February 4, 2003
Keyport, New Jersey

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

Mayor Merla called the meeting to order at 7:00 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. **Resolution #73-03**, 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. Police Department
2. Borough Clerk's Office
3. Board of Health/CCO Office
4. Code Enforcement Office
5. Administrator

Litigation

1. PBA vs Borough of Keyport
2. Use of Court Room
3. Sewerage Backup - 6 Monroe Street

Labor Relations

1. IUOE Negotiations
2. Administrative and Non-Union Employees
3. PBA Schedule

Contract Negotiations

1. Water/Wastewater Facilities
2. Ferry Service Lease
3. Omnipoint (Voicestream) Cellular Tower Lease
4. Interlocal with Borough of Matawan/Construction Code Services
5. St. Joseph Church
6. Billboard Lease
7. Charter Fishing Boat Lease

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the 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 Mrs. Atkins, seconded by Mr. Stalter

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

Council went into closed session at 7:00 P.M. and this meeting was reconvened at 8:00 P.M.

Mayor Merla called the meeting to order at 8:00 P.M. and read the Sunshine Law Notice. Councilman Hyer led the Pledge of Allegiance and Moment of Silence for those lost in the space accident.

ROLL CALL

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

APPEARANCE/DISCUSSION

1. John Cantalupo, Bond Counsel/Sale of Bonds. Mr. Cantalupo gave an overview and explanation of the resolutions for the bond sale. There are $5 million dollars of Bond Anticipation Notes outstanding which are being issued as permanent bonds that will have no impact when they become due. He reviewed the existing debt service. The first resolution will combine all the bonds and the second resolution sets forth the form and details of the sale. The sale will be next Wednesday and a financial disclosure statement was prepared. The Water/Sewer notes were left out of the sale and will be paid as they come due. Mr. Bergen asked if there was any change in the draft and Mr. Cantalupo said yes. Mayor Merla said the information was relayed to Mr. Doyle and the sale is earlier than Mr. Fallon had wanted but is based on the rates. Mayor Merla thanked both Mr. Cantalupo and Mr. Fallon for all their work. Mayor Merla acknowledged the presence of former Mayor Kevin Graham.

HEARING ON ORDINANCE

2. **Ordinance #3-03,** Amend Chapter XXV, Land Use Regulations, Section 25:1-17, Signs

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of January 23, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCE OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER CHAPTER XXV, LAND USE REGULATIONS

The Hearing was opened to the public for comments or questions at 8:10 P.M. There being none, the Hearing was closed at 8:10 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of February 6, 2003 moved by Mr. Stalter, seconded by Mr. Doyle, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Wendy Tooker for Senior Center members to park in the municipal lot on February 22, 2003 for bus trip.

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

2. Application from Joseph F. Carson for membership in the Keyport Fire Department/Eagle Hose Co. (contingent upon State approval)

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

3. Request from the Keyport First Aid Cadet Squad for funding support.

Motion to approve $200.00 contribution, moved by Mrs. Atkins, seconded by Mr. Green, with Ayes by all present. (See Resolutions)

4. Request from Keyport Chamber of Commerce to insert Yard Sale Flyer in the April 1, 2003 Water Bill mailing.

Motion to approve made by Mrs. Atkins, seconded by Mr. Green, with Ayes by all present.

5. Request from Kiwanis Club of Keyport, Inc. to hold Flea Markets on Sundays (April thru November, 2003) in Firemen's Parking Lot.

Motion to approve with a meeting be set up to discuss cleaning the lot of debris, made by Mr. Hyer and seconded by Mr. Stalter, with Ayes by all present. There was discussion of charging a fee with refunds.

6. Request from Keyport-Aberdeen Woman's Softball League to use Cedar Street ballfield beginning in September, 2003, Tuesdays and Fridays from 7:00 to 9:00 P.M.

Mayor Merla said a Petition has been filed. The lights are on all the time, the park is supposed to be closed at 10 PM and the lights turned off. Mr. Stalter said he met with Chief Gajewski regarding problems at the park. It was recommended that the Softball League be advised to leave the park by 9:30 PM.

Motion to refer to the Recreation Commission, moved by Mr. Bergen, seconded by Mrs. Atkins, with Ayes by all present.

7. Letter from Matthew S. Clark, County Tax Administrator, enclosing an Order to revalue all property in Keyport.

Mayor Merla said that he has asked Mr. Kain if the Order can be challenged.

Motion to carry and list on the February 18, 2003 meeting, moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

8. Notice from the DEP, Division of Water Quality, regarding Municipal Stormwater Regulation Program.

Mr. Freda said he has people in contact with them but to date has not received an answer on what will be the effect. The Public Works Department will have to become involved and this will effect improvements.

Motion to refer to Public Works Committee, moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

9. Notice from DOT regarding Enhancement Program.

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

10. Request from St. Joseph Church to close off portion of Geran Avenue from may 28-June 1, 2003 for their fair.

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

11. Request from Keyport Business Alliance for approval of their 2003 Calendar of Events with various requests.

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

12. DEP Green Acres Program Grants/Loans.

Motion to refer to Borough Engineer, Councilman Hyer and Public Works and Recreation Commission, moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

13. Application to amend Bingo License No. BL:4-03/St. Joseph Parish Council.

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

UNFINISHED BUSINESS

1. Street Numbers. Mr. Hyer discussed Ordinance 4-17.2 and recommended that they be increased from 2 ½" to 5" high and be placed on the front of the house as some are not visible. Police Chief Gajewski said the Ordinances conflict with the BOCA Codes on height. The matter will be researched further. Mrs. Atkins said a notice could be put in the newsletter.

2. 22 Osborn Street. Mayor Merla said funds ($1,500) should be provided in the Budget to cover property that needs to be boarded up and that the Borough should place a lien against the property. Mr. Bergen recommended contacting the Borough Attorney regarding procedure.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following: 1. January 28, 2003 Payment of Bills: Current Account-$23,518.88, Water and Sewer Account-$13,199.02. 2. Schoor DePalma Status Report on the Bulkhead Project dated February 4, 2003 was distributed. Mr. Bergen recommended sending Schoor a letter advising not to incur any more work on the project. Mrs. Poling asked about recodification of the ordinances.

ENGINEER'S REPORT

Mr. Freda reported on the following: 1. New Municipal Complex Bump out; a conceptual sketch has been completed. A meeting is to be set up with Public Works, Police and Fire Departments and to include the architect. Mayor Merla said he has a concern with the hydrant. Mr. Sappah suggest putting the hydrant across the street and Mr. Bergen asked about waiting until the building is completed. Mayor Merla said there will be no parking, the County will not allow. Mr. Freda said he hasn't heard and Captain Dayback said cars cannot park there. 2. Fire Truck Bids; bids have been received and Mr. Freda has submitted a letter of recommendation. Approval will be subject to the Borough Attorney's review. 3. Public Works Facility; an initial sketch has been prepared and a preliminary cost of $750,000 with fueling station,14 bays and office and tool & parts room. The site will includes a salt dome and other items, will be fenced and paved. Information is needed on the size of the lifts and fuel tanks. Mr. Bergen asked if funds were included in the bond ordinance for the fuel tanks. The matter will be listed again on February 18th. 4.Stone Road Bridge; the County has completed field work, but the project is months off and the Amboy Avenue Bridge project is far away. Mr. Freda called Mr. Ryan of the County regarding the erosion on Maple Place but he hasn't responded. 5. Enhancement Grant; Mr. Freda said it is very competitive and it is costly to prepare the application. It is tied in and related to transportation. He recommended sitting down with the Public Works Committee for a recommendation.

ATTORNEY'S REPORT

Mr. Kain reported on the following: 1. Magic Touch Case; depositions will be taken in the next two weeks. 2. PBA Case; this has been rescheduled for February 24th. 3. Slobjom Case; the insurance company represents the Borough, overtures have been made and it should end shortly.

NEW BUSINESS

1. Appointments to Zoning Board of Adjustment. Mr. Bergen asked that the Resolution be removed from the agenda, that a public referendum is required. The matter will be carried to the February 18th meeting.

MAYOR'S REPORT

Mayor Merla reported on the following. The Elks requested permission to hold a Flag Burning at Firemen's Park. Mayor Merla approved and the Fire Department will be on stand by. A request to place an Ad in the Fire Department Ball Ad Book will be listed on the February 18th agenda. The application for Atlantic Street has been received from the DOT.. The Borough's application for a DOT Livable Communities grant was not approved, there were 45 applications. The annual Cablevision Franchise Fee has been received. A letter has been received from the

Monmouth County Prosecutor regarding joining the association and paying dues; this will be listed on the February 18th meeting. Therese Street project; the cost exceeds the Monmouth County Community Development Grant and the Borough Engineer needs direction, the matter will be listed on the February 18th agenda. Main and Jackson Street Project; the DOT said the project has not been completed (closed out) and John Kriskowski of Schoor Engineering has been contacted. The Army Corp plans and the DOT commitment regarding dredging. The application for dredging has been reviewed and the DOT said they would do the Bayshore Region. The next meeting will be Monday, February 10th at 3 PM in the Council Chambers. There is an interested party for the Ferry Service.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 8:47 P.M. for comments or questions. Mary Alan, Maple Place asked if there will be a handicapped parking space at the new Municipal Complex and Mayor Merla said this has been referred to the Borough Engineer. She advised that the Second Baptist Church is celebrating it's 110th anniversary in August and that they are asking for a donation. The matter will be listed on the February 18th agenda. Joanne Staeger, Main Street thanked the Mayor and Council for supporting "Drive 25" and also thanked the Borough Attorney for his guidance. She said they have to raise money for 50 signs and 10 No Need For Speed signs, decals and shirts. She also thanked the Police Chief. Kathy Ricenger, 123 First Street said there is speeding on First Street, that there have been hit and runs and that her car was hit. Mayor Merla said it is a County Road and the Borough enforces the traffic. The Mayor apologized for the Police telling her she should have known better. Mr. Bergen said he will advise the Police Department. The Public Participation Portion was closed at 8:50 P.M.

RESOLUTIONS

2. **Resolution #74-03, Appointment to Smart Growth Committee-John Olsen**

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that JOHN OLSEN is hereby designated a member of the Smart Growth Committee to represent the Marina Owners in the Borough of Keyport.

Offered by Mr. Hyer, seconded by Mrs. Atkins
Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Doyle, Green

3. **Resolution #75-03, Authorize Execution of Borough Auditor Contract for Year 2003.**

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that:

WHEREAS, on January 1, 2003, William A. Meyler, PC was appointed as the Borough Auditor for the year 2003; and

WHEREAS, it is desirable to have a contract document which spells out the terms and conditions of the employment of the Borough Auditor.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Keyport, County of Monmouth, State of New Jersey that the attached contract, marked Exhibit "A: for the services of William A. Meyler be and hereby is approved.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said Contract on behalf of the Borough of Keyport.

BE IT FURTHER RESOLVED that a notice of this Resolution and Award of Contract shall be published as required by law.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

4. **Resolution #75A-03, Approving Contribution to Keyport First Aid Cadet Squad**

WHEREAS, the Keyport First Aid Cadet Squad is an organization located in the Borough of Keyport that benefit the public good; and

WHEREAS, the Keyport First Aid Cadet Squad has requested that the Borough of Keyport contribute the sum of $200.00 for the purpose of assisting them with funds for the Keyport First Aid Cadet Squad expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that the sum of $200.00 is hereby approved as a contribution to the Keyport First Aid Squad and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

5. **Resolution #76-03, Emergency Temporary Appropriations**

WHEREAS, an emergent condition has arisen with respect to the payment of Liability Insurance and no adequate provision has been made in the 2003 temporary appropriations for the aforesaid purpose, and N.J.S. 40A:4-20 provides for the creation of an emergency temporary appropriation for the purpose above-mentioned, and

WHEREAS, the total emergency temporary resolution adopted in the year 2003 pursuant to the provisions of Chapter 96, P.L. 1951 (N.J.S. 40A:4-20) including this resolution total $54,000.00

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all members thereof affirmatively concurring) that in accordance with the provisions of N.J.S. 40A:4-20:

1. An emergency temporary appropriation be and the same is hereby made for Liability Insurance in the amount of $54,000.00;

2. That said emergency temporary appropriation will be provided for in the 2003 budget under the title of Liability Insurance;

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

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

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

6. **Resolution #77-03, Appropriation of Reserve Transfers**

WHEREAS, various 2002 bills have been presented for payment this year, which were not covered by order number and/or recorded at the time of transfers between the 2002 budget appropriation in the last two months of 2002; and

WHEREAS, N.J.S. 40A:4-59 provides that all unexpected balances carried forward after the close of the succeeding hear, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to balances which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that the transfers in the amount of $19,800.00 be made between the 2002 budget appropriation reserves as follows:

Budget Appropriation	From	To
Financial Administration - O/E	$ 1,500.00	
Collection of Taxes - O/E		$ 600.00

Legal Services and Costs	$	12,000.00
Engineering Services and Costs	2,500.00	
Group Health Insurance	10,000.00	
Police - S & W	3,000.00	
Police - Clothing Allowance		500.00
Emergency Management - O/E	1,500.00	
Streets and Roads - O/E		4,000.00
Electricity		700.00
Natural Gas	700.00	
Municipal Court - O/E		1,000.00
Senior Center - O/E		400.00
Landfill Disposal Costs	600.00	
	$19,800.00	$19,800.00

BE IT FURTHER RESOLVED, by the Mayor and Council of the Borough of Keyport that the transfers in the amount of $8,500 be made between the 2002 budget appropriation reserves of the Municipal Water/Sewer Utility as follows:

Budget Appropriation	From	To
Other Expenses		$ 8,000.00
Salaries and Wages		500.00
Bayshore Regional Sewerage Authority	$ 300.00	
Acquisition of Water	8,200.00	
	$ 8,500.00	$ 8,500.00

Offered by Mr. Hyer, seconded by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Statler Doyle, Green
Abstain: Councilman Bergen

7. **Resolution #78-03, Extend Employment of Temporary Part Time Account Clerk**

WHEREAS, on October 16, 2003 Donna Mc Cue was hired as a temporary part time Account Clerk for a four (4) month period which will expire on February 16, 2003; and

WHEREAS, it is the desire of the Mayor and Council to extend said employment; and

WHEREAS, funds are available for said position.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that the employment of Donna Mc Cue as a temporary part time Account Clerk is hereby extended from February 16, 2003, an additional two (2) months.

BE IT FURTHER RESOLVED, that as this is a temporary part time position:

1. There are no benefits; and
2. The maximum amount of hours permitted within one (1) week is not to exceed 28 hours.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

8. **Resolution #79-03, Payment of Bills**

See full copy of Resolution attached hereto as pages 18-21 of these minutes.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

9. **Resolution #80-03, Providing for Combination of Certain Issues of General Obligation bonds of the Borough of Keyport into a single issue of Bonds Aggregating $6,055,000 in Principal Amount**

WHEREAS, the Borough Council of the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"), has heretofore adopted bond ordinances authorizing bonds to finance part of the costs of certain capital improvements throughout the Borough to be done by the Borough at large; and

WHEREAS, it is necessary to issue bonds pursuant to said bond ordinances in the aggregate principal amount of $6,055,000 and it is deemed advisable and in the best interests of the Borough, for the purpose of the orderly marketing of said bonds and for other reasons, to combine the bonds authorized under said bonds ordinances into one consolidated issue in the aggregate principal amount of $6,055,000, pursuant to the provisions of the Local Bond Law, *N.J.S.A.* 40A:2-1 *et seq.*, as amended and supplemented (the "Local Bond Law);

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

Section 1. Pursuant to the provisions of N.J.S.A. 40A:2-26(f), the bonds of the Borough, authorized pursuant to the bond ordinances of the Borough heretofore adopted and described in Section 2 hereof, shall be combined into a single issue of General Obligation Bonds (the "Bonds") in the aggregate amount of $6,055,000.

Section 2. The principal amount of bonds authorized by each bond ordinance to be combined into a single issue as above provided, the bond ordinances authorizing Bonds described by reference to the ordinance number, description and date of final adoption, amount of issue and average period of usefulness determined in each of the bond ordinances are respectively as follows:

Ordinance Number	Description and Date of Final Adoption	Useful Life	Amount of Issue
29-94	Various Capital Improvements and Purposes for and by the Borough of Keyport, Finally Adopted November 7, 1994	8.12 years	$262,750
15-96	Various Road Improvements by and in the Borough of Keyport, finally adopted August 20, 1996	10 years	149,700
21-96	Various Road Improvements by and in the Borough of Keyport, finally adopted November 19, 1996	20 years	44,900
4-98	Acquisition of a Fire Truck and Related Equipment by and for the Borough of Keyport, finally adopted March 3, 1998	10 years	279,000
7-99 as amended by 6-00, as amended by 13-01, as amended by 32-02	Various Road Improvements by and in the Borough of Keyport, finally adopted April 20, 1999 (7-99), May 16, 2000 (6-00), September 4, 2001 (13-01) and December 3, 2002 (32-02)	20 years	413,250
21-99, as amended by 23-00	Construction of a Municipal Building and other related expenses in and for the Borough of Keyport, finally adopted September 21, 1999 (21-99) and November 21, 2000 (23-00)	40 years	3,237,000
5-01, as amended by 19-01	Acquisition of Real Property Designated as Block 1, Lot 40 and other related expenses by	40 years	142,500

	and in the Borough of Keyport, finally adopted March 20, 2001 (5-01) and November 20, 2001 (19-01)		
6-01	Reconstruction of the American Legion Drive Bulkhead and other related expenses, finally adopted July 10, 2001	10 years	475,000
10-01	Various Capital Improvements and other related expenses in and for the Borough of Keyport, finally adopted July 10, 2001	12.38 years	259,000
28-02	Acquisition of Fire Trucks, equipment and non-passenger vehicles, finally adopted October 1, 2002	9.9 years	791,900
		TOTAL:	$6,055,000

Section 3. The following matters are hereby determined with respect to the combined issue of Bonds:

(a) The average period of usefulness, computed on the basis of the respective amounts of Bonds presently authorized to be issued pursuant to each of the bond ordinances and the respective periods or average periods of usefulness therein determined, is not more than 27.50 years.

(b) The Bonds of the combined issue shall be designated "General Obligation Bonds, Series 2003" and shall mature within the average period of usefulness herein above determined.

(c) The Bonds of the combined issue shall be sold and issued in accordance with the provisions of the Local bond Law that are applicable to the sale and issuance of bonds authorized by a single bond ordinance and accordingly may be sold with other issues of bonds.

Section 4. The following additional matters are hereby determined, declared, recited and stated:

1. None of the Bonds described in Section 2 hereof have been sold or issued heretofore, and the several bond ordinances described in Section 2 have not been rescinded heretofore and now remain in full force and effect as authorizations for the respective amounts of bonds set opposite the descriptions of the bond ordinances set forth in Section 2 hereof.

2. The several purposes or improvements authorized by the respective bond ordinances described in Section 2 hereof are purposes for which bonds may be issued lawfully pursuant to the Local Bond Law and are purposes for which no deduction may be taken in any annual or supplemental debt statement.

Section 5. This resolution shall take effect immediately.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

10. **Resolution #81-03, Determining the Form and Other Details of the Offering of $6,055,000 General Obligation Bonds, Series 2003, of the Borough of Keyport, in the County of Monmouth, State of New Jersey and Providing for their Sale and Determining Certain Matters with respect thereto**

See full copy of Resolution attached hereto as pages 22-43 of these minutes.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

11. **Appointments to Zoning Board of Adjustment (Held)**

12. **Resolution #82-03, Extend Billboard Lease and Authorize Advertisement for Receipt of Bids**

WHEREAS, the Mayor and Council did authorize a five (5) year lease agreement affecting the property located at Lot 19, Block 33, located on State Highway 35, Keyport, New Jersey, for the purpose of accessing and maintaining an outdoor billboard at the within location; and

WHEREAS, the Mayor and Council did, by Resolution #157-97 authorize the lease of the within property and direct the Mayor and Borough Clerk to execute the within lease agreement on behalf of the Borough of Keyport; and

WHEREAS, the Mayor and Council did adopt an ordinance authorizing an award of a public contract in the form of a lease on Borough owned premises to enable erection and maintenance of an outdoor advertising sign, pursuant to Ordinance #17-97; and

WHEREAS, the term of the lease agreement duly adopted by the Mayor and Council was for five (5) years commencing December 1, 1997 and concluding on November 30, 2002; and

WHEREAS, the Mayor and Borough Council did, by resolution #80-01 approve the assignment of the Billboard Lease from Outdoor Advertising Systems, Inc. to Infinity Outdoor, Inc.; and

WHEREAS, Infinity Outdoor, Inc. has had access to and maintained a billboard at the within location pursuant to the terms of the lease agreement duly adopted by the Mayor and Council of the Borough of Keyport; and

WHEREAS, it appears to the Mayor and Council that the within Lease Agreement has expired on November 30, 2002; and

WHEREAS, it further appears to the Mayor and Council, that a short extension of the within Lease Agreement is appropriate until such time as the matter may be offered for public broom and a new lease considered for execution; and

WHEREAS, the Lessee, Infinity Outdoor, Inc., has agreed, in principle, to a six (6) month extension of the within Lease Agreement, to permit the Borough of Keyport to re-bid the within site location to be used as a location for an outdoor sign; and

WHEREAS, the Mayor and Council of the Borough of Keyport desire to authorize the extension of the within Lease Agreement, authorize the Mayor and Borough Clerk to execute the within extension and further direct the receipt of bids for an additional five (5) year lease on the within project; and

WHEREAS, the Mayor and Council have further authorized a minimum bid in the sum of $8,500 as rent for the within billboard location together with an additional fifteen (15%) percent of the gross revenues for leasing space on the outdoor sign computed pursuant to a formula previously adopted.

WHEREAS, the Mayor and Council desire to finalize this resolution and authorize the receipt of the bids and further authorize the Borough Attorney to prepare bid specifications to be received and opened by the Mayor and Council at the Keyport Borough Hall,

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

1. The Mayor and Council hereby authorize a six (6) month extension of the lease

agreement by and between the Borough of Keyport and Infinity Outdoor, Inc., to commence effective December 1, 2002 and to continue through May 31, 2003.

2. The extension of the lease agreement shall encompass the property located at Lot 19, Block 33, on the Tax Map of the Borough of Keyport, located on State Highway 35, in which certain outdoor billboard is located and maintained by the aforesaid, Infinity Outdoor, Inc.

3. The aforesaid extension of the lease agreement shall require that the Lessee agreement shall require that the Lessee shall make a proportionate share of all rental payments due to the Borough Agreement upon the execution of the within Addendum. The Lessee shall further agree to maintain all property insurance and comply with the terms of the existing lease agreement for the additional term commencing December 1, 2002 through May 31, 2003.

4. The Mayor and Council hereby authorize the Mayor and Borough Clerk to sign the within Lease Extension Agreement.

5. The Mayor and Council further authorize the Borough Attorney to prepare bid specifications and to advertise for receipt of bids for a five year lease of the property identified as Lot 19, Block 33, on the Tax Map of the Borough of Keyport, for the purposes of accessing and maintaining a billboard outdoor sign.

6. The Mayor and Council have determined, pursuant to *N.J.S.A.* 40A:12-14 to authorize the lease of certain property having further determined that the lands described herein are hereby determined to be not needed for public use and are hereby authorized and directed to be leased at public auction to the highest bidder and subject to the terms and conditions of the within resolution, and any other ordinance adopted to support that purpose.

7. The Mayor and Council authorize the receipt of bids within an effective term date to be for five years, commencing on June 1, 2003 and expiring on May 31, 2008.

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

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

13. **Resolution #83-03, Authorize Payment to Harborview Condo Association for Fence Damage Caused by Marrone Waste Paper and Disposal, Inc.**

WHEREAS, the Mayor and Council have received several letters and complaints from Harborview Condominium Association relative to damages done to a fence at the within property location by the Borough's former garbage hauler, Marrone Waste Paper and Disposal Inc.; and

WHEREAS, Harborview Condominium Association has submitted a written estimate from Hurricane Fence Company, Inc., Port Monmouth, New Jersey, relative to the repair necessary to correct the damage caused by Marrone Waste Paper and Disposal Inc.; and

WHEREAS, the Mayor and Council have made various attempts to have Marrone Waste Paper and Disposal Inc. adjust the damage caused by its truck directly with the Harborview Condominium Assocation, without success; and

WHEREAS, the Mayor and Council have presently held the sum of $50,000 in invoices due and payable to Marrone Waste Paper and Disposal Inc. pending completion of an investigation by the Monmouth County Prosecutor's office; and

WHEREAS, pursuant to the contract between the Borough of

Keyport and Marrone Waste Paper and Disposal Inc., Marrone is responsible for damage caused by the use of his vehicles in the course of performance the contract with the Borough of Keyport; and

WHEREAS, the Mayor and Council desire to resolve the matter involving Harborview Condominium Association and to authorize a deduction in the funds presently being held by the Borough of Keyport for Marrone Waste Paper and Disposal Inc.

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

1. The Borough of Keyport is hereby authorized to pay to Harborview Condominium Association the sum of $742 in full payment and satisfaction of damages to a fence caused by the former garbage hauler, Marrone Waste Paper and Disposal Inc.

2. The within funds of $742 shall be paid and deducted from all funds presently being held by the Borough of Keyport for Marrone Waste Paper and Disposal Inc.

3. The Chief Financial Officer is authorized to deduct $742 from the funds presently being held for Marrone Waste Paper and Disposal Inc. pending further review and evaluation by the Monmouth County Prosecutor's office.

4. A copy of this resolution duly certified, shall be forwarded to the secretary, Harborview Condominium Association, Chief Municipal Finance Officer and a copy shall be retained in the office of the Borough Clerk for public inspection.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

14. **Resolution #84-03, Authorize Execution of Bond Counsel Contract**

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and bond anticipation notes of the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough"), including the review of such proceedings and the rendering of approving legal opinions acceptable to the financial community; and

WHEREAS, such special legal services can be provided by a recognized bond counsel firm, and the law firm of Wilentz, Goldman & Spitzer, Attorneys at Law, Woodbridge and Eatontown, New Jersey, and New York is so recognized by the financial community; and

WHEREAS, funds are or will be available for this purpose; and

WHEREAS, the Local Public Contracts law, *N.J.S.A.* 40A:11-1, *et seq*, requires that notice with respect to contracts for Professional Services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Keyport, County of Monmouth, as follows:

1. The law firm of Wilentz, Goldman & Spitzer, Attorneys at Law, Woodbridge and Eatontown, New Jersey and New York is hereby retained to provide the specialized legal services necessary in connection with the authorization and the issuance of bonds and notes by the Borough in accordance with an Agreement submitted to the governing body of the Borough (the "Contract").

2. The Contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, *N.J.S.A.* 40A:11-5(1)(a), because it is for services performed by persons authorized by law to practice a recognized profession.

3. A copy of this resolution as well as the Contract shall be placed on file with the Clerk of the Borough.

4. A notice in accordance with the Local Public Contracts Law of New Jersey shall be published in legal newspapers of the Borough.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

Abstain: Councilman Bergen

15. **Resolution #85-03, Authorize Sale of Tax Sale Certificate B33, L 57**

WHEREAS, the Borough of Keyport is the holder of certain Tax Sale Certificates acquired under and by virtue of *N.J.S.A.* 54:5-34; and

WHEREAS, it is deemed financially beneficial to and in the best interest of the Borough of Keyport to sell such Tax Sale Certificates; and

WHEREAS, Block 33, Lot 57 is presently listed as "unknown owner"; and

WHEREAS, the Mayor and Council have received a report from the Tax Assessor and Tax Collector recommending the sale of the within Tax Sales Certificate;

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

1. The Mayor and Council of the Borough of Keyport hereby authorize the Borough Clerk to publish a Legal Notice of Tax Sale Certificate pursuant to N.J.S.A. 54:5-113 for sale by assignment of Tax Sale Certificate No. 78-8 covering Block 33, Lot 57 on the Tax Map of the Borough of Keyport.

2. The Mayor and Council of the Borough of Keyport hereby authorize the Borough Clerk to publish a Legal Notice of Tax Sale Certificate pursuant to N.J.S.A. 54:5-113 for sale by assignment of Tax Sale Certificate No. 78-8 covering Block 33, Lot 57, assessed to an "unknown owner." Private sale will be made to the adjoining property owner, Maurice Montemuro.

3. Copies of the within Resolution shall be forwarded to Alan Weiss, Esquire, Hazlet, New Jersey, attorney for Maurice Montemuro, Municipal Finance Officer, Borough Attorney, Tax Assessor, and Tax Collector and a copy of the within resolution shall be retained in the office of the Borough Clerk for public inspection.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

16. **Resolution #86-03, Award Contract for Purchase of Fire Custom Pumper Truck (172" Wheelbase) to Absolute Fire Protection Co., Inc.**

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for a fire custom pumper truck (172" wheelbase) for the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on January 22, 2003 at the Borough Hall, Keyport, New Jersey, consistent with the advertized Notice to Bidders; and

WHEREAS, Absolute Fire Protection Co. Inc., Hamilton, New Jersey, did bid to provide and furnish a fire custom pumper truck (172" wheelbase) in the gross amount of Two Hundred Forty Nine

Thousand Nine Hundred Ninety ($249,990.00) Dollars which constituted the lowest bid received pursuant to the specifications proposed; and

WHEREAS, the Mayor and Council are resolved to award a contract to Absolute Fire Protection Inc., Hamilton, New Jersey, based upon the low bid submitted subject to the Certification of the Municipal Finance Officer as to the availability of funds from the within bond ordinance adopted by the Mayor and Borough Council;

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

1. The Mayor and Council hereby award the contract for the purchase of a Fire Custom Pumper Truck (172" wheelbase) for the Borough of Keyport, in the gross amount of Two Hundred Forty Nine Thousand Nine Hundred Ninety ($249,990.00) Dollars to Absolute Fire Protection Co. Inc., Hamilton, New Jersey, based upon their low bid submission. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer from the Bond Ordinance adopted by the Mayor and Council of the Borough of Keyport and subject to review, as to form, by the appropriate Borough professionals.

2. The Contract shall be contingent upon the certification of the availability of funs by the Municipal Financial Officer, prior to execution, pursuant to the bond ordinance, duly adopted by the Borough of Keyport.

3. Copies of the within resolution shall be forwarded to the successful bidder, Municipal Finance Officer and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

4. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under *N.J.S.A.* 40A:11-1 *et. seq* by publishing a notice of award of contract in a legal newspaper of the Borough of Keyport within ten (10) days hereof.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

17. **Resolution #87-03, Award Contract of Purchase of the Fire Custom Pumper Truck (185" wheelbase) to Absolute Fire Protection Co. Inc.**

WHEREAS, the Mayor and Council of the Borough of Keyport authorize receipt of bids for a fire custom pumper truck (185" wheelbase) for the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on January 22, 2003 at the Borough Hall, Keyport, New Jersey consistent with the advertised Notice to Bidders; and

WHEREAS, Absolute Fire Protection Co. Inc., Hamilton, New Jersey did bid to provide and furnish a fire custom pumper truck (185" wheelbase)in the gross amount of Two Hundred Forty Nine Thousand Nine Hundred Ninety-four ($249,994.00) Dollars, which constitutes the lowest bid received pursuant to the specifications proposed; and

WHEREAS, the Mayor and Council are resolved to award a contract to Absolute Fire Protection Inc., Hamilton, New Jersey, based upon the low bid submitted subject to the Certification of the Municipal Finance Officer as to the availability of funds from the within bond ordinance adopted by the Mayor and Borough Council;

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

1. The Mayor and Council hereby award the contract for the purchase of a Fire Custom Pumper Truck (185" wheelbase) for the Borough of Keyport, in the gross amount of Two Hundred Forty Nine Thousand Nine Hundred Ninety-four ($249,994.00) Dollars to Absolute Fire Protection Co. Inc., Hamilton, New Jersey, based upon their low bid submission. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer from the Bond Ordinance adopted by the Mayor and Council of the Borough of Keyport and subject to review, as to form, by the appropriate Borough professionals.

2. The Contract shall be contingent upon the certification of the availability of funs by the Municipal Financial Officer, prior to execution, pursuant to the bond ordinance, duly adopted by the Borough of Keyport.

3. Copies of the within resolution shall be forwarded to the successful bidder, Municipal Finance Officer and Borough Engineer and a copy shall be retained in the office of the Borough Clerk for public inspection.

4. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under *N.J.S.A.* 40A:11-1 *et. seq* by publishing a notice of award of contract in a legal newspaper of the Borough of Keyport within ten (10) days hereof.

Offered by Mr. Hyer, seconded by Mrs. Atkins

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

18. **Resolution #88-03, Authorize Execution of Borough Attorney Contract for the Year 2003**

BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, that:

WHEREAS, on January 1, 2003, Wesley M. Kain, Esq., of Shebell & Shebell, LLC, was appointed as the Borough Attorney for th2 year 2003; and

WHEREAS, it is desirable to have a contract document which spells out the terms and conditions of the employment of the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED, by the Borough of Keyport, County of Monmouth, State of New Jersey, that the attached contract, marked Exhibit "A," for the legal services of Wesley M. Kain be and is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk are hereby authorized to execute said Contract on behalf of the Borough of Keyport.

BE IT FURTHER RESOLVED, that a notice of this Resolution and Award of Contract shall be published as required by law.

Offered by Mrs. Atkins, seconded by Mr. Hyer

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

ADJOURNMENT

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

Time of Adjournment: 8:53 P.M.

Respectfully submitted,
Judith L. Poling
Judith L. Poling, RMC/CMC
Borough Clerk