March 20, 2001 *approved 4-17-01*
Keyport, New Jersey

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

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

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Pedersen. Absent: Councilman Bergen (arriving at 7:30 PM). Others present: Mr. Litwin, Borough Attorney.

RESOLUTION

1. Resolution #110-01, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel
1. Police Department
2. Public Works Department

Litigation
1. RCG Construction vs. Borough of Keyport
2. Garbage Bids
3. Magic Touch v. Borough of Keyport
4. State of New Jersey

Labor Relations
1. PBA Negotiations

Contract Negotiations
1. Aberdeen Interlocal

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations conducted at said closed session shall be disclosed when the matters discussed are resolved, and with regard to Labor Relations when negotiations are completed and a contract executed, and this meeting shall continue in approximately 20 minutes.

Offered for adoption by Mr. Pedersen, seconded by Mr. Merla

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins, Pedersen
Absent: Councilman Bergen

Council went into Closed Session at 7:31 P.M. and this meeting was reconvened at 8:08 P.M.

Mayor Graham called the meeting to order at 8:14 P.M. and read the Sunshine Law Notice. Councilmember Merla led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen. Others present: Mr. Litwin, Borough Attorney and Mr. Kriskowski, Borough Engineer.

HEARING

1. **Rejection of Garbage Bid/Marrone Waste Paper and Disposal Inc.**

Mr. Litwin reported that the Borough had received bids for a 3 or 5 year garbage contract. The two lowest bidders were Marrone Waste Paper and Disposal, Inc. and Republic Services, d/b/a/ Marpal Co. If a 3 year contract was awarded, Marrone bid $432,000 plus options = $482,517 and Marpal bid $591,099 , $109,000 difference. The difference for a 5 year contract is $216,000. State uniform bids were used. Mr. Haber, legal counsel for Marpal submitted a letter of objection to Marrone being awarded the contract, Question 13 in the bid specs, certified financial statement. Marrone's attorney filed a response questioning where the submittal of the certified financial statement came from. Mr. Litwin spoke with the State. Mr. Litwin used the State's Web Site to obtain the bid specs. The State amended Question 13 in 1998 and deleted if from the bid specs but did not amend the Web site. Question 13 was in Keyport's bid specs. Mr. Litwin said the Mayor and Council will now hear from Marpal's attorney David Haber,regarding the annual statement not being filed and hold the Hearing on Marrone's bid. This may require the need for a second Hearing. Mr. Haber set forth his client's position. The statement filed by Marrone was not certified and this is a material defect and cannot be cured; Marrone did not comply with the bid specs. The financial statement is to assure that the bidder has the financial ability to perform the work. Marrone's financial statement can't disclose their financial situation or their ability to perform the work. There is no breakdown of revenues. In question are tipping fees, commercial customers, revenues,DPU assessment/fees, A-901 fees, telephones, advertisement, account receivables, trades payable and no professional fees. Mr. Haber questioned the Borough overlooking the financial statement. The balance sheet shows assets of trucks and equipment valued at $900,000 and $450,000 of debt and no provision to pay Federal/State taxes. Mr. Litwin asked Mr.Haber when the fees are payable to the State. Revenues are generated and reported in January. Mr. Litwin asked about after the first year and Mr. Haber said if before, when you apply. Marpal's attorney, Harry Starrett responded. The BPU annual fee report is not on the financial statement because it is due with the filing of the DEP annual report and is based on a calendar year; May 31st is the filing date. In 1999 Waste Management filed on June 30, 2000. Marrone's is due May 31, 2001 and therefore is now shown. A901 fees are paid annually, 2001 due date is 2/15/01 and therefore is not on this statement. Marrone's accountant prepared the financial statement and signed it. He asked what is considered a certified financial statement, what was intended in the bid specs? The bid specs are contrary to the uniform specs. The financial statement is not a bid defect but is a fact question. The uniform bid specs were changed to level the playing field. Marrone submitted the appropriate financial statement as per the bid specs and they can perform the work. Mr. Litwin asked Mr. Messler of Marrone several questions. Pertaining to the Recycling company, Mr. Messler owns it and it is in Newark, handling commercial accounts of $2 million/year. He services Keansburg since January 15, 2001, West Caldwell since March 1, 2001, Caldwell since October 1, 2000 and Point Pleasant on a per diem basis. His father passed away in March of 1999 and he took over ownership. There have been few complaints and he has been doing a good job. He has 5 trucks, has order 4 more and has 8 other trucks age ranging in age 1972-1985. They have two locations; Newark at 213-217 Pioneer Street which he leases and Avenel. One truck, brand new, would be dedicated to Keyport and there back up trucks 1988/1989. He employees 15 people. The number of trucks (2) for Keyport was based on the population and volume. Managerial experience: he overlooked his father's company since November of 1997, then took on Point Pleasant Borough and is recent into the garbage business. He is aware of Keyport's pick up schedule, 4 garbage days; 1 recycling. He has added 2 additional full time employees for this contract. They are not union. The Avenel site is 13-16 miles from Keyport. He will be the Supervisor and will handle any complaints. Missed stops will be picked up the same day with the same truck. He sub-contracts for roll-offs. He said the difference between commercial customers and residential is the demand. The same trucks and employees will be dedicated to Keyport. Mr. Litwin advised that the Mayor and Council will review the documents/bids and a Special Meeting will be held on Monday, March 26, 2001 at 7:00 PM for further discussion, which will be first held in Closed Session and then opened to the public. Councilman Bergen asked Mr. Haber if he was acknowledging that the law doesn't require the certified financial statement.

PROCLAMATION

Mayor Graham read a Proclamation of Autism Awareness Month which is April 2001. Councilman Bergen expressed his appreciation for the people who suffer and the Mayor and Council were thanked for the Proclamