNT

BINGO LICENSE	-0-
FIREARM & FINGERPRINT	-0-
LIMO LICENSES	-0-
PHOTOCOPIES	105.80
POSTAGE	-0-
RAFFLE LICENSE	-0-
TAXI LICENSE, DRIVER	-0-
TAX LICENSE, OWNER	-0-
POLICE DEPT. ACCIDENT REPORTS	428.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	-0-
STREET OPENING	-0-
FISH & GAME	3.00
RECYCLING PERMITS	100.00
PARKING PERMITS	-0-
AUCTION	-0-
TOTAL CURRENT, CHECK 3584	**$ 636.80**

ESCROW ACCOUNT

CASH REPAIR, CHECK 3585	$ 147.50

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING PASSES	-0-
BAIT	-0-
ICE	-0-
ICE CREAM	-0-
SODA	-0-

TOTAL RECEIPTS: $9,229.30

6. Tax Collector's Report

2002 TAXES	$ 31,477.31
2003 TAXES	1,369,705.85
2004 PREPAID TAXES	11,525.66
2001 TAXES	3,880.87
PRIOR YEARS TAXES	814.43
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	19,202.91
TAX SEARCHES	-0-
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	26,487.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	72,423.42
TOTAL CURRENT RECEIPTS	**$1,535,517.45**
WATER/SEWER RENTS	75,703.87
INTEREST AND COSTS	1,210.98
TURN ON CHARGES	130.00
RETURNED CHECK CHARGES	-0-
POOL PERMITS	15.00

WATER METERS WITH TURN ON	61.86
NEW METERS AND INSTALLATION CHARGE	654.00
WATER AND SEWER CONNECTIONS	1,000.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS, ETC.	-0-
DEMOLITION PERMITS	-0-
ALL OTHER MISCELLANEOUS REVENUE	37.10
TOTAL WATER/SEWER RECEIPTS	**$ 78,812.81**

Submitted by Pauline Redmond, Tax Collector

7. Building Department Report

PERMIT TYPE	NO. ISSUED	AMOUNT
State DCA Fee	48	$ 379.00
Construction Certificates	0	-0-
Plumbing	26	1,939.00
Electrical	18	1,361.00
Building	23	3,121.00
Fire Sub Code	15	1,125.00
Code Enforcement/Cert. of Occupancy	52	1,370.00
Transfer Title	11	400.00
Smoke Detectors	52	1,040.00
Zoning	16	160.00
200 Ft. Property List	2	30.00
Miscellaneous	9	225.00
Copies	2	2.00
Const. Debris Deposit	6	300.00
Const. Violations	0	-0-
Reinspection	0	-0-
Total		**$11,452.00**

ACCOUNTS PAYABLE

Amount Paid to Borough, Check 2436	$10,773.00
State Fee Due	379.00 pd. quarterly

Submitted by Annette Kovacs, Sr. Permit Clerk

8. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE $2,859.00

DOG LICENSES	-0-
CAT LICENSES	-0-
MARRIAGE LICENSES	56.00
BURIAL PERMITS	23.00
DEATH CERTIFICATES	995.00
MARRIAGE CERTIFICATES	140.00
BIRTH CERTIFICATES	10.00
POOL PERMITS	-0-
PLAN REVIEW	400.00
FOOD HANDLERS	,135.00
MISCELLANEOUS	100.00

DISBURSEMENTS

Check #2775 – Borough of Keyport Misc. Account	$2,809.00
Check #2776 – Borough of Keyport Trust Account	50.00
Check # – Borough of Keyport Dog Trust	-0-

Submitted by Anne R. Biagianti, Treasurer

9. Librarian's Report

See full copy of report on file in Borough Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

10. Municipal Court Report

STATE FINES	$ 446.00
STATE SURCHARGE	-0-
STATE UNINSURED	95.00
COUNTY FUNDS	824.70
COUNTY FINES	4,209.51
MUNICIPAL FINES	4,209.51
MUNICIPAL COSTS	3,297.00
MUNICIPAL PARKING	888.00
MISCELLANEOUS	2,239.30

Submitted by Kathie Coffey, Court Administrator

11. Fire Department Report

Copy is on file in the Borough Clerk's Office.

