Keyport, New Jersey
March 15, 2005

Minutes of the Regular Meeting of the Mayor and Council of the Borough of Keyport, held on the above date in the Borough Hall, Council Chambers, Keyport, N.J. pursuant to the adoption of Resolution No. 108-05 in accordance with the Open Public Meetings Act, P.L.1975, Ch. 231. Notices were faxed to the Courier, Asbury Park Press, Independent, Two River Times and Newark Star Ledger.

Mayor Merla called the meeting to order at 6:08 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Bergen, Wedick, Walling, Hassmiller. Absent: Councilman Doyle (arrived 6:13 P.M.). Others present: Mr. Wisniewski, Borough Attorney and Mr. Palamara, Borough Administrator.

RESOLUTION

1. Resolution No. 109-05, Closed Meeting – Personnel, Litigation, Labor Relations and Contract Neogotiations

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

Personnel

1.

Possible Litigation
1. Water Plant Services
2. Bulkhead Project
3. Keyport Business Alliance

Labor Relations
1. Grievance/Barbara Hassmiller
2. PBA Negotiations
3. Carole Cerase and William Cerase Letters re: Benefits

Contract Negotiations
1. Solid Waste and Recyclable Collection Services Contract
2. Catamaran Lease
3. Hot Dog Stand Lease
4. Revaluation Services
5. Health Insurance
6. Verizon Cellular Tower Lease
7. Property Maintenance/Zoning/Construction Code/Code Enforcement

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

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

Possible Litigation, Labor Relations and Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Possible 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. Bergen, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None

Abstain: None
Absent: None

Council went into closed session at 6:15 P.M. and this meeting was reconvened at 7:04 P.M.

Mayor Merla called the meeting to order at 7:10 P.M. and read the Sunshine Law Notice.

Councilwoman Atkins led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller. Absent: None. Others present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer, Mr. Palamara, Borough Administrator and Mr. Fallon, Chief Financial Officer.

2005 MUNICIPAL BUDGET

Mr. Bergen said the Introduction of the Budget is due by March 28, 2005. CFO Fallon is working on Extraordinary Aid figures. The Budget is a working document. The increase to the residents would be 9 cents if there was no State Aid this year (we haven't received Aid since 2003 which was $200,000). If Aid is received, there may only be a 3 cent increase to the residents. The Capital Account has $60,000. The Borough should submit an application to the State for Discretionary Aid to put us back on the road. The Borough needs to generate more surplus. The Budget can be "tweaked" for cuts (22 cents in 2004 vs. 3 cents for 2005).

CFO Fallon said the Borough is $200,000 under CAP law. The COLA Ordinance allows the Borough to increase the CAP from 2 ½% to 3%. The Borough does not need to do this, but CFO Fallon recommended it be adopted to establish a CAP bank.

INTRODUCTION OF ORDINANCE

1. Ordinance No. 2-05, COLA Rate Increase

The Clerk read the Ordinance by Title:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (NJSA 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, NJSA 40A:4-45.1 et. seq., provides that in preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by Ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, NJSA 40a:4-45.15a provides that a municipality may, when authorized by Ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Borough Council of the Borough of Keyport in the County of Monmouth finds it advisable and necessary to increase its CY2005 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to $45,929.94 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Keyport, in the County of Monmouth, a majority of the full authorized membership of this

Governing Body affirmatively concurring, that, in the CY 2005 Budget Year, the final appropriations of the Borough of Keyport shall, in accordance with this Ordinance and NJSA 40A:4-45.14, be increased by 3.5% amounting to $160,754.79, and that the CY 2005 Municipal Budget for the Borough of Keyport be approved and adopted in accordance with this Ordinance; and

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance, as introduced, be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED, that a certified copy of this Ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

1a. Motion authorizing the Clerk to publish the ordinance, as introduced, in the Courier, issue of March 17, 2005 for a Hearing to be held on April 5, 2005 moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

RESOLUTION

2. Resolution No. 110-05, Introduction of the 2005 Budget

See full copy of Resolution as page of these minutes.

Mrs. Atkins said she has not had time to review the budget over the weekend and would be voting no on its introduction. Mr. Doyle agreed with Mrs. Atkins and said he would abstain. CFO Fallon said he would send a draft of the Discretionary Aid Application to Mayor and Council for their review.

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

Roll Call Vote: Ayes: Councilmembers Bergen, Wedick, Walling, Hassmiller
Nays: Councilwoman Atkins
Abstain: Councilman Doyle
Absent: None

PRESENTATION

1. **Aeromarine Area – Gordon N. Litwin, Esq., Special Redevelopment Counsel.** Mr. Litwin said he was appointed as Special Counsel for the Redevelopment of the Aeromarine Property; it is the biggest parcel in the Borough. There is history at this property; in 1917 it was an airplane hangar and there was minor industrial use. The landfill is leaking into the Raritan Bay. There are dilapidated buildings on the site. Mr. Litwin said Ken Bowers of Phillips Preiss Shapiro was hired as the Planner for the Borough of Keyport and a report of the area was submitted in February 2005. The Aeromarine property is in need of redevelopment and at a Planning Board Meeting a resolution was adopted for Council to declare the area in need of redevelopment.

Mr. Bowers went over his background; he is a principal of the firm Phillips Preiss Shapiro and worked on the Borough's Smart Growth Grant. Mr. Bowers gave a summary on the study of the Aeromarine site; there is 62 acres of land and they do qualify for redevelopment. A detailed report was submitted before the Planning Board and a resolution was adopted. The Borough of Keyport has the power of eminent domain to acquire property. Once an area is selected, the developer must pay the costs and tax abatements would be provided. The law provides a mechanism to declare an area in need of redevelopment; there is certain criteria. The Planning

Board prepared a study and made recommendations to Mayor and Council at the March 3, 2005 meeting. Council must adopt a redevelopment plan.

Mayor and Council can decide on the property. A study can be done on each lot (there are two) and the surrounding area. Property conditions should be reviewed and the records of the Assessor, Construction Code Official, Code Enforcement Officer, etc. In the findings, the area is Planned Industrial Development . It was asked if the property should be changed to residential RA? The area is a landfill with DEP issues. There are other areas in town that house industrial buildings. The Aeromarine Complex is antiquated and not functioning. The report states the area meets the criteria for redevelopment. Mr. Bergen said Mr. Bowers submitted his report and the Planning Board held the Hearing.

Mayor Merla said at the Planning Board meeting, they followed what the public was after. The public will have time to discuss the matter. There is a Committee that has been formed. Ms. Casabucci and Ms. Burns are on the Committee. The Borough (Mr. Litwin, the Mayor and Mr. Bergen) went to the State to steer the project in the right direction. The Mayor said tonight the Council is only taking recommendations and designating the area as an area in need of redevelopment; the public will have input. Mr. Litwin said the citizens want to and have been involved with this matter. There will be Hearings; the schedule has not been set. Mr. Bergen said there is a Steering Committee.

RESOLUTION

3. Resolution No. 111-05, Designating the Aeromarine as an Area in need of Redevelopment

WHEREAS, by Resolution No. 67-05 and pursuant to the Local Redevelopment and Housing Law, the Mayor and Council of the Borough of Keyport had directed the Planning Board of the Borough of Keyport to conduct a preliminary investigation and public hearing to determine whether the property described as Block 141, Lots 14 and 15 on the Tax Map of the Borough (commonly known as "the Aeromarine Area") is an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, NJSA 40A:12A-1, et seq (the "Redevelopment Law"); and

WHEREAS, the Planning Board, following an initial review of (1) the proposed area for redevelopment and (2) the attached map prepared for said purposes showing the boundaries of the proposed redevelopment area, has heretofore adopted said map pursuant to NJSA 40A:12A-6(b)(i); and

WHEREAS, as required by NJSA 40A:12A-6, the Planning Board held a Special Meeting and Public Hearing on Thursday, March 3, 2005 to determine whether the Aeromarine Area is an area in need of redevelopment in accordance with the Redevelopment Law and thereupon, duly adopted a resolution recommending to the Mayor and Council of the Borough of Keyport that the Aeromarine Area be designated to be an area in need of redevelopment; and

WHEREAS, the Mayor and Council has considered a Redevelopment Area Study for the Aeromarine Area prepared by Phillips Preiss Shapiro Associates, Inc., planning consultants, dated February 2005; and

WHEREAS, the Mayor and Council have considered a presentation of Kenneth Bowers, a principal of Phillips Preiss Shapiro Associates, Inc., who prepared said study.

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

1. We find as follows:

    a. The proposed redevelopment area has historically and predominantly been used as a landfill and includes an industrial complex.

    b. As set forth in the Study, there has been a noticeable lack of any significant investment and reinvestment within the Aeromarine Area. This is indicative of a stagnant or unproductive condition of the property. This is particularly true in relation to existing development patterns in existing or immediately adjacent properties.

c. While a residential development has put forth plans for redevelopment of the industrial complex and purported to acquire/purchase rights for same, the bulk of the area within the subject properties consists of landfill which has remained unproductive for more than ten years. The landfill was used as a garbage disposal site for more than twenty years and is not likely to be developed through the instrumentality of private capital without other action.

d. As shown on the Study, the land value alone is 47% of the total value of the land and buildings. The Planner has advised the Board that this relatively high ratio of land value to total value indicates that the land is not being fully and productively utilized.

e. The structures on the subject land are evaluated in the Study and were the subject of the presentation to the Board by the Planning consultant. These properties, as set forth in the Study, consisted of an abandoned deteriorated skeleton of a hanger type structure in poor condition and a warehouse in fair condition.

f. Other structures on the property range from poor to fair condition as are other free standing buildings on the properties.

2. We further adopt the findings of the Study as follows:

The exterior portions of the property are in generally poor to fair condition. The structures themselves are also in fair to poor condition. There are also several abandoned and badly damaged industrial structures on the property, as well as the abandoned residential buildings. The arrangement of the structures is haphazard, with poor vehicular circulation in and around the structures. Large portions of the property are dormant and inaccessible and of no use to the community. Overall the property is stagnant and not fully productive. The only access to the property is through a residential area, utilizing residential streets. The property is unsightly and out of place within the context of the residential area in which it is located. It is also obsolete for industrial use in terms of its location, access and nature and conditions of its structures.

3. Accordingly, we find that the Aeromarine Area meets several of the criteria set forth in NJSA 40A:12A-5 for the designation of an area for redevelopment including the following:

a. The discontinuance of these use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenantable, NJSA 40A:12A-5(b); and

b Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or is unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality or topography or nature of the soil is not likely to be developed through the instrumentality of private capital, NJSA 40A:12A-5(d); and

c. Areas with building or improvements which, by reason of dilapidation, obsolescence, overcrowding, fault arrangements or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout or any combination of these or other factors are detrimental to the safety, health, morals or welfare of the community, NJSA 40A:12A-5(e).

4. Therefore, we determine that the Aeromarine Area, as described in the attached map, should be and hereby is designated to be an area in need of redevelopment as provided in NJSA 40A:12A-5.

The meeting was opened to the public for comments or questions at 7:38 P.M. Jennifer Henning asked about the Steering Committee and if it is new? The Mayor said it is an existing Steering Committee.

Michael J. Gross, Century Land Developers, said his company has entered into a contract with the owners of the Aeromarine Property and has spent $600,000 to see if it is feasible to develop the land. The Planning Board was told that Century Land Developers want to move forward and they have a vested right to move forward. The Borough should choose Century Land Developers as the redeveloper based on current stature and the Memorandum of Understanding there is with the Borough. Mr. Gross said the Borough should start the negotiations with them. Mr. Bergen asked if the property would be developed as it is presently zoned? No. Mr. Gross said Century Land Developers would like the site rezoned.

Peggy Hayes, First Street, asked how long Century Land Developers has studied the land; 2 years. Mayor Merla said money was posted with the Borough for Attorney and Engineering fees. Century Land will make a presentation of what they would like to develop at the Aeromarine and they are willing to listen to the wishes of the community, Planning Board and Borough. Mr. Gross said they would like to move forward and come up with a Plan everyone can live with. The landfill is leaching into the bay. The Mayor said there is data to build off of.

Mrs. Henning said there have been Smart Growth meetings going on for the past two years and asked if there is only one developer with an Agreement? Mr. Hassmiller said there is a developer that the Borough can use or does not have to use. The Mayor said escrow monies were posted for the Borough to monitor what has been going on. Mr. Bergen said there is a redevelopment path and they do not have a leg up. They proposed a plan to redevelopment. Mr. Wedick said the Aeromarine property was added.

Robert Ludwig, 50 Beers Street, said there should be an ascertainment of rights by Century Land Developers; the Borough should provide a denial. Mr. Litwin said the Borough is guided by the Statutes and so is the process. The issues will be discussed but the meeting this evening is not the proper forum.

Mike Lane, 51 First Street, said there was an article in the Independent. He asked what Mayor and Council's expectations are on the time frame and costs? Mr. Bergen said Mayor and Council are not prepared to discuss this tonight; the focus tonight is on the resolution. There is no cost to the Borough; it will be recouped from the developer. Mr. Lane asked if there are tax abatements? Mr. Bergen said all issues should be decided first and this will determine the costs.

The meeting was closed to the public at 7:55 P.M.

Mrs. Atkins said it is a large parcel and would have a huge impact on the residents. Any development would impact the schools, roads, Fire and Police Departments, etc. Cleaning up the Aeromarine would be good for the community. The Borough has been kept in the loop with the process. Mr. Bergen said he agreed with the Planning Board.

Mayor Merla reassured the public that there will be plenty of public discussion on this process. This will help with Smart Growth. The process will take place here and the Developer is to explain his intentions and hear from Borough Officials.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

DISCUSSION

1. **American Legion Drive Bulkhead and Waterfront Park Improvements.** Mr. Bergen said a Green Acres Application was submitted. There are related issues. The Bulkhead Committee and Harbor Commission are in attendance this evening. Engineer Norbut said Birdsall Engineering submitted a plan for a Bulkhead and promenade. There would be 1500 feet of bulkhead and 15 foot wide promenade with a 3 ½ foot high railing and lighting. With the assistance of the NJDEP Coastal Engineering, they will take care of 75% of the cost. The original plan that was
2.

submitted eliminated American Legion Drive. We need Waterfront Development and Army Corp permits.

The second plan submitted shows the relocation of American Legion Drive. The plan is being reviewed by Coastal Engineering and there are a few problems; we would need CAFRA permits to put the road in. The American Legion Drive Plan removed and relocated the road and the DEP and Green Acres permission is needed to do this. The original plan was not fully engineered. Business access is needed. There is a question of where the road should be. Mr. Bergen said there is a question if a road could be put all of the way through. Engineer Norbut said this is correct and Coastal Engineering is waiting to go to bid. Mr. Bergen said if the project goes to bid without the road, they will not pay for the road. Mayor Merla said the Borough argued if the DEP put the road back in any location. Mr. Bergen said the Borough would have to apply for a diversion on the road. The Mayor said the idea came from Green Acres to have the parking go toward the stores. The Borough looked at other options. The DEP and Green Acres should work together for Keyport. Mr. Bergen said if the road is built, the Borough will have to redesign and scale back the promenade and put the road where it was.

Mayor Merla said there has to be an area for the road and a dollar amount. Mr. Bergen said if the road is moved, a CAFRA Permit needs to be obtained and a diversion received from Green Acres. The Borough should lobby them to pay for the road off of the water; there will be limited access to the water.

John Olsen said the State said they would be 75% of the cost and asked if the road would be water side. The Mayor said if the project is ready for bid, the road had to be part of it. Mr. Bergen said if it was a water side road, the Borough would have to Engineer the project and he asked what else the Borough could do.

Peggy Hayes, First Street, asked what happens if there is no access to the Boat Launching Ramp. Mayor Merla said the Borough has contractual agreement with the Charter Fishing Boat and the Catamaran; we need an alternate parking solution if parking is eliminated. Mr. Bergen said the Borough does not have years to debate this. Ms. Hayes said Keyport is paying taxes to the State. The Mayor said if the Army Corps of Engineers decides to do the project in Keyport, they would take the bulkhead out. Mr. Bergen said the Borough needs diversion and a permit for a water side road; we do not have property to swap.

Andy Willner, Osborn Street, asked if the First Plan did not have a road engineered? He asked who created the plan and what type of impact this will have. Mayor Merla said Aberdeen ran a force main under American Legion Drive. Mr. Bergen said Birdsall did the plan. Mr. Willner said the DEP is the overall agency and they would be happy to help; there are ways to work around the road (fire safety issues, etc). The road should be designed for what the Borough wants. The Army Corps will not build in no funding.

Terry Parker, First Street, said the Army Corps is responsible for storm protection and would raise the sanitary line on First Street, but they will not raise the bulkhead. Mr. Bergen said if the Borough cannot get a temporary road, the Borough should get re-compensated from the DEP; it is too late now. The Mayor said if the Borough lobbies representatives, we can make changes.

John Connell, Captain John, said a Traffic Survey is not enough. Mr. Bergen said the Borough does not have enough property to swap.

John Olsen said different sets of plans were submitted and they showed the road. The Harbor Commission had a traffic survey done in May 2003 and there were 3700 cars per week.

Fire Chief, Mike Walling, said an inside road is no good; water cannot be drafted and it makes it hard to fight fires. Chris from the Bait and Tackle Shop said there are street fairs on West Front Street which provides no access to the handicapped or elderly. Art Bambrick, Washington Street said the Police, Fire and First Aid need access to the handicapped. Jennifer Henning, 102 Main Street, said there is not a significant number of parking spaces in the lot and the current road is dangerous for children. It was asked what the consensus is for what the Borough wants. Mr. Olsen said the Borough will lose the Fishing Boat if there is no parking. Mr. Bergen said there would not be any access from Broad Street.

Mayor Merla said there are two projects going on with the DEP and Green Acres. The Borough accepted $800,000 for a new pier, the money should be given for the new road. There are two grants; one for $480,000 and then a second cycle which the Engineer and Administrator advised the Borough would have to pay. The Borough has secured $1.3 million in grants and loans for the pier ($340,000 grant plus loan and the loan changed to a grant). Mr. Bergen said the project has to be moved forward; that he said the road had to be addressed three years ago.

Mr. Olsen asked if the water side road would be less; no. Robert Ludwig, 50 Beers Street, asked if handrails would be installed to protect the children. Mrs. Hayes said Andy Willner is willing to help with the DEP and we should take advantage of his offer.

Gary Tango, Washington Street, asked if the pier would be available this summer; yes, the construction would start in September. Mr. Tango asked who is holding the project up? The Mayor said there were issues regarding easements; Mr. Litwin handled this matter. Mr. Tango asked if the Borough could do the work itself. The Mayor said the Cedar Street Park was a Green Acres Project and an inventory list was done by Green Acres who guides in the development. Jo-Ellen Trilling, Osborn Street, said there are ways to put roads in.

Jim Wedges, Hazlet, asked if anything will be done to the Fishing pier. Mayor Merla said it is used for Recreational purposes. Income equals Recreational purposes. Captain John asked if there are parking spots on the loop (inside road?) The Mayor said there are 45 spots. Borough Engineer Norbut said there could be 100-125. Mr. Olsen said there are 6 stations on American Legion Drive on elevations. Mrs. Hayes asked there are State guidelines on handicapped access? A resident asked what the existing width is; 26 feet.

Mrs. Atkins said the matter of the Post Office was brought up previously. The Borough owns the Post Office lot; we should take 10-15 spots by eminent domain. Attorney Wisniewski said this would be breaking the lease we have with the Post Office.

APPROVAL OF MINUTES

Motion approving the minutes of the Regular Meeting of January 20, 2004 moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present except Councilmembers Hassmiller and Walling who abstained.

INTRODUCTION OF ORDINANCES

2. Ordinance No. 3-05, Creating a Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund

The Clerk read the ordinance by Title:

AN ORDINANCE CREATING A MUNICIPAL OPEN SPACE, RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR THE BOROUGH OF KEYPORT

WHEREAS, the preservation and maintenance of Open Space in the Borough of Keyport is of increasing importance as residential and commercial development proceed; and

WHEREAS, NJSA 19:37-1 et seq. provides a procedure whereby the Governing Body of any municipality may ascertain the sentiments of its voters upon any question or policy pertaining to the government or internal affairs thereof; and

WHEREAS, NJSA 40:12-15.7 permits the Governing Body of any municipality to submit to the voters of a municipality at an election a proposition authorizing imposition of an annual levy for the purposes of the acquisition and preservation of historic and open space for recreation and conservation purposes; and

WHEREAS, the Mayor and Borough Council on August 20, 2002 adopted Resolution No. 280-02 submitting to the voters at the General Election held on November 5, 2002 the question of the imposition of an annual levy of $0.025 per $100.00 of assessed value of real property for the purposes of the acquisition and preservation of historic and open space for recreation and conservation purposes; and

WHEREAS, on November 5, 2002 the voters of the Borough of Keyport approved the imposition of an annual levy of $0.025 per $100.00 of assessed value of real property for the purposes of the acquisition and preservation of historic and open space for recreation and conservation purposes.

NOW, THEREFORE, BE IT ENACTED by the Mayor and Council of the borough of Keyport that Chapter XI of the Revised Ordinances of the Borough of Keyport are amended and supplemented to include new sections as follows:

Section 1. Authority to Establish Fund. A Municipal Open Space, Recreation and Farmland and Historic Preservation Trust Fund (hereinafter "the Trust Fund") is hereby created pursuant to the provisions and conditions of NJSA 40:12-15.7.

Section 2. Funding. The Trust Fund shall be funded through the imposition of an additional annual tax levy of $0.025 per $100.00 of assessed value of real property.

Section 3. Deposit and Dispensing of Funds. Amounts as are raised as a result of said tax levy shall be deposited into the Trust Fund and thereafter dispensed and used for any or all of the following purposes, or any combination thereof, as determined by the Governing Body after conducting at least one (1) public hearing for each annual expenditure relative thereto:

(a) acquisition of lands for recreational and conservation purposes;

(b) development of lands acquired for recreation and conservation purposes;

(c) maintenance of lands acquired for recreation and conservation purposes;

(d) acquisition of farmland for farmland preservation purposes;

(e) historic preservation of historic properties, structures, facilities, sites, areas or objects and the acquisition of such properties, structures, facilities, sites, areas or objects for historic preservation purposes; or

(f) payment of debt service on indebtedness issued or incurred by a municipality for any of the purposes set forth in subparagraph (a), (b), (d) or (e) of this paragraph.

Section 4. Credit of Interest to Fund. Amounts raised by the levy imposed pursuant to this section shall be deposited into the Trust Fund. Any interest or other income earned on monies deposited into the Municipal Trust Fund shall be credited to the fund to be used for the same purposes as the principal. Separate accounts may be created within the Trust Fund for the deposit of revenue to be expended for each of the purposes hereinbefore specified, subject to the approval and authorization of the Mayor and the Borough Council of the expenditure or appropriation for such purposes following the presentation and discussion of same at one (1) or more public hearings, which shall be conducted by the Mayor and the Borough Council relative thereto.

Section 5. This Ordinance shall remain in effect for thirty (30) years from March 1, 2005, unless this section is nullified or otherwise made invalid by subsequent action of the State Legislature or by subsequent action by the Mayor and Council of the Borough of Keyport, upon the findings and determination of the Mayor and Council prior to such automatic termination, that there are no additional acquisitions, appropriations or expenditures relative to the above stated purposes which can be made in furtherance of the interests of the public for its general benefit and that all debts incurred by the Borough of Keyport for such purposes have been repaid in full.

Mrs. Atkins asked if the amount could be reduced a little because there is also school tax. Mr. Bergen said the budget can be cut; there was a referendum passed for this at an election.

Offered for adoption by Mr. Bergen, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: Councilwoman Atkins
Abstain: None
Absent: None

2a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of March 17, 2005 for a Hearing to be held on April 5, 2005 moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

3. Ordinance No. 4-05, Amending Zoning Ordinances to require 75' frontage

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING CHAPTER 25:1-16 OF LAND USE REGULATIONS OF THE BOROUGH OF KEYPORT TO ESTABLISH A UNIFORM MINIMUM LOT SIZE

WHEREAS, the Mayor and the Borough Council are aware that the present Land Use Regulations of the Borough of Keyport permit the construction of structures on lots sized as small as five thousand (5,000) square feet; and

WHEREAS, the Mayor and the Borough Council believe that permitting the constructing structures on such small parcels of land will have a negative impact on the quality of life of the Borough of Keyport; and

WHEREAS, the Mayor and the Borough Council believe that amending the Land Use Regulations of the Borough of Keyport to establish a uniform minimum lot size of seven thousand five hundred (7,500) square feet will improve the quality of life in the Borough of Keyport; and

WHEREAS, such an amendment to the Land Use Regulations of the Borough of Keyport will be either substantially consistent with the land use plan element and the housing plan element of the Master Plan of the Borough will help effectuate those plan elements.

NOW, THEREFORE, BE IT ENACTED by the Mayor and Council of the Borough of Keyport that Chapter 25:1-16 of the Revised Ordinances of the Borough of Keyport are hereby amended as follows:

1. In Zoning Districts RB, RC and NC, the minimum lot area shall be seven thousand five hundred (7,500) square feet for all structures permitted in those districts, and

2. In Zoning Districts RB, RC and NC, the minimum lot width shall be seventy five (75) feet for all structures permitted in those district.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

3a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of March 17, 2005 for a Hearing to be held on April 5, 2005 moved by Mr. Wedick, second by Mr. Walling with Ayes by all present.

3b. Motion to refer this Ordinance to the Planning Board for their recommendation moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

REPORTS OF COMMITTEES

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins reported she attended the Firemen's Ball, the Keyport Business Alliance election and the Harbor Commission meeting. There was a Drug and Alcohol Alliance meeting held in Long Branch. At the Recreation Meeting, it was said they would do the Park Walk. The First Aid handled 164 calls in February.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle said he was unable to attend the Library's meeting, but there are two Trustees needed. It was suggested that Carol Granata be appointed to the Board and Mary Ellen Zakutansky. The Mayor's substitute (Eleanor Fischler) should be made permanent.

Councilman Bergen; Finance/Redevelopment: Mr. Bergen said the Budget was discussed this evening; there will be $2,000 more in the First Aid's budget. Redevelopment was also discussed this evening.

Councilman Wedick; Police Mr. Wedick said a Safe Communities Grant Application was given to Chief Gajewski. There have been FBI roundups regarding the investigation and dealings with Mr. Appolina, International Trucks. There was one bidder for the dump truck and the sweeper. Mr. Wedick said he is not comfortable having the FBI investigating this. He asked that the Borough Clerk copy all of the paperwork and minutes and forward them to Mr. Christy and the FBI to remove any question of corruption. Mayor Merla asked if this should go through the Prosecutor? Mr. Wedick said no, it should go to the FBI.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling said he has spoken with Mr. Bergen and the Borough will go to bond on the Pick Up trucks. There are recycling appointments on this evening's agenda. Mr. Wedick may have a name for a Property Maintenance Officer. The Harbor Commission discussed the bulkhead.

Councilman Hassmiller; Fire: Mr. Hassmiller said the Fire Department submitted their report for February. It will cost $7,000 to fix the pumper; a part was ordered. There are a lot of false alarms at the same location; the Fire Chief is looking into this. There is an Ordinance on the books for false alarms. There is illegal spray painting in one location. The lunch room in the basement of the Municipal Complex was offered to the Emergency Management Coordinator as an office.

Administrator Palamara: Mr. Palamara did not have anything to report.

Engineer Norbut: Mr. Norbut said information was submitted regarding Stormwater matters. Oswald Sewer will be completing their work by April 1st and a manhole inspection will be completed by June 1st. George Sappah and his men are doing a good job. There were 8000 applications for a Stormwater Management Grant. A resolution is listed on the Agenda. There is a DOT application with three separate categories; Mr. Norbut said he would submit an Engineering proposal to Mayor and Council. A Pedestrian Bikeway on Maple Place near the Cornucopia Restaurant should be applied for. Mayor Merla said the County was sent a plan.

Mr. Norbut said he is scoping out Third Street improvements; the lines were videotaped and he will submit a proposal. The Mayor said Warren Street was denied; Mr. Norbut said the Borough can resubmit the project. The Mayor said there is a Borough Committee that could help with applications.

Mayor Merla. The Mayor reported that this past week there has been no Property Maintenance Officer so he has made calls on some issues that have come to his attention. The property owned by Mr. Dubleski has had a bathtub on the property for 11 days; it has been cut up and removed. A call was received that a roof collapsed on a Beers Street property; the soffet was damaged and this was referred to Anthony Vecchio. Another matter on Maple Place was referred to Mr. Vecchio.

With regard to tree chipping, Hazlet used Atlantic Farms of Holmdel who brought a tub grinder for the day and took the material away and mulched it.

At the Bayshore Conference of Mayors meeting, Matthew Clark, County Tax Board, will speak regarding revaluation . There will be discussion and a presentation.

A Tsunami Relief letter was sent out and the Mayor is grateful to the residents; $1500 was collected the first day. KBA Elections were held and the Mayor congratulated the new members. Belmar held their St. Patty's day parade. Engine Company (with 911 painting) participated. The Casino Development Council will meeting on April 20th. The Post Office has information on the permanent address change. A directory is sent out and they were asked to include the Recycling Schedule.

Two vehicles were offered to the Borough; one from Unlimited Autos (a 1999 Plymouth Mini Van) for the Emergency Management Official and the other from Dawn's Auto (white Jeep; detailed) for the Police Department. Mr. Bergen said this should be referred to each Committee.

REPORTS OF DEPARTMENTS

January 2005

1. Municipal Court

STATE FINES	$ 200.00

STATE SURCHARGE	$ 200.00
STATE UNINSURED	$ 582.00
COUNTY FUNDS	$4,977.76
COUNTY FINES	$4.682.50
MUNICIPAL FINES	$4,682.50
MUNICIPAL COSTS	$4,549.50
MUNICIPAL PARKING	$1,726.00
MISCELLANEOUS	$1,386.24

Submitted by Kathie Coffey, Court Administrator

February 2005

2. Borough Clerk

WATER/SEWER ACCOUNT

WATER CONNECTION	$	-0-	
TURN ON CHARGE		-0-	
WATER METER		-0-	
SEWER CONNECTION		-0-	
SEWER/POOL PERMIT		-0-	
WATER METER W/TO		100.00	
OTHER___________________			
TOTAL WATER/SEWER,	**$**	**100.00**	**CK # 3637**

CURRENT ACCOUNT

BINGO LICENSE	$	-0-	
FIREARM & FINGERPRINTING		50.00	
LIMO LICENSES		-0-	
PHOTOCOPIES		115.45	
POSTAGE		-0-	
RAFFLE LICENSE		20.00	
TAXI LICENSE, DRIVER		-0-	
TAXI LICENSE, OWNER		-0-	
POLICE DEPT. ACCIDENT RPT		358.00	
SEARCHES		-0-	
VENDING LICENSE		-0-	
LIQUOR LICENSE		-0-	
STREET OPENING		150.00	
FISH & WILDLIFE		-0-	
RECYCLING PERMITS		-0-	
PARKING PERMITS		30.00	
AUCTION		-0-	
OTHER_____________________			
OTHER_____________________			
OTHER_____________________			
TOTAL CURRENT	**$**	**723.45**	CK#3638

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PERMITS	$	-0-	
BAIT		-0-	
ICE		-0-	
SODA		-0-	
ICE CREAM		-0-	
TOTAL RBIT	**$**	-0-	CK#

ESCROW ACCOUNT

CASH REPAIR	$54.00	CK#3639

TOTAL RECEIPTS $877.45

Submitted by Judith L. Poling, Borough Clerk

3. Tax Collector

2005 TAXES	$1,296,130.53
2004 TAXES	47,766.80
INTEREST AND COSTS	3,648.99
MUNICIPAL COURT FINES	17,807.74
UNIFORM FIRE SAFETY	5,046.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	25,260.00
TAX SEARCH FEE	10.00
FOOD HANDLERS PERMITS	1,950.00
ADMINISTRATIVE FEES	285.00
MUNICIPAL DRUG ALLIANCE GRANT	3,500.00
BODY ARMOUR STATE GRANT	1,789.14
DRUNK DRIVING ENFORCEMENT GRANT	7,927.96
ALL OTHER MISCELLANEOUS REVENUE	12,150.64
TOTAL CURRENT RECEIPTS	**$1,423,272.79**

WATER/SEWER RENTS	$ 86,755.48
INTEREST AND COSTS	1,537.97
WATER/SEWER CONNECTION FEE	-0-
TURN ON CHARGES	100.00
NSF CHECK CHARGES	40.00
POOL FILL PERMITS	-0-
WATER METERS WITH/TURN ON	-0-
NEW METER CHARGE	-0-
METER TEST CHARGE	35.00
CELLULAR TOWER LEASE	14,335.02
MARINA PUMP OUT	-0-
TOTAL WATER/SEWER RECEIPTS	**$ 102,803.47**

Submitted by Keri Stencel, Tax Collector

4. Building Department

PERMIT TYPE	**# ISSUED**	**AMOUNT**
State DCA Fee	18	$ 112.00
Construction Certificates	0	0.00
Plumbing	11	643.00
Electrical	9	1,015.00
Building	11	650.00
Fire Sub-Code	5	270.00
Code Enforcement C of O	41	1,065.00
Transfer of Title C of O	9	330.00
Smoke Detector Inspection	40	1,280.00
Zoning	13	130.00
200 Ft. Property List	1	0.00 See Note*
Miscellaneous	3	75.00
Copies	0	0.00
Const. Debris Deposit	5	250.00
Construction Violations	0	0.00
Reinspection	0	0.00
Total		**$5,458.00**

ACCOUNTS PAYABLE

Amount Paid to Borough	Ck#2494	$5,458.00
State Fee Due	Paid Quarterly	

*2002 ft list given to Paul Mirabelli, Esq. per Mr. Palamara (waiting for payment)

Submitted per Carole Cerase, Senior Permit Clerk

5. Fire Department

See full copy of Report on file in the Clerk's Office

Submitted by Michael W. Walling, Fire Chief

6. Librarian

See full copy of Report on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

7. Annual Historian Report for 2004

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

Submitted by Jack Jeandron, Historian

Motion to Accept the reports as read moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Clean Ocean Action to perform Spring Beach Sweeps on Saturday, April 23, 2005.

   Motion to Approve and forward to the Environmental Commission moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

2. Request for donation from Jersey Shore Workcamp (program comprised of 400 teenage and adult volunteers to provide home repairs to the elderly, handicapped and low income residents).

   Motion to refer this matter to the Mayor and Mr. Bergen moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

3. Resolution adopted by the Township of South Brunswick urging the State of New Jersey to specifically prohibit the practice known as "Engine Braking".

   Motion to receive and file moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

4. Resignation from William Siegle, Recreation Commission Member, effective immediately.

   Motion to Accept with regret moved by Mr. Bergen, second by Mrs. Atkins with Ayes by all present.

5. Proposal from Birdsall Engineering Services – Civil Design, American Legion Drive – Relocation (Cul-de-sac version).

   Motion to refer to Mr. Bergen moved by Mr. Wedick, second by Mr. Doyle with Ayes by all present.

6. Recommendation from Recycling Committee to increase fees for tires.

   Motion to refer to the Finance Committee moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

7. Resignation from Eleanore Hyer, Library Board of Trustees Member, effective immediately.

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

8. Letter from Marael Corp. regarding solid waste removal expenses.

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

9. Letter from Monmouth County Planning Board regarding the Bayshore Regional Strategic Development and Redevelopment Plan.

   Motion to refer to the Planning Board and Historic Preservation Commission moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

10. Application and Permit for Street Openings from NJ Natural Gas Company, Oil Conversion, 320 Beers Street.

    Motion to refer this matter to George Sappah for recommendation moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

UNFINISHED BUSINESS

1. **Brownsfield Re-application.** This matter is being worked on.

2. **Quote for Chipping Service.** This matter is being worked on.

3. **341 Maple Place, Request for Handicapped Parking Space.** This matter is being worked on.

4. **T&M Proposal for Sanitary Sewer Evaluation, Phase II and III.** This matter will be listed on the April 5, 2005 Agenda.

5. **Tier A Stormwater Grant Certification and Municipal Stormwater Regulation Program.** This matter is being worked on.

6. Request from Kiwanis Club of Keyport, Inc. to conduct Flea Markets, April-December 2005.

   Mr. Walling said the Events Committee received a memo from Joanne Clemente which said it should go to the Recreation Commission. This Mayor said this should be handled by the Recreation Commission.

   Motion to Approve contingent upon the construction work to be done moved by Mr. Walling, second by Mrs. Atkins with Ayes by all present.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 9:56 P.M. for comments or questions. Robert Ludwig, Beers Street, requested the Mayor recuse himself because the Mayor interferes with Health Ordinances. Apollo Sewer is violating parking ordinances. Mayor Merla requested Mr. Ludwig state the matter on record and substantiate his claim or he will not recuse himself. Mr. Ludwig said the Chief of Police is giving tickets even though there were accommodations to Business owners. Vehicles are being parked in the yellow zone or in the crosswalks; there is an ordinance. Mr. Ludwig said he and the Mayor discussed Ordinance 2004-1 and he said if Donna Purcell was asked to enforce it. Mr. Ludwig said the Mayor responded that he would prevent Ms. Purcell from doing so. The Mayor said the statement was a lie and Mr. Ludwig was told it was a Board of Health Ordinance. The Mayor said last week Mr. Ludwig said the Planning Board was corrupt. Mayor Merla said he would sue and Mr. Ludwig is making a major error. Mr. Menna will take action. Mr. Ludwig said his letter stated there were corrupt processes. Mr. Bergen said there is a horrible operation of Code Enforcement. Mr. Ludwig said he attended the KBA meeting and the Mayor spoke about dumpster buddies and the tone was to hold it in obeyance of the Ordinance. The Mayor said he will not tolerate this. Mr. Ludwig said Donna Purcell and Anthony Vecchio can do their job without interference. Apollo Sewer is storing soil. Mr. Bergen said Mayor and Council can regulate. Mr. Ludwig said there are 3 hour parking fees vs. illegal violations. Mr. Walling asked if Donna Purcell said she could not do her job because of interference? Yes. The Mayor asked Mrs. Atkins if Donna Purcell discussed interference with her? No.

Mr. Walling said he took offense to this and there are Ordinances on the books to be enforced with regard to how the Apollo site could be handled. Mr. Bergen said a system needs to be put in place; lax enforcement should be "shaken out" and changes made. Mr. Willner said there are Ordinances and fines that could be levied when someone goes before the Municipal Court Judge.

The Police Chief is aware of the criminal violation of the law. The Mayor said he was told, in the past, not to interfere with the Police. Mr. Willner said if ignoring violations of the law persists, there are daily fines. Mr. Bergen said employees should be disciplined. There is a site on Main Street where work has been done in the street for four days and they are supposed to be doing sidewalk work.

Ms. Hayes asked if Mr. Dubleski has paid anything? There has been no Certificate of Occupancy for two years. The Property Maintenance Officer has not done anything in over 18 months. Ms. Cosgrove asked what the assurances would be? Mr. Bergen said this will be discussed with Council. Mayor Merla said there may be policies and procedures. There has been a sofa at the corner of Atlantic and Second Streets since December. The Mayor said the sidewalk on Green Grove Avenue and Second Street has been missing since last May. Ms. Cosgrove asked if the Borough would replace the Property Maintenance Officer. Claude Salomon said documentation should be made a part of the employee's file. She asked if the Borough performs an annual review of its employees? Mr. Bergen said the employees should be made more accountable. Mayor Merla said the Department Heads should enforce their authority and a review done at the end of the year.

Mike Lane, First Street, said in the Borough's Zoning Ordinance, there is no requirement for drainage issues. Mr. Bergen said the Borough is working on another Ordinance which would have applicants post escrow and the Engineer Review the project. Mr. Lane said underdeveloped lots are springing single family dwellings. With regard to the Atlantic Street fire, Mr. Lane asked about the basement bedroom window size and if the Ordinances have been updated; yes.

The Public Portion was closed to the public at 10:38 P.M.

Council took a brief recess. The Closed Meeting portion continued at 10:49 P.M. and this meeting was reconvened at 11:40 P.M.

RESOLUTIONS

4. Resolution No. 112-05, Payment of Bills

See full copy of Resolution as pages 24 - 39 of these minutes.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

5. Resolution No. 113-05, Adoption of the 2003 Audit Correction Plan

WHEREAS, the Chief Financial Officer has prepared and filed with the Borough Clerk a Corrective Action Plan as part of the annual audit process as required by the Single Audit Act, US Office of Management and Budget Circular Letter A-133 and NJ Office of Management and Budget Circular Letter 04-04 as referenced in New Jersey Department of Community Affairs, Division of Local Government Services, Local Finance Notice #92-15, dated July 8, 1992.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth, that the attached Corrective Action Plan submitted by the Chief Financial Officer is hereby acknowledged and approved and a copy of same be filed with the Division of Local Government Services.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

6. Resolution No. 114-05, 2004 Road Improvement Program – Revised/Corrected Change Order No. 1 ($9,489.43 increase)

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized certain improvements under the 2004 Road Improvement Program which was contracted to DeFino Contracting Company (the "Contractor") based upon their low bid submission; and

WHEREAS, the Mayor and the Borough Council have received a request from Birdsall Engineering, Inc. to consider Change Order No. 1 which upon final computation of the scope of the work and materials used for the improvements to the 2004 Road Improvement Program will result in net increases of the total price of the project in the sum of $9,489.43 for a total final adjusted contract value of $142,752.22; and

WHEREAS, the Mayor and Council have reviewed Change Order No. 1 which will increase the cost of the improvements under the 2004 Road Improvement Program.

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

1. The Mayor and Borough Council of the Borough of Keyport hereby approve Change Order No. 1 as recommended by Birdsall Engineering, Inc. on February 25, 2005 for the improvements under the 2004 Road Improvement Program which increases the final cost of the project by the sum of $9,489.43.

2. The Mayor and Borough Council of the Borough of Keyport hereby approve of the aforementioned Change Order, the contract value for the completion of the improvements under the 2004 Road Improvement Program will now be $142,752.22.

3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, the Borough Engineer and the Borough Clerk, who shall retain a copy for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

7. Resolution No. 115-05, Accept Office on Aging Grant Application and authorize Mayor to execute same

WHEREAS, the County of Monmouth by letter dated January 7, 2005 from John A. Wanat, Executive Director of the Monmouth County Office on Aging , advised the Borough that it was making a grant in an amount not to exceed $36,000 to the Borough for social services for senior citizens; and

WHEERAS, the Borough is extremely pleased to be continuing this important work in collaboration with the County of Monmouth.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the proposed Grant Agreement with the County of Monmouth in the amount of $36,000 for the grant period of January 1, 2005 through December 31, 2005 is hereby approved and the Mayor and Clerk are authorized and requested to sign and deliver such agreement on behalf of the Borough.

BE IT FURTHER RESOLVED that the Borough Administrator and Chief Financial Officer are authorized and requested to take such steps as are necessary and desirable to implement this resolution and sign such other and further documents as the grant requires.

BE IT FURTHER RESOLVED that the Borough Clerk forward a certified true copy of this Resolution to the Monmouth County Office on Aging, Attention: John A.Wanat, Executive Director.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None

Abstain: None
Absent: None

8. Resolution No. 116-05, Approve participation in the Safe and Secure Communities Program and authorize the Mayor to execute same

WHEREAS, the Borough of Keyport/Police Department wishes to apply for a project under the Safe and Secure Communities Program; and

WHEREAS, the Borough of Keyport, Mayor and Council has reviewed the application and has approved said request; and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Applicant Unit of Government, for the purpose described in the application.

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

1. As a matter of public policy, the Applicant's Unit of Government wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications for said fund.
4. The Division of Criminal Justice shall initiate allocations to the applicant as authorized by law.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

9. Resolution No. 117-05, Appointment of Recycling Coordinator

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that ROBERT M. POLING is hereby appointed as the Recycling Coordinator for the Borough of Keyport for a one year term expiring December 31, 2005, effective March 16, 2005.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

10. Resolution No. 118-05, Appointment of Deputy Recycling Coordinator

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that ROBERT M. POLING, JR. is hereby appointed as the Deputy Recycling Coordinator for the Borough of Keyport for a one year term expiring December 31, 2005, effective March 16, 2005.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

11. Resolution No. 119-05, Authorize Execution of 2005 Bond Counsel Contract

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport from time to time may have the need to borrow money for public purposes pursuant to the Local Bond Law, NJSA 40A:2-1 et seq.; and

WHEREAS, the issuance of municipal bond obligations pursuant to the Local Bond Law is highly technical and requires specialized and experienced bond counsel; and

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

WHEREAS, McCarter and English, LLP has submitted a proposal and contract to perform services as Bond Counsel of the Borough of Keyport for the fees set forth in the Professional Service Agreement which is appended hereto and made a part hereof; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with McCarter & English, LLP as Bond Counsel.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

12. Resolution No. 120-05, Authorize Execution of Right of Entry Agreement with Army Corps of Engineers.

WHEREAS, the United States Army Corp of Engineers (hereinafter the "Army Corps") is conducting a Raritan Bay and Sandy Hook – Keyport Hurricane and Storm Damage Reduction Project; and

WHEREAS, as part of that project, the Army Corp and the New Jersey Department of Environmental Protection need to perform a site characterization investigation on municipally owned property designated as Block 21.01, Lot 49 and Block 94, Lot 2 on the tax map of the Borough of Keyport; and

WHEREAS, a site characterization investigation is a common engineering procedure to assess soil and ground water conditions through the collection of soil sample utilizing a drill rig; and

WHEREAS, pursuant to NJSA App. A:9-51.6, the Mayor and the Borough Council may by resolution authorize and direct the mayor acting for and on behalf and in the name of the Borough of Keyport to enter into such agreements with the Federal Government or any agency thereof to do such acts or things as shall be necessary or convenient to secure aid an assistance, including providing free of cost to the Federal Government, all lands, easements, rights of way or other areas within the municipality required in connection with the work undertaken by the Federal Government or agencies thereof in respect of such agreement.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the Right of Entry for Survey and Exploration Agreement prepared by the Army Corps.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

13. Resolution No. 121-05, Appropriation Reserve Transfer

WHEREAS, various 2004 bills have been presented for payment this year, which bills were not covered by order number and/or recorded at the time of transfers between the 2004 budget appropriation in the last two months of 2004; and

WHEREAS, NJSA 40A:4-59 provides that all unexpended balances carried forward after the close of the year are available, until lapsed at the close of the succeeding year, 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 Council of the Borough of Keyport that the transfers in the amount of $24,120.00 be made between the 2004 budget appropriation reserves as follows:

Budget Appropriation	From	To
Administrative – O/E		$ 500.00
Mayor and Council – O/E	$ 500.00	
Municipal Clerk – S&W	300.00	
Municipal Clerk – O/E		$ 3,900.00
Financial – O/E		200.00
Collection of Taxes – S&W	140.00	
Collection of Taxes – O/E		230.00
Legal Services – O/E		5,600.00
Planning/Zoning – S&W	180.00	
Planning/Zoning – O/E	700.00	
UCC – O/E	800.00	
Property Maintenance Code – O/E	300.00	
Fire – S&W	300.00	
Fire – O/E		7,390.00
Uniform Fire – S&W	4,100.00	
Police – S&W		1,320.00
Streets and Roads – S&W	900.00	
Streets and Roads – O/E	500.00	
Garbage and Trash Removal – O/E	700.00	
Public Buildings and Grounds – O/E	300.00	
Board of Health – O/E		100.00
Senior Center – S&W	1,500.00	
Senior Center – O/E	5,600.00	
Parks and Playgrounds – O/E	500.00	
Celebration of Public Events – O/E	700.00	
Electricity	4,000.00	
Street Lighting		70.00
Telephone		1,000.00
Natural Gas		2,900.00
Fuel Oil	400.00	
Gasoline	1,700.00	
Landfill Disposal Costs		400.00
Social Security		510.00
	$ 24,120.00	$24,120.00

BE IT FURTHER RESOLVED by the Council of the Borough of Keyport that the transfers in the amount of $4,700 be made between the 2004 budget appropriation reserves of the Municipal Water/Sewer Utility as follows:

Budget Appropriation	From	To
Social Security	$ 4,700.00	
Acquisition of Water		$ 4,700.00
	$ 4,700.00	$ 4,700.00

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

14. Resolution No. 122-05, Appoint Hatch, Mott, McDonald as Consulting Engineers on the Water Utility not to exceed $6,000

WHEREAS, the Mayor and Council of the Borough of Keyport have a mandate to continue operation of the municipal water treatment facility; and

WHEREAS, recent decisions by the New Jersey Department of Environmental Protection ("DEP") set forth in a January 31, 2005 letter, if left unchallenged, may result in higher water rates for the Borough residents; and

WHEREAS, the Borough of Keyport is in need of professional and technical advice in order to respond to the DEP letter of January 31, 2005 and to determine the future needs for the municipal water treatment facility; and

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

WHEREAS, Hatch Mott McDonald has proposed advising the Borough on the future needs of the water treatment facility and advising the Borough in responding to the DEP for an amount not to exceed $6,000.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute an agreement with Hatch Mott McDonald for the preparation of a response to the January 31, 2005 DEP letter and for advice on the future needs of the municipal water treatment facility.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

15. Resolution No. 123-05, Authorize Chief Financial Officer to prepare and submit a $200,000 Extraordinary Aid or Supplemental Municipal Property Tax Relief Application

WHEREAS, the Mayor and Borough Council of the Borough of Keyport wish to maximize it's revenues in order to provide the maximum municipal government services at a minimum cost to the municipal property taxpayers; and

WHEREAS, the Mayor and Borough Council of the Borough of Keyport recognize that because of the Borough's geographic size and property tax ratables extraordinary circumstances exists that if not addressed could result in a property tax increase or a reduction of municipal services without the infusion of additional revenues; and

WHEREAS, the foregoing constitutes sufficient grounds for the Borough to apply to the State of New Jersey Department of Community Affairs for Extraordinary Aid or Supplemental Property Tax Relief.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport hereby authorize the Chief Financial Officer, Thomas Fallon, to complete and file an application with the New Jersey Department of Community Affairs for $200,000 in Extraordinary Aid or Supplemental Municipal Property Tax Relief.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

16. Resolution No. 124-05, Appoint Library Board of Trustees Member – Eleanor Fischer

Mayor Merla announces, with the advice and consent of the Council, the appointment of **Eleanor Fischer** as a member of the Library Board of Trustees to fill a 5 year unexpired term which will expire on December 31, 2008.

BE IT RESOLVED by the Council of the Borough of Keyport that the foregoing appointment of Eleanor Fischer as a member of the Library Board of Trustees to fill a 5 year unexpired term which will expire on December 31, 2008 be and the same is hereby confirmed.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

17. Resolution No. 125-05, Appoint Library Board of Trustees Member – Mary Ellen Zakutansky

Mayor Merla announces, with the advice and consent of the Council, the appointment of **Mary Ellen Zakutansky** as a member of the Library Board of Trustees to fill a 5 year unexpired term which will expire on December 31, 2008.

BE IT RESOLVED by the Council of the Borough of Keyport that the foregoing appointment of Mary Ellen Zakutansky as a member of the Library Board of Trustees to fill a 5 year unexpired term which will expire on December 31, 2008 be and the same is hereby confirmed.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

18. Resolution No. 126-05, Authorize T&M Associates to Prepare and Submit a Tier A Stormwater Grant Certification to the NJDEP

WHEREAS, the Borough of Keyport has previously received seventy five percent (75%) of a Municipal Stormwater Grant upon the execution of a grant agreement in 2002; and

WHEREAS, in order to receive the balance of the Municipal Stormwater Grant, the Borough of Keyport is required to submit a Tier A Grant Certification by April 1, 2005; and

WHREAS, the Borough of Keyport has changed Borough Engineers since the original grant application was executed; and

WHEREAS, it is necessary that the aforementioned Certification be prepared and filed by a person or persons with the appropriate level of knowledge about the matters relevant for the same.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that T&M Associates is authorized to complete and file a Tier A Stormwater Grant Certification and to act as the Borough's agent for the same.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None

Absent: None

19. Resolution No. 127-05, Appoint G.R. Murray as Broker of Record for Oxford Health Plans

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that G.R. Murray, a division of O'Gorman and Young, Inc., is the Borough's Broker of Record for Oxford Health Plans.

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

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Motion to Adjourn moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

Time of Adjournment: 11:43 P.M.

Respectfully submitted,
Judith L. Poling
Judith L. Poling, RMC
Borough Clerk
Allyson M. Cinquegrana
per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

Approved 10/17/06

Keyport, New Jersey
April 5, 2005

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

Council President Atkins called the meeting to order at 7:06 PM and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Bergen, Wedick, and Walling. Absent: Councilmembers Doyle (arrived 7:13 P.M.) and Hassmiller (arrived at 7:47 P.M.). Others present: Mr. Wisniewski, Borough Attorney, Mr. Palamara, Administrator, and Mr. Valesi, Water Plant Engineer.

RESOLUTION

1. Resolution #128-05, Closed Meeting - Personnel, Possible Litigation, Labor Relations, and Contract Negotiations

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

Personnel
1. Administrator Position
2. Deputy Borough Clerk Position
3. Property Maintenance Officer/ Vacant Position

Possible Litigation
1. Water Plant Services
2. Bulkhead Project
3. Notice of Claim/Peter Pannullo
4. Anthony Vecchio
5. Defino vs. Borough of Keyport
6. Constantine vs. Bass
7. Notice of Claims (3)
8. Property Tax Appeals (4)

Labor Relations
1. Grievance/Barbara Hassmiller
2. PBA Negotiations
3. Carole Cerase, Senior Permit Clerk Memo of March 16, 2005

Contract Negotiations
1. Solid Waste and Recyclable Collection Services Contract
2. Catamaran Lease
3. Hot Dog Stand Lease
4. Revaluation Services
5. Verizon Cellular Tower Lease
6. Woodmont Harbor Point

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

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

Personnel, Possible Litigation, Labor Relations, & Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Possible 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. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Bergen, Wedick, Walling
Nays: None
Abstain: None
Absent: Councilmembers Doyle and Hassmiller

Council went into closed session at 7:07 P.M. and this meeting was reconvened at 7:30 P.M.

2. Resolution No. 129-05, Amend Resolution 82-05 to advance the Effective Date of the termination of David G. Palamara, Business Administrator

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Borough Business Administrator pursuant to N.J.S.A 40A:9-136, and

WHEREAS, the position of Borough Business Administrator is set forth in Keyport Borough Ordinance 2-3.2 (Ord. No. 4-9-62, SS SS 1 and 2, 4-6; Ord. No. 551, 1 and 2; 1972 Code 2-4) and provides that the Business Administrator shall serve at the pleasure of the Mayor and Council, and

WHEREAS, the Borough Clerk has provided notice to David G. Palamara pursuant to the provisions of the Open Public Meeting Act, N.J.S.A. 10:4-6 and the principles set forth in Rice v. Union County Regional High School Board of Education, 155 N.J. Super. 64 (App. Div. 1977), and

WHEREAS, although the aforesaid termination was to be effective May 1, 2005, the Mayor and Borough Council have determined to advance Mr. Palamara's last date of employment to be April 5, 2005, and

WHEREAS, in accordance with N.J.S.A. 40A:9-138, this decision to advance the termination date will have no effect on the unpaid balance of his salary due through the original date set forth in Resolution 84-05, and

NOW THEREFORE BE IT RESOLVED that resolution 84-05 is hereby amended to have immediate effect on April 5, 2005 and that Mr. Palamara will continue to be paid the unpaid balance of his salary due through May 1, 2005.

Offered for adoption by Mr. Wedick, second by Mr. Walling

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

3. Resolution No. 130-05, Appoint Judith L. Poling as Interim Business Administrator

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Borough Business Administrator pursuant to N.J.S.A. 40A:9-136, and

WHEREAS, the position of Borough Business Administrator is set forth in Keyport Borough Ordinance 2-3.2 (Ord. No. 4-9-62, 1 and 2, 4-6; Ord. No. 551, 1 and 2; 1972 Code 2-4) and provides that the Business Administrator shall serve at the pleasure of the Mayor and Council, and

WHEREAS, the Mayor and Council of the Borough of Keyport has terminated the employment of David Palamara as the Borough's Business Administrator can be hired, and

WHEREAS, the Borough of Keyport needs to have an individual serve as Business Administrator on an interim basis until a new Business Administrator effective April 5, 2005, and

WHEREAS, Judith L. Poling, has agreed to temporarily serve the Borough of Keyport as Business Administrator for the sum of 500.00 per week in addition to her existing salary as Borough Clerk.

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

1. Judith L. Poling is appointed interim Business Administrator of the Borough of Keyport until such time as a new Business Administrator can be hired.

2. During the aforementioned period of time Judith L. Poling has agreed to temporarily serve the interim Business Administrator of the Borough of Keyport for the sum of $500.00 per week in addition to her existing salary as Borough Clerk.

3. During the aforementioned time, Judith L. Poling will exercise the duties of both Borough Clerk and Business Administrator.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Wedick, Walling
Nays: Councilwoman Atkins
Absent: Councilman Hassmiller
Abstain: None

Council went back into closed session at 7:47 PM and this meeting was reconvened at 8:03 PM

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

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, and Hassmiller. Absent: None. Others present: Mr. Wisniewski, Borough Attorney and Mr. Norbut, Borough Engineer.

Mayor Merla asked for a Moment of Silence for Pope John Paul II. There will be a prayer service on April 6, 2006 at 7:00 P.M. in the Mini Park. He also stated that April is Child Abuse Prevention Month.

HEARING ON ORDINANCES

1. Ordinance 2-05, COLA Rate Ordinance/2005 Budget

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 17, 2005, the Affidavit of Publication is on file in her office, and the copies were posted on the Bulletin Board and made available to the public.

The Clerk read the Ordinance by Title:

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP (NJSA 40A:4-45.14)

The Hearing was opened to the public for comments or questions at 8:14 PM. Councilman Bergen said there will be a Budget Hearing on Monday, April 18th. The Ordinance allows the Borough to increase its budget 3.5% over last year's budget; we are 2.5% under CAP.

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:16 PM.

Offered for adoption by Mr. Bergen, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Wedick Walling, Hassmiller
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 April 7, 2005 moved Mrs. Atkins, second by Mr. Doyle with Ayes by all present.

2. Ordinance #3-05, Creating a Municipal Open Space Trust Fund

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 17, 2005, the Affidavit of Publication is on file in her office, and the copies were posted on the Bulletin Board and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE CREATING A MUNICIPAL OPEN SPACE RECREATION AND FARMLAND AND HISTORIC PRESERVATION TRUST FUND FOR THE BOROUGH OF KEYPORT

The Hearing is opened to the public for comments or questions at 8:17 P.M. It was asked what the area would be. Mayor Merla said the whole community (parks, playgrounds, waterfront). It was asked if there would be any additional areas; there could be. Mr. Bergen said in 2001 there was a referendum to provide funding for the acquisition or development of property. There would be a public hearing for the area that would be chosen. It was asked if this would help with waterfront development; yes. It was asked if there would be State funding; Mr. Bergen said County Open Space funds should increase the level of funding. It was asked if the State was looking at older communities; yes, to preserve what we have.

Jennifer Henning, Main Street, asked if each year there would be a public meeting regarding this matter and if the Borough could impose a percentage; yes. She asked Mrs. Atkins why she voted against the ordinance; she said because it is too high and Council should consider lowering the amount (we will have revaluation and school taxes). Mrs. Henning said the referendum gave the public an opportunity and everyone voted for it. Mrs. Atkins said she is concerned for the elderly. Mrs. Henning said Mrs. Atkins voted for the last 5 years budgets. Mayor Merla said in 2001, the Borough did not have a tax increase like the past few years. Mrs. Henning said Council voted on the budgets. Mr. Bergen said the voters voted 2-1 to tax themselves.

Mike Lane, First Street, said he is in favor of and supports the funds being used for acquisition and development of lands (also the maintenance of lands). Mr. Lane said there are "political games" where the Borough is using the Water and Recreational Bayfront Account. The Ordinance should be rejected and made more restrictive (items C, D and E). The amount would be .025 cents per $100 (for 30 years). Mr. Bergen said if there is a revaluation, then Council can revisit the Ordinance. There is no way to change the phases; they are permitted by State law. Mr. Wedick said in 1996/1997, taxes increased one cent.

It was asked how many acres are considered open space. The Mayor said there is a list of 11 parcels. Engineer Norbut said there are 12 acres. Mayor Merla said the Open Space Ordinance is for future projects; the County puts out a referendum if funds are low. Mr. Bergen said it could be taken out of the budget; the RBIT Account is becoming depleted. The Mayor said the RBIT Fund is set by Statute and the Borough must obtain approval from Green Acres.

Peggy Hayes, First Street, said she agreed with Mr. Lane and requested a reduction in C,D and E in the Ordinance. Mr. Bergen said there could be a generation of $70,000-80,000 and said Council will look at the Ordinance again when revaluation takes place.

A Walnut Street resident said his taxes went up $700 last year and disagreed with .025 cents increase per $100 assessed value; Mr. Bergen said he understood. Mrs. Hayes said her taxes went up $400 per year and asked if there is another avenue. Mr. Bergen said he would like to move redevelopment forward; we have professionals on board. Mrs. Hayes said there are highway properties that are underdeveloped. Mr. Bergen said we are out of money (Smart Growth Grant). Mayor Merla said areas were prioritized.

Jennifer Henning, Main Street, said there are individuals that own property on the highway who are doing improvements on their own. A Highway Redevelopment Plan is needed. Mr. Bergen said Council is looking at ways to raise monies. Mrs. Henning said the Borough could fund on its own (Open Space). Mr. Hayes recommended looking for State and County Funding. Mayor Merla said Governor Cody gave a speech with a message that for the last 10 years municipalities were fortunate to receive the funding they were given.

An East Front Street resident stated her taxes increased and that money has been spent, but there is nothing to show for it. Mr. Bergen said residents will get their money back and more (there will be a definite return on money); the Borough's infrastructure is aging.

Mr. Lane said there is no new property being acquired and the Borough has the capability to acquire grants/loans. The average value of a single family home in Keyport is $140,000. If there is revaluation, it could be $70,000-$80,000. Mr. Bergen said the Mr. Lane's figures are speculative. Mr. Lane said his figures are based on tracking assessment vs. sales in Keyport.

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:58 PM.

Mayor Merla asked if Council wanted to discuss anything regarding this matter. Mrs. Atkins said there were valid points by the public. Mr. Doyle said he was concerned and that he was anxious to see the waterfront developed. Mr. Bergen agreed and said the Borough does not need farmland in its Ordinance and that flexibility could be placed in the Ordinance; it would cost more to change the Ordinance. The Borough should try to reduce taxes elsewhere. Mr. Wedick said maintaining the public spaces is fine. With farmland, you need a tax designation. The Ordinance can be amended. Mr. Walling said he agreed with Mike Lane on three of the items and requested that references to farmland be pulled out. Mr. Bergen asked if there was no reference to farmland, would it be a significant change; Mr. Wisniewski said no. Mr. Bergen made a motion to withdraw his motion to amend the Ordinance. Mr. Hassmiller said in November the Borough said they would get the waterfront finished.

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

Roll Call Vote: Ayes: Councilmembers Doyle, Bergen, Wedick, Hassmiller
Nays: Councilmembers Atkins and Walling
Abstain: None
Absent: None

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of April 7, 2005 moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present except Mrs. Atkins who voted no.

3. Ordinance #4-05, Amending Sec. 25:1-16 of the Land Use Regulations to Establish a Uniform Minimum Lot Size

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 17, 2005, the Affidavit of Publication is on file in her office, and the copies were posted on the Bulletin Board and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING 25:1-16 OF LAND USE REGULATIONS OF THE BOROUGH OF KEYPORT TO ESTABLISH A UNIFORM MINIMUM LOT SIZE

Response from the Unified Planning Board Attorney, Pasquale Menna regarding the Ordinance. Mr. Menna objected to the Ordinance.

Motion to Receive and File moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

The Hearing was opened to the public for comments or questions at 9:14 PM. Mr. Bergen said a property with less than 75 foot frontage can still have 7500 square feet. Council would be amending the present Ordinance with 75 foot frontage X 100 foot depth. Mr. Bergen said he would like to move the Ordinance. Mike Lane, First Street, said the RA Zone is not included. Mr. Bergen said an amendment can be done. Matthew Montanari, West Front Street, said he objected to this at the Planning Board Meeting. The Ordinances intention is to control development. Ground coverage should be included in the Ordinance.

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 9:16 PM.

Offered for adoption by Mr. Bergen, second by Mr. Hassmiller

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

3a. Motion authorizing the Clerk to publish he Ordinance as finally adopted according to law in the Courier, issue of April 7, 2005, moved by Mr. Wedick, second by Mr. Doyle, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Resignation from Claude Salomon, Library Board of Trustees Member.

Motion to Accept with Regret moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present

2. Application from Elizabeth L. Trahim for membership in the Keyport Fire Department/ Fire Patrol (07) contingent upon State approval and accept resignation of David Sims.

   Motion to Accept moved by Mr. Bergen, second by Mrs. Atkins with Ayes by all present

3. Request from Raritan Post No. 23, American Legion for funds to cover Memorial Day expenses (Monday, May 30, 2005)

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

4. Request from Raritan Post NO. 23, American Legion, Ladies Auxiliary, Unit #23 to sell Poppies from May 1 to May 31, 2005.

   Motion to Approve by Mr. Walling, second by Mr. Wedick with Ayes by all present.

5. Resolutions from Monmouth County Community Development, the Township of Belleville and the Borough of Spring Lake Heights objecting to the Federal Government's cuts to Community Development Block Grant Funds.

   Motion to list a Resolution moved by Mr. Walling, second by Mr. Wedick with Ayes by all present.

6. Letter from Roy Jimenez, Recreation Commission President submitting requests for use of the Cedar Street Field by three organizations.

   Motion to approve pending further information moved by Mrs. Atkins, second by Mr. Walling with Ayes by all present.

7. Application from Casey Andrews for membership in the Keyport Fire Department/Eagle Hose (04) contingent upon State approval.

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

8. Request from the Keyport Fire Department to use the mini municipal lot located off Main Street on April 16, 2005 from 9:00 AM to 1:00 PM for the Bayshore Chief's "Blessing of the Men and Apparatus"

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

9. Request from the Keyport fire Department to hold Department Inspection on Saturday, May 7, 2005 in the Firemen's Parking Lot and approval to hold Parade beginning at 4:00 PM as per route submitted

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

UNFINISHED BUSINESS

1. **Brownsfield Re-application.** This matter will be listed on the April 18th Agenda.

2. **341 Maple Place/Request for Handicapped Parking Space.** The Borough Attorney will work on an Ordinance.

3. **T & M Proposal for Sanitary Sewer Evaluation, Phase II and III.** Mr. Bergen said the Borough Engineer should be authorized. Oswald Sewer's work is 90% complete. They will look at the videotapes.

4. **Stormwater Grant.** Engineer Norbut submitted a proposal in the amount of $8,500 for a total of $17,000.

5. **Chipping Services.** Councilman Walling said that he is working on this.

6. **Atlantic Street.** Councilman Bergen said Ace Manzo will be handling this work.

7. **Hydrant.** Mayor Merla said the fire hydrant on Beers Street is out; a tractor trailer hit it. The claim has not been settled.

8. **Landscaping.** Councilman Walling said that quotes for landscaping Borough property were received and $350 per week was the lowest quote.

9. **Pride Day.** Mrs. Atkins said Pride Day will be held April 16th from 10AM-12 Noon at the Central School. Drug Alliance will be at the event which is open to the public. All organizations were invited to attend.

10. **Drug Alliance Grant.** Mrs. Atkins reported that Barbara Hilliard, Drug Alliance Coordinator, received discretionary money in the amount of $10,000. A resolution should be listed on the April 18th Agenda.

11. **Beers Street.** Mayor Merla asked if there were oils changed on the site of the Cummins property. The tractor trailer and boats will be removed; there were no oils changed.