Submitted by Harry M. Aumack, III, Fire Chief

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

COMMUNICATIONS AND PETITIONS

1. 2004 Towing License Renewals (Memo from Chief Gajewski):

   A. Tic-Tac Towing
   B. DJ's Towing
   C. Bill Wright and Sons
   D. D&D Towing
   E. Roder's Motors
   F. Bayshore Auto
   G. Key Auto Body

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

2. Fire Department Election results of December 3, 2003 and Run Off Results of December 10, 2003.

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

3. Letter from Unified Planning Board – Recommendation for Street Modification in conjunction with Raritan Hose Company #2 Planning Board Application, Maple Place.

   Motion to refer this matter to the DOT and the County moved by Mr. Hyer, second by Mr. Stalter with Ayes by all present.

4. Taxi Driver Application from Steven L. Price (driving for Daytime, Inc., t/a Matawan Boro Taxi [Memo from Detective Office]).

   Motion to approve moved by Mr. Bergen, second by Mr. Hyer with Ayes by all present.

5. Off Premise Cash Raffle Application from Eagle Hose Company for June 6, 2004.

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

6. On Premise Cash Raffle/Keyport Kiwanis Club

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

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 9:20 P.M. Terry Parker, 135 First Street, asked if there will be a railing at the bulkhead. Engineer Freda said yes, there will be a decorative railing. The Borough will solicit comments regarding the lighting issue, garbage, benches, etc.

Andy Willner said he would like the BRSA to speak with its clients to resolve issues. They have doubled the capacity of their plant and there is an inefficient method of dealing with sludge.

Mike Lane addressed the redevelopment plan and mapping the area will be studied and the Planner will make recommendations. His concern is Phase I; the Planner is not involved and there is an area of residential homes. Mr. Lane asked what the Borough's vision is to include residential homes. Mr. Doyle asked what the homeowners want to see there? Everyone's opinions will be included. Mr. Lane requested the scope of work be changed. Mr. Doyle said there must be trust that the process is taking place. Mr. Bergen said there is no area yet until the areas are determined; other areas will be looked at also. Mr. Doyle said the healthy and stable residential neighborhoods were excluded. Mr. Bergen said that these neighborhoods can be included in the plan. Mayor Merla requested everyone allowing the process to take place. Council will control what the Planner does. The Borough has a copy of Mr. Lane's letter from 1991. Mr. Lane said he stands behind his letter and he was right on target. Mr. Green said he would like the process to take place so that everyone is heard. Mayor and Council will do what is in the best interests of everyone. The Mayor said there were Smart Growth Meetings and Mr. Lane attended and participated in the meetings. Mr. Lane said there was no review of the Request for Proposals. The Mayor said this was turned over to the professionals. Mr. Lane said he wanted his property taken out of the area. Mayor Merla said Mr. Lane sent out a flyer with a letter from Kara Homes regarding swapping property. The Mayor said he does not support condemnation. The hardest challenge is educating the public; there are inuendos and half truths. A review of the Borough was done in the 1988 Master Plan. The Army Corps of Engineers, DOT and Green Acres were brought in together to discuss this process; the Borough will control the Planner.

Robert Zwingraf, Cedar Street, asked why the residential area is being picked; he wanted to make sure he was not a part of the area. Mayor Merla said Mr. Zwingraf voted for the Master Plan revision. The Borough has to rely on the professionals and the businesses will be tied to the waterfront. We must also look at the areas in between Walnut Street and Broad Street.

Mayor Merla said the Smart Growth Committee members were appointed by Council. The Borough advertised on the Borough website. All homeowners in the area are to be notified. Mr. Bergen said Mayor and Council should meet with the Planner first and not tell the public to trust us; everyone should be brought together and allowed to join in on the process. The Mayor said there is a targeted area and seven members of the Smart Growth Committee live in the area.

Mr. Willner said they started to talk about repetitious things and recommended the Planner handle this. The Waterfront is a jewel. He said the public should make the Governing Body do what they want it to do or vote them out of office.

Mr. Green returned to the meeting at 10:00 P.M.

Ron Hammel, 34 Cedar Street, said he has been a resident for 26 years and he does not want condos or hi-rises. Mayor Merla said per square mile, Keyport has more open space in the County.

Roland Secinger thanked everyone who took part in the candlelight tours. There were 200 visitors who visited the Fire Museum. Mr. Secinger invited everyone to come and visit the museum. There is a line adjacent to the Aeromarine Property that is 150 years old and only 7 families owned it.

Carol Grabowski said her parents live on Walnut Street and would like to remain there. Homes are being built on the waterfront; they do not want to be hood winked and they do not want condos.

Cheryl Hammel, 34 Cedar Street, said these are the residents homes and they want to stay. Mr. Hyer said the process has to start somewhere and the Governing Body wants to hear what the public has to say.

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

RESOLUTIONS

2. Resolution No. 415-03, Resolution urging the New Jersey State Legislature to modify the current system of apportionment for the annual tax levy

WHEREAS, the Monmouth County Board of Taxation, a board established by the State of New Jersey, is charged with the task of equalizing the County's fifty three (53) municipal assessments and apportioning the annual tax levy of the County of Monmouth; and

WHEREAS, the Monmouth County Board of Chosen Freeholders is of the opinion that the current system of apportioning the annual County Tax Levy amongst the municipalities as described in NJSA 54:4-49 which directs the various Tax Boards to "apportion the amount to be raised in the respective taxing districts for the State, State School, County and free County Library purposes of consolidated school districts, on the basis of the total valuation so ascertained for each taxing district" is inequitable.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport urges the New Jersey State Legislature to modify the current system of apportionment in favor of a system that mitigates the fiscal impact by means of maximum yearly increases.

BE IT FURTHER RESOLVED that the Clerk forward a certified true copy of this resolution to the Legislative Delegation representing Monmouth County and the Mayor and Governing Bodies of each of the County's municipalities.

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

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

3. Resolution No. 416-03, amend November 17, 2003 Payment of Bills

WHEREAS, on November 17, 2003, the Mayor and Council of the Borough of Keyport passed a Resolution for the Payment of Bills; and

WHEREAS, in the Current Account Section, check #016740 was made payable to Eagle Point Gun in the amount of $2,160.00.

WHEREAS, it has been determined that this check should have been made payable to Eagle Hose in the amount of $2,160.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport to void the check to Eagle Point Gun in the amount of $2,160.00 an reissue a new check payable to Eagle Hose in the amount of $2,160.00.

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

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

Abstain: None
Absent: None

4. Resolution No. 417-03, Authorize Lease of Senior Center to Interfaith Neighbors for Nutrition Program

WHEREAS, the Borough of Keyport is the owner of the property located at 110 Second Street, Keyport, N.J. which is more commonly known as the Keyport Senior Center; and

WHEREAS, Interfaith Neighbors, Inc. is an entity with a principal location of 810 Fourth Avenue, Asbury Park, N.J. desiring to continue its location in Keyport from which to operate a Nutrition Program funded by either the County of Monmouth, State of New Jersey or the United States of America; and

WHEREAS, Interfaith Neighbors, Inc., Mr. Joseph Marmora, Executive Director and Treasurer acting as its agent, desires to rent specific portions of the Keyport Senior Center in Keyport for the purpose of operating a Nutrition Program; and

WHEREAS, the Mayor and Council have reviewed and considered the renting of the Keyport Senior Center to Interfaith Neighbors, Inc. for the purpose as previously stated, and have determined this rental to be appropriate; and

WHEREAS, the Mayor and Council are satisfied with the terms and conditions as set forth in the Lease Agreement reviewed by the Borough Attorney for the time period from January 1, 2004 to December 31, 2004; and

WHEREAS, pursuant to NJSA 40A:12-14 it has been determined that Interfaith Neighbors, Inc. as Lessee is non-profit corporation for a public purpose and the following factors have been established.

1. The consideration for the lease shall be the payment of $300.00 per month rental and the performance of the obligations requited of Lessee as set forth in the lease.

2. The public purpose served by the Lessee will be furnishing a nutrition program to persons within the community.

3. Approximately 500 persons will benefit from the public purposes served by the Lessee.

4. The term of the lease shall be for one year commencing January 1, 2004 as aforesaid.

5. The Borough Administrator shall be responsible for the enforcement of the conditions of the lease in consultation with the Mayor and Council.

6. Interfaith Neighbors, Inc. shall as a condition of the lease submit by December 1, 2004, a report to the Borough Administrator setting out the use to which the leasehold was put during the term of the lease; the activities of Interfaith Neighbors, Inc., undertaken in furtherance of the public purpose for which the leasehold was granted; the approximate value or cost, if any, of such activities in furtherance of such purpose, and an affirmation of the continued tax exempt status of the non-profit corporation pursuant to both State and Federal Law.

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

1. That the Mayor and Borough Clerk are authorized to execute the lease for specific portions of the Keyport Senior Center to Interfaith Neighbors, Inc. for the purpose of operating a Nutritional Program as per the terms and conditions specified in the proposed Lease Agreement.

2. That upon adoption, the specific portions of the Senior Center will be leased to Interfaith Neighbors, Inc. as per the terms and conditions

specified in the proposed Lease Agreement.

3. A copy of this Resolution duly certified by the borough Clerk shall be forwarded to Interfaith Neighbors, Inc. and the Keyport Senior Center upon adoption.

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

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

5. Resolution No. 418-03, Emergency Appropriation - $100,000 for Bulkhead/Benjamin Terry Park

WHEREAS, an emergency has arisen with respect to the Removal, Disposal and Grading of the Bulkhead at Benjamin Terry Park and no adequate provision was made in the 2003 budget for the aforesaid purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is $100,000 and three (3%) percent of the total operating appropriations in the budget for 2003 is $233,241.00; and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3%) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2003.

NOW, THEREFORE, BE IT RESOLVED (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with NJSA 40A:4-48:

1. An emergency appropriation is hereby made for the Removal, Disposal and Grading of the Bulkhead at Benjamin Terry Park in the amount of $100,000.00.

2. That said emergency appropriation shall be provided for in full in the 2004 budget and is requested to be excluded from CAPS, pursuant to NJSA 40A:4-53c(1) unless such appropriation is funded through the authorization of bonds pursuant to NJSA 40A:2-3.

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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

6. Resolution No. 419-03, Authorize Emergency Repairs to Bulkhead/Benjamin Terry Park

WHEREAS, the Mayor and Council of the Borough of Keyport have received a report from the Superintendent, Department of Public Works and a written report from the Borough Engineer as to the condition of the bulkhead located a Benjamin Terry Park, within the Borough of Keyport; and

WHEREAS, the Borough Engineer has concluded that the recent storms together with past wear have left the bulkhead in an untenable position with numerous breaks, collapses and holes which the Borough Engineer has determined poses an immediate risk to public safety, constitutes a dangerous condition and remains a serious threat to those residents who walk, fish or otherwise use Benjamin Terry Park for recreational purposes; and

WHEREAS, based upon the recommendation of the Borough Engineer and Superintendent of Public Works, the Mayor and Council are resolved to declare that the within condition constitutes a dangerous condition and an immediate threat to public safety for all residents of the Borough of Keyport; and

WHEREAS, the Local Public Contracts Law provides that a contract may be awarded without competitive bidding for certain emergency situations as defined under the within statute in such case made and provided; and

WHEREAS, the Borough Engineer has secured a proposal from Steffer Demolition, Oakhurst, New Jersey to remove and dispose of the damaged bulkhead and to grade the existing property in the sum of Ninety Six Thousand, Three Hundred and Fifty Dollars ($96,350.00) which the Mayor and Council are resolved to accept based upon the need for this emergency repair, subject to the certification of the Municipal Finance Officer as to the availability of funds based upon the action of the Mayor and Council approving an emergency appropriation and/or bond ordinance.

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

1. The Mayor and Council of the Borough of Keyport hereby declare that the condition of the Municipal bulkhead located along Benjamin Terry Park has deteriorated, collapsed or otherwise decayed to the point that it poses a present threat to public health and safety and further constitutes a dangerous condition based upon the written report and opinion of the Borough Engineer and the opinion of the Superintendent, Department of Public Works.

2. Based upon the opinions expressed by the Borough Engineer and the Superintendent, Department of Public Works, the Mayor and Council declare that the collapse of the aforesaid bulkhead constitutes an emergency which poses a threat to the health and safety to the residents of the Borough of Keyport. The Mayor is hereby directed to execute the within proposal with Steffer Demolition in accordance with the terms of this resolution.