12. **Dubleski Property.** At the last Planning Board meeting, the plans were not ready; the case will be heard on April 28th. The case should be taken to court. Mr. Lane said the first postponement was due to a snow storm, the second postponement was due to the Engineer pointing out details and at the last meeting, Mr. Dubleski's Engineer was not available. The neighbors are still in concurrence with the plan. The Mayor said the Dubleski case should be the first matter listed on the Planning Board agenda; Mrs. Febo, Planning Board Secretary, will be advised.

ADMINISTRATOR'S REPORT

Mrs. Poling read the March 29th Payment of Bills.

ENGINEER'S REPORT

Engineer Norbut reported that a Resolution for Third Street will be submitted with the application. The Warren Street plans will be updated and submitted as Priority II.

With regard to the Safe Streets to Schools Program, flashing lights could be installed on Broad Street. Traffic concerns will be worked out first; Engineer Norbut will meet with John Dumford, Supt of Schools and Police Captain Dayback. There could be the use of speed bumps (6 feet wide and 4 inches high) with stripping and signage; these speed bumps can be removed. Mayor Merla said Florence Avenue in Union Beach has speed bumps and they are on a County Road. There was discussion regarding snow plowing with the speed bumps. The area to be looked at should be Broad Street between Hurley Street and Highway 36. The Board of Education and neighbors can discuss this matter.

The Atlantic Street Phase II project will start in 2-3 weeks. The sewer system line was videotaped and could save the Borough money. The Borough could look at a full depth reconstruction. Work will begin at the intersection of Atlantic Street and Second Street.

Work on the 12 units for Woodmont will be started shortly.

ATTORNEY'S REPORT

Mr. Wisniewski reported in 1993 the Borough adopted an Ordinance regarding Adult Entertainment in 1993 and in 1995 the Legislature adopted regulations regarding the matter which have upheld. He recommended Council adopt an Ordinance under State Regulations; this should be listed for introduction on the April 18th Agenda.

A Soil Management Ordinance was received from Engineer Norbut and it was recommended the Council adopt same. It would regulate drainage problems. A copy of the correspondence should be forwarded to the Environmental Commission.

Mr. Bergen said that Anthony Vecchio should be advised as Code Enforcement Officer that the sidewalk near the Masonic Temple on Third Street is cracked. Engineer Norbut said he contacted the Developer. Mr. Wedick asked who determines the amount of soil; the Zoning Officer would. Engineer Norbut said it is calculated as 10 truck loads = "X" cubic yards.

Mr. Wisniewski reminded everyone that the Department of Community affairs Financial Disclosure Statements are due at the end of this month.

NEW BUSINESS

1. **Green Grove Avenue Parking.** Mr. Bergen asked that Attorney Wisniewski send a letter to Green Grove Avenue Apartments that approval was given in 1960 and it did not authorize designated parking spots; they need to come up with a plan.

2. **Utility Poles.** Mayor Merla said a retired resident who lives on First Street took pictures of the utility poles. Mrs. Poling was authorized to contact JCP&L and Bell Telephone and request they evaluate their poles in town; some are overloaded and could fall.

3. **Verizon.** Mr. Wedick said there was a news article regarding Verizon offering cable via telephone lines. He asked how this would affect Cablevision during the renewal phase of the agreement. Mr. Wisniewski said the municipality is the franchising authority. Verizon wants statewide franchising and want to get into video services. Municipalities could use home rule. Mr. Wisniewski said if the municipalities were charged, the fees would go to the State not the municipality. Mr. Bergen said the Borough should stay with the 5 year contract with Cablevision.

4. Mayor Merla reported a Department Head meeting was held last week and the floors in the Police area will be cleaned; the school will come in and strip and clean the floor. The Mayor commended the Public Works Committee for having the Street Sweeper go out. An announcement should be made on Channel 22.

PUBLIC COMMENT PORTION

The meeting was opened to the public at 10:23 P.M. for comments or questions. Rowland Seckinger said there will be a Watershed Group meeting in Aberdeen. Behind the Knights of Columbus building on the Highway, there is a dredge spoil dike and the residents feel it is a health hazard; they are concerned about the West Nile Virus. The Mayor said the Monmouth County Mosquito Commission will come out again (the dredge spoils went beyond Keyport. The Borough Engineer should inspect whose jurisdiction this is. Mr. Seckinger said Clean Ocean Action was referred to the Environmental Commission. The Beach Clean up will be held on April 23rd at 10 AM. Beach Park, Cedar Street Park, Benjamin Terry Park and the Walnut Street area will be cleaned.

Alice Hushower, Main Street, asked why the signs on Manchester Avenue between Third and Fifth Streets were removed. Police Chief Gajewski said he would look into the matter. Ms. Hushower asked if there are no parking here to corner signs that could be installed; Chief Gajewski said there will be.

It was asked why the Borough will be advertising for an Administrator. Mr. Wisniewski said on February 1, 2005 a Resolution was passed terminating the Administrator effective April 30th; Council decided to conclude Mr. Palamara's employment tonight. Mr. Bergen said the Council will look for someone better for Keyport. It was asked who will handle the position until a new Administrator is hired; Judith Poling.

Eleanor Cosgrove, First Street, asked about the status of the Garbage Ordinance review; there are violations with the Dubleski Property. The Code Enforcement Officer will be asked to submit a memo on why violations notices were not issued for the violation of the Ordinance; he should report this information by the end of the day to all Councilmembers. Mr. Burlew and Mr. Vecchio were to be in attendance at this evening's meeting. Mr. Bergen made a motion to discipline both employees (send them home without pay for a day), second by Mr. Walling with Ayes by all present.

Mr. Bergen asked if Woodmont had decorative lights in their plans? Mr. Lane said there was a change in lighting for the Park.

Claude Salomon said she was disappointed the former Administrator was not in attendance. The Library has been asking for a year if bids were solicited for a computer servicing contract. Mr. Bergen said the Finance Committee is looking into this matter. Mayor Merla said there is a person who has a computer business and called the former Administrator. Kathy Shaw said computer training can help.

Mike Walling, Fire Chief, said the Annual Firemen's Inspection will be held on May 7th and it is open to the public. There will be refreshments.

Robert Ludwig, Beers Street, said the Borough should look for computer skills for the Deputy Borough Clerk, website information, moving the Borough information into a different area. Mayor Merla said job applicants should be tested and reviewed. Mr. Ludwig said Mr. Palamara had computer skills. Mr. Ludwig said there are issues with Code Enforcement and there being no assessment. The Property Maintenance Officer resigned and there is no enforcement. There is debris, oil spots and a blue van with flat tires on the Cummins Property (Beers Street); this violates the Ordinance. Apollo Sewer is putting soil near the creek on the Cummins property and nothing has been done. The property across from the entrance to Legion Apartments is operating a transfer station. Mr. Ludwig asked when something will be done. Mr. Bergen said Council is looking for a way to put new leadership into the building department. Council is trying to rectify the situation.

Mr. Ludwig asked about Pay to Play (Planning Board) where professionals give money to candidates or political parties. When the Political Parties change, so do the professionals. Mr. Bergen said professionals have different qualifications. Mr. Ludwig asked about developers. Mr. Wisniewski said municipalities can only do what the State allows. A municipality cannot set up restrictions if the law does not allow it (other municipality ordinances can be challenged).

Mr. Ludwig said he submitted a letter regarding the last Planning Board Meeting regarding the Engineer and Kara Homes (they need CAFRA approval). He said he raised an issue during the Public Comment portion of the last Council meeting about fireworks. Mr. Ludwig said he was called a liar and threatened with a lawsuit. He said he obtained a copy of the CD from the meeting regarding what was said and he stands by what he said.

Michael Lane, First Street, said there are two trailers on Mr. Cummins property. The Code Enforcement Officer will be asked to look into this and report back by the end of the day tomorrow. Mr. Lane agreed with the speed bump idea on Broad and First Streets, but they are County Roads. There have been a number of accidents at the intersection of Green Grove Avenue and First Street. Mr. Lane said there is no criteria for building townhomes. Mr. Sherman is proposing 17 townhomes near Green Grove Apartments. The Smart Growth Steering Committee put together criteria for townhomes for the Governing Body to consider; something needs to be placed in the Borough's Ordinances. Mr. Wisniewski said if it is not permitted, the Borough could provide criteria.

Mr. Lane said in the 2005 budget under the Capital Program, money was bonded for a new Department of Public Works building; he asked what happens to the money since nothing was done. Mr. Bergen said if the money is borrowed, it must be paid back. The budget shows a down payment. Council has to decide what to doe with the Public Works Facility.

Rowland Seckinger said the prior Administrator made a commitment to Clean Ocean Action; Mrs. Poling will handle this matter. There is wetlands behind Green Grove Apartments and there is a considerable amount of fill going on there; this would need a State inspection.

Mr. Ludwig said Kara Homes is using commercial site lines and there is a concern for residential safety.

It was asked if there was an emergency regarding the Water Plant. The Mayor said the clarifier needs to be cleaned so the plant can open. It was asked if the Deputy Recycling Coordinator who is a Borough employee is entitled to overtime. It is a non-classified non-union position.

Mrs. Atkins asked if Labor Counsel is receiving $165.00 per hour; it is an attorney wise investment.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 11:07 PM.

RESOLUTIONS

4. Resolution No. 131-05, Amend Appointment of Recycling Coordinator, changing effective date to April 1, 2005

WHEREAS, on March 15, 2005 Robert M. Poling was appointed as the Recycling Coordinator; and

WHEREAS, due to certain circumstances it is necessary to change the effective date of the appointment.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that ROBERT M. POLING is hereby appointed as the Recycling Coordinator for the Borough of Keyport for a one year term expiring December 31, 2005, effective April 1, 2005.

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

5. Resolution No. 132-05, Amend Appointment of Deputy Recycling Coordinator, changing effective date to April 1, 2005

WHEREAS, on March 15, 2005 Robert M. Poling, Jr. was appointed as the Deputy Recycling Coordinator; and

WHEREAS, due to certain circumstances it is necessary to change the effective date of the appointment.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that ROBERT M. POLING, JR. is hereby appointed as the Deputy Recycling Coordinator for the Borough of Keyport for a one year term expiring December 31, 2005, effective April 1, 2005.

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen, Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

6. Resolution No. 133-05, Supporting the Community Development Program and Urging Congress to Restore Its Funding

WHEREAS, with the passage of the Housing and Community Development Act of 1974, and as subsequently amended, Monmouth County became eligible for and annual "urban county" entitlement grant from the U.S. Department of Housing and Community Development (HUD); and

WHEREAS, initially HUD found that New Jersey Counties did not possess the authority to conduct community development activities and were required to enact cooperation agreements with participating municipalities; and

WHEREAS, the main focus of the Community Development program has improved the quality of life for low-income citizens and eliminate conditions of blight by preserving and expanding the housing stock, improving public facilities, upgrading public services, and creating economic opportunities for persons of low-income; and

WHEREAS, the Community Development program has improved the quality of life for low-income citizens, senior citizens, the physically challenged, the mentally challenged, battered women, the homeless, and the youth; and

WHEREAS, The Community Development program has made possible the following activities: senior, disabled and youth centers, transportation services, mental health centers, removal of architectural barriers, homeless shelters, free meals to homebound seniors, rehabilitation of privately owned homes, lead paint hazard abatement, and code enforcement, to name a few; and

WHEREAS, The 2006 Federal budget proposal has several parts, but its impact will severely affect the Monmouth County Urban County CDBG program and therefore its participating municipalities. The 2006 budget proposal would: (a) reduce the funding for Community Development by 50%; (b) transfer the remainder of the funds to the Department of Commerce; and (c) consolidate the remainder of CD funds with funds from 17 other Federal programs into a new program with more focus on economic development and substantially less on revitalizing low- and moderate-income neighborhoods and

WHEREAS, the 2006 Federal budget proposal makes changes in determining how a County obtains its annual designation as an "urban county" and may result in Monmouth County no longer being and entitlement community and, therefore, ineligible to receive any Community Development Block funds.

NOW THEREFORE BE IT RESOLVED that the Borough of Keyport does hereby state that it is opposed to the proposed changes to the Community Development Block Grant program.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to send copies of this Resolution to the Monmouth County Congressional Delegation, the Monmouth County Board of Chosen Freeholders, and the Monmouth County Community Development Director.

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

7. Resolution No. 134-05, Authorize Execution of Labor Counsel Contract

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport from time to time may have the need for experienced and qualified Labor Counsel, and

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

WHEREAS, Genova, Burns & Vernoia are qualified and have submitted a proposal and contract to perform services as Labor Counsel for the Borough of Keyport for the fees set forth in the Professional Service Agreement which is appended hereto and made a part hereof, and

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with Genova, Burns & Vernoia as Labor Counsel.

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Absent: None
Abstain: None

8. Resolution No. 136-05, Authorize Execution of Bond Counsel Contract

WHEREAS, the Mayor and Council of the Borough of Keyport and the Borough of Keyport from time to time may have the need to borrow money for public purposes pursuant to the Local Bond Law, N.J.S.A. 40A:2-1 et seq., and

WHEREAS, the issuance of municipal bond obligations pursuant to the Local Bond Law is highly technical and requires specialized and experienced bond counsel, and

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

WHEREAS, McManimon & Scotland have submitted a proposal and contract to perform services as Bond Counsel for the Borough of Keyport for the fees set forth in the Professional Service Agreement which is appended hereto and made a part hereof, and

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with McManimon & Scotland as Bond Counsel.

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen Wedick, Walling, Hassmiller
Nays: None
Absent: None
Abstain: None

9. Resolution No. 136-05, Authorize Execution of Corrected Risk Management Consultant's Agreement

THIS AGREEMENT entered into this 8th day of February, 2005, between the Borough of Keyport (hereinafter referred to as TOWN) and G. R. MURRAY INSURANCE (hereinafter referred to as the CONSULTANT)

WHEREAS, the CONULTANT has offered to the TOWN professional risk management consulting services (as required in the bylaws of the New Jersey Intergovernmental Insurance Fund, and;

WHEREAS, the TOWN desires these professional services pursuant to the resolution adopted by the governing body of the TOWN at a meeting held February 8th, 2005 and;

NOW THEREFORE, the parties in consideration of the mutual promises and covenants set forth herein agree as follows:

1. For and in consideration of the amount stated hereinafter, the CONSULTANT shall:

   a) Assist the TOWN in identifying its insurable Property & Casualty exposures and to recommend professional methods to reduce, assume or transfer the risk or loss.

   b) Assist the TOWN in understanding the various coverages available from the New Jersey Utility TOWN Joint Insurance Fund.

   c) Review with the TOWN any additional coverages that the CONSULTANT feels should be carried but are not available from the FUND and subject to the TOWN's authorization, place such coverages outside the FUND.

   d) Assist the TOWN in the preparation of applications, statements of values, and similar documents requested by the Fund, it being understood that this Agreement does not include and appraisal work by the CONSULTANT.

   e) Review Certificates of Insurance from contractors, vendors and professionals when requested by the TOWN.

   f) Review the TOWN's assessment as prepared by the Fund and assist the TOWN in the preparation of its annual insurance budget.

   g) Review the loss and generally assist the Safety Committee in its loss containment objectives

h) Assist where needed in the settlement of claims, with the understanding that the scope of the CONSULTANT'S involvement does not include the work normally done by a public adjuster.

i) Perform any other risk management related services required by the FUND'S bylaws.

2. In exchange for the above services, the CONSULTANT shall be compensated in the following manner:

   a) The CONSULTANT shall be paid a fee as compensation for services rendered, an amount equal to 6% of the Town's annual assessment as promulgated by the FUND. Said fee shall be paid to the CONSULTANT within (30) days of payment of the TOWN'S assessment. (Said fee is included in the TOWN'S assessment)

   b) For any insurance coverages authorized by the TOWN to be placed outside the FUND, the CONSULTANT shall receive as compensation the normal brokerage commissions paid by the insurance company. The premiums for said policies shall not be added to the FUND'S assessment in computing the fee outlined in 2(a).

3. The term of this agreement shall be three (3) years. However, this agreement may be terminated by either party at any time by mailing to the other written notice, certified mail return receipt, calling for termination at not less than thirty (30) days thereafter. In the event of termination at not less than thirty (30) days thereafter. In the event of termination of this Agreement, the CONSULTANT'S fee outlined in 2(a) above shall be prorated to date of termination.

Offered by Councilman Wedick, second by Councilman Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen Wedick, Walling, Hassmiller
Nays: None
Absent: None
Abstain: None

10. Resolution No. 138-05, Authorization of Emergency Work for Water Treatment Plant

WHEREAS, the Mayor and Council of the Borough of Keyport have a mandate to continue operation of the Perry Street Water Treatment Plant (the "Water Treatment Plant"), and

WHEREAS, the Mayor and Council of the Borough of Keyport have retained the professional services of Hatch Mott McDonald (hereinafter "HMM") to advise the Borough on the requirements to have the Water Treatment Plant ready for use on or before May 1, 2005, and

WHEREAS, an inspection of the Water Treatment Plant, which is operated seasonally, has shown that repairs to the clarifier need to be completed prior to the start-up of the facility on or before May 1, 2005, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-3 permits the Borough of Keyport to award a contract without public advertising for bids and bidding when the aggregate cost or price of a contract does not exceed $17,500.00, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-6.1 requires that when the cost of the price of a contract exceeds 15% of the bid threshold amount, two competitive quotations shall be solicited, "if practicable," prior to the award of the contract, and

WHEREAS, HMM has solicited at least two quotations but has received only one proposal and is of the opinion that it is not practicable to await the receipt of further proposals in this matter, and

WHEREAS, HMM has opined that the failure to perform the repairs and improvements in this instance would constitute an emergency affecting the public health, safety or welfare and requires the immediate performance of the services, and

WHEREAS, G.M.H. Associates of America, Inc., has submitted to HMM a proposal dated March 29, 2005 to perform the necessary work to the clarifier at the Water Treatment Plant for the sum of two thousand five hundred fifty nine and 50/100 dollars ($2,559.50) per day for an estimated two (2) to five (5) days of work, and

WHEREAS, although other quotes have been requested, no others have been received and a delay to await receipt of additional proposals will likely cause the needed work to be delayed so as to cause a delay in the opening of the Water Treatment Plant on or before May 1, 2005, and

WHEREAS, such a delay in the opening of the Water Treatment Plant will require the Borough to purchase replacement water at a financially disadvantageous rate, and

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

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

1. An emergency exists pursuant to the recommendation of HMM and it is not practicable to await the receipt of additional proposals, and

2. The Mayor is authorized to execute a contract with G.M.H. Associates of America, Inc., for an amount not to exceed a total of fourteen thousand five hundred dollars ($14,500.00) for the work proposed at the rate of two thousand five hundred fifty nine and 50/100 dollars ($2,559.50) per day, and

3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer, the Borough Engineer and the Borough Clerk, who shall retain a copy for public inspection.

Offered by Councilman Wedick, second by Councilman Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Absent: None
Abstain: None

11. Resolution No. 139-05, Payment of Bills

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

Offered by Councilman Wedick, second by Councilman Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Absent: None
Abstain: None

12. Resolution No. 140-05, Accept Proposal and Authorizing Contract with T&M Associates/Sanitary Sewer System Manholes

WHEREAS, the Borough of Keyport has sanitary sewer infrastructure that is old and in need of repair and rehabilitation, and

WHEREAS, repair and rehabilitation of the Borough's sanitary sewer system will result in long term savings to the taxpayers, and

WHEREAS, it is necessary to completely examine the condition of the Borough's sanitary sewer manholes to supplement the data received through the previously authorized video inspection of the sanitary sewer system, and

WHEREAS, it is also necessary to prepare a report identifying the findings obtained from the aforementioned inspections and to provide recommendations for remedial action along with preliminary cost estimates, and

WHEREAS, T&M Associates of Middletown, NJ posses the necessary professional and technical competence to coordinate and oversee the video inspection of the Borough's sanitary sewer manholes and to prepare a report identifying the findings obtained from the aforementioned inspections and to provide recommendations for remedial action along with preliminary cost estimates, and

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

WHEREAS, T&M Associates have submitted proposals to coordinate and oversee the video inspection of the Borough's sanitary sewer manholes and to prepare a report identifying the findings obtained from the aforementioned inspections and to provide recommendations for remedial action along with preliminary cost estimates, and

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute a contract with T&M Associates to coordinate and oversee the video inspection of the Borough's sanitary sewer manholes and to prepare a report identifying the findings obtained from the aforementioned inspections and to provide recommendations for remedial action along with preliminary cost estimates all for a fee not to exceed $45,000.00 (Phase II - $21,000 and Phase III $24,000).

Offered by Councilman Wedick, second by Councilman Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen
Wedick, Walling, Hassmiller
Nays: None
Absent: None
Abstain: None

13. Resolution No. 141-05, Accepting Proposal and Authorizing Contract with T&M Associates for Implementation of the Tier A Municipal Stormwater Statewide Basic Requirements

WHEREAS, the State of New Jersey has adopted storm water rules, N.J.A.C. 7:8, to address pollutants entering through municipal storm water systems, and

WHEREAS, T&M Associates have submitted a proposal dated April 5, 2005 to prepare a storm water pollution prevention plan, to prepare a storm water management plan, to advise on maintenance yard operations and to prepare an annual report and certification, listed as items nos. 1, 2, 3 & 5 in the proposal letter, for the sum of $16,900.00 and

WHEREAS, T&M Associates of Middletown, NJ posses the necessary professional and technical competence to provide the services and advice set forth in the aforementioned proposal, and

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

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

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute a contract with T&M Associates to provide engineering and planning services for the implementation of the Tier A municipal storm water statewide basic requirements as set forth in the proposal letter of April 5, 2005 for the sum of $16,900.00

Offered for adoption by Mr. Wedick, second by Mr. Walling

Roll Call Vote: Ayes: Councilmembers Atkins, Doyle, Bergen Wedick, Walling, Hassmiller
Nays: None
Abstain: None
Absent: None

14. Resolution No. 142-05, Accepting the Proposal of and Authorizing Contract with T&M Associates for Phase II of the Atlantic Street Reconstruction.

WHEREAS, the Borough of Keyport has recently awarded a construction contract for the reconstruction of Atlantic Street, Phase II, to Ace Manzo, Inc., of Aberdeen, New Jersey, and

WHEREAS, it is an established practice to provide for contract administration and field inspection services in order to ensure that the work is done efficiently, timely and in a cost effective manner, and

WHEREAS, T&M Associates of Middletown, NJ have submitted it is necessary to completely examine the condition of the Borough's sanitary sewer system and the Borough has authorized video inspection of the sanitary sewer system and manholes, and

WHEREAS, it is now necessary to prepare a report identifying the findings obtained from the aforementioned inspections and to provide recommendations for remedial action along with preliminary cost estimates, and

WHEREAS, T&M Associates have submitted a proposal dated April 5, 2005 to provide contract administration and field inspection services, and

WHEREAS, T&M Associates of Middletown, NJ posses the necessary professional and technical competence to provide contract administration and field inspection services, and