3. The Mayor and Council hereby award a contract to Steffer Demolition, Oakhurst, New Jersey, to remove and dispose of the collapsed and deteriorating bulkhead and thereafter to grade the area around the removed bulkhead in Benjamin Terry Park in the amount of Nine Six Thousand, Three Hundred Fifty Dollars ($96,350.00). The contract herewith let is awarded without the benefit of competitive bidding based upon the finding of an emergency under the Local Public Contracts Law.

4. The within contract is contingent on certification of the Municipal Finance Officer as to the availability of funds based upon the adoption of an emergency appropriations resolution and/or bond ordinance adopted herewith and the confirmation of said funding.

5. Copies of the within Resolution shall be forwarded to the State of New Jersey, Green Acres Program, State of New Jersey, Division of Local Government Services, Steffer Demolition, Municipal Finance Officer, Borough Attorney and Borough Engineer.

6. That a copy of the within resolution be retained in the office of the Borough Clerk for public inspection as required by law.

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

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

7. Resolution No. 420-03, Hire of Public Works Laborer – Calvin Cheatum

WHEREAS, there exists a vacancy in the position of Public Works Laborer; and

WHEREAS, advertisements were placed in the newspapers, applications submitted and interviews held; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that **Calvin Cheatum** is hereby appointed Laborer, First Year, in the Public Works Department, effective December 17, 2003 at the current salary in effect for this position as per Salary Ordinance and Salary Resolution.

Offered by Mr. Hyer, second by Mr. Doyle

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

8. Award of Contract to Decorator Fabrics for Blinds for the New Municipal Complex - $2,860.00

WHEREAS, it is necessary to install blinds in the New Municipal Complex; and

WHEREAS, three (3) quotes have been obtained as follows:

Decorator Fabrics Keyport, N.J. 07735	$2,860.00
Window Dresser Middletown, NJ 07748	$3,154.60
M. Silberstein, Inc. Shrewsbury, NJ 07702	$3,607.60

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the quote of Decorator Fabrics, 11 West Front Street, Keyport, NJ 07735 to install blinds in the outside windows of the New Municipal Complex in the amount of $2,860.00 is hereby accepted.

BE IT FURTHER RESOLVED that the Chief Financial Officer is to certify the availability of funds.

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

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

9. Resolution No. 422-03, Payment of Bills

See full copy of Resolution as pages - of these minutes

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

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

10. Resolution No. 423-03, Reject Bids for 2003 Road Improvement Program

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids in connection with the 2003 Road Improvement Program within the Borough of Keyport; and

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

WHEREAS, the Mayor and Council have reviewed the within bids received and have determined that it is in the best interest of the Borough of Keyport to reject the bids received in order to expand the scope of the bid specifications to include additional roads within the Borough of Keyport which could be included with the 2004 Road Improvement Program; and

WHEREAS, the Mayor and Council have previously authorized the Borough Engineer to perform certain engineering services for roadways to be included in the 2003 and 2004 improvement program; and

WHEREAS, the Mayor and Council are resolved to reject all bids received for the within project, based upon the determination to proceed with an expansion of the scope of work under the 2004 road improvement program; and

WHEREAS, given the bids received for the present work and the anticipated costs to complete said work, as well as the time of year, the Mayor and Council further believe that it is in the best interest of the Borough of Keyport to combine the 2003 and 2004 road improvement programs, to revise the within specifications and to re-bid the expanded road project in 2004; and

WHEREAS, the Mayor and Council further wish to direct the rejection of bids and return the bids received.

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

1. The Mayor and Council hereby reject the bids received by the Borough Clerk for work in connection with the 2003 Road Improvement Program within the Borough of Keyport, for the aforesaid reasons.

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

3. The Borough Clerk shall comply with any notice requirements relative to the rejection of said bids under appropriate state statute.

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

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

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

11. Resolution No. 424-03, Removal of Recreation Commission Members

WHEREAS, Jean Barbara and John Aumack were appointed by the Mayor and Council as members of the Recreation Commission; and

WHEREAS, Jean Barbara and John Aumack have been absent, having missed more than three (3) consecutive meetings of the Recreation Commission.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Jean Barbara, whose term is to expire on December 31, 2004 and John Aumack, whose term is to expire on December 31, 2006 are hereby dismissed as members of the Recreation Commission.

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

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

12. Resolution No. 425-03, Authorize Mayor and Borough Clerk to execute NJDEP Brownfield Area Application

WHEREAS, the Borough of Keyport is applying for the NJDEP Brownfield Development Area Application for existing Brownfield sites within the Borough of Keyport; and

WHEREAS, the Mayor and Council of the Borough of Keyport are committed to seeing all Brownfield sites utilized for their highest and best use; and

WHEREAS, all Brownfield Properties that are underutilized and have realistic opportunity for redevelopment.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough of Keyport is committed to overall economic development of Brownfield sites in the Borough of Keyport and find that realistic opportunity exists for redevelopment for all Brownfield sites and that the application to the BDA program will help transform neighborhoods in the Borough of Keyport.

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

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

13. Resolution No. 426-03, Approve Contribution to Keyport High School 2004 Yearbook

WHEREAS, Keyport High School is located in the Borough of Keyport and County of Monmouth and conducts activities that benefit the public good; and

WHEREAS, Keyport High School has requested that the Borough of Keyport contribute the sum of $225.00 for an advertisement in The Key, the Keyport High School Yearbook.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $225.00 is hereby approved as a contribution for a Full Page Ad in The Key and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

14. Resolution No. 427-03, Transfer of Appropriations

WHEREAS, NJSA 40-A:4-58 permits transfers of appropriations to be made during the last two months of the fiscal year from appropriations which are in excess of the amount deemed to be necessary to fulfill the purpose of such appropriation and to those appropriations deemed to be insufficient.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport that the transfers in the amount of $151,900 be made between the 2003 budget appropriations as follows:

Budget Appropriation	From	To
Administrative and Executive – O/E	$ 1,600.00	
Administrative and Executive – S&W		$ 1,600.00
Mayor and Council – O/E		600.00
Mayor and Council – S&W		6,000.00
Municipal Clerk – O/E – Codification of Ordinances		500.00
Municipal Clerk – O/E	5,000.00	
Finance – S&W	6,000.00	
Finance – O/E	1,800.00	
Assessor – S&W	700.00	
Assessor – O/E – Revision of Tax Map	500.00	
Assessor – O/E		100.00
Collector – S&W		5,200.00
Collector – O/E	2,000.00	
Legal – O/E	10,000.00	
Engineering – O/E	7,500.00	
Public Buildings and Grounds – S&W	1,500.00	
Planning Board – S&W		250.00
Planning Board – O/E – Revision of Master Plan	3,500.00	
Planning Board – O/E		2,000.00
Other Insurance Premiums	8,000.00	
Uniform Fire Safety – S&W	12,000.00	
Uniform Fire Safety – O/E		4,000.00
Garbage and Trash Removal – S&W		1,500.00
Garbage and Trash Removal – OE	4,500.00	
Police – S&W		65,750.00
Police – O/E	2,000.00	
Emergency Management – O/E	2,400.00	
Streets and Road – O/E		3,000.00
Parks and Playgrounds – O/E		1,000.00

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

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

15. Resolution No. 428-03, Emergency Appropriation/$5,000.00 Down Payment on Bond Ordinance/Bulkhead – Benjamin Terry Park

WHEREAS, an emergency has arisen with respect to Down Payment on Improvements and no adequate provision was made in the 2003 budget for the aforesaid purpose, and NJSA 40A:4-46 provides for the creation of an emergency appropriation for the purpose mentioned above; and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is $5,000 and three (3%) percent of the total operating appropriations in the budget for 2003 is $233,241.00; and

WHEREAS, the foregoing appropriation together with prior appropriations odes not exceed three (3%) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2003.

NOW, THEREFORE, BE IT RESOLVED (by not less than 2/3 of all Governing Body members affirmatively concurring) that in accordance with NJSA 40A:4-48.

1. An emergency appropriation is hereby made for Down-Payment on Improvements in the amount of $5,000.

2. That said emergency appropriation shall be provided for in full in the 2004 budget, and is requested to be excluded from the CAPS pursuant to NJSA 40A:4-53.3c(1).

3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services.

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

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

16. Resolution No. 429-03, Salary Resolution/Drug Alliance Coordinator

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport in accordance with the Salary Ordinance now in effect, that:

SECTION 1. The following salaries are hereby established for the indicated position retroactive to January 1, 2003 or date of hire or transfer, whichever is later.

Drug Alliance Coordinator **$7,375.00 annually**

BE IT FURTHER ERSOLVED that the increase in annual salary from $6,675.00 to $7,375.00 to cover the additional programs which are being handled by the current Drug Alliance Coordinator.

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

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

17. Resolution No. 430-03, Amend Capital Budget 03-2 for Improvements to Benjamin Terry Park Bulkhead

WHEREAS, the Borough of Keyport, New Jersey desires to amend the 2003 Capital Budget by inserting thereon or correcting the items therein as shown in the budget for the following reason:

Additional costs not originally anticipated in the Capital Budget

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

Section 1. The 2003 Capital Budget of the borough of Keyport is hereby amended by adding thereto a Schedule to read as follows:

AMENDMENT NO. 03-2
CAPITAL BUDGET OF THE BOROUGH OF KEYPORT, NEW JERSEY
Projects Schedules for 2003
Method of Financing

Project	Est. Cost	Capital Imp. Fund	Bonds & Notes
Improvements to Benjamin Terry Park Bulkhead	$100,000.00	$5,000.00	$95,000.00

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

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

18. Resolution No. 431-03, Authorize Borough Attorney to Negotiate Reimbursement for Grease Trap Sewer Blockage/Yellow Rose Diner

WHEREAS, the Mayor and Council of the Borough of Keyport were advised of a grease trap blockage occurring on or about September 10, 2003, which required the Borough to retain the services of Oswald Sewer Service to remove a significant grease blockage; and

WHEREAS, the Mayor and Council have been advised that the cause of the Blockage was identified as a grease discharge from the Yellow Rose Diner which required the Borough expend significant sums for services and labor; and

WHEREAS, the Mayor and Council of the Borough of Keyport have determined to authorize the Borough Attorney to seek reimbursement from the Yellow Rose Diner for all related costs and expenses attributable to the within blockage.

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

1. The Mayor and Borough Council hereby authorize the Borough Attorney to collect such sums necessary to reimburse the Borough of Keyport for all sums due to the within sewer blockage.
2. A copy of the within Resolution shall be forwarded to the Borough Attorney and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

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

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

Councilman Green left the meeting at 10:00 P.M.

INTRODUCTION OF ORDINANCE

2. Ordinance No. 38-03, Bond Ordinance – Bulkhead/Benjamin Terry Park

The Clerk reported that the Supplemental Debt Statement has been filed in her office prior to introduction.

The Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE BENJAMIN TERRY PARK BULKHEAD, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $100,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF $95,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement of purpose stated in Section 3, there is hereby appropriated the sum of $100,000, which sum includes $5,000 as the amount of down payment for said improvement or purpose required by the Local Bond Law, NJSA40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefore by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said $100,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $95,000 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding $95,000 are hereby authorized to be issued pursuant to and within the limitation prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is to finance improvements to the bulkhead along Benjamin Terry Park, including the removal, disposal and replacement of the bulkhead and various improvements to the area surrounding such bulkhead, which improvements were authorized by an emergency appropriation resolution adopted by the Borough Council on December 16, 2003, such improvements shall also include all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is $95,000.

(c) The estimated cost of said improvement or purpose is $100,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefore, being the amount of $5,000 is the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey and/or the County of Monmouth make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof., then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one 91) year from its date or otherwise authorized by the Local Bond Law. 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon from their dates to the date of delivery thereof. The Chief Financial Officer is desired 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 bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a 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, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. The following additional matter 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 and is an improvement which the Borough may lawfully undertake as a general improvement and take no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs and 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 or notes provided for in this bond ordinance by $95,000 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $10,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose of improvement hereinbefore described.

SECTION 8. the full faith and credit of the borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The Bonds or Notes 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 bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2 and no further action (or inaction) will be an abusive arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed $95,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under Section 103(a) of the Code of the interest on all bonds and notes issued under this Ordinance.

SECTION 11. This Bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of December 18, 2003 for a Hearing to be held on December 30, 2003 moved by Mrs. Atkins, second by Mr. Stalter with Ayes by all present.

ADJOURNMENT

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

Time of Adjournment: 10:17 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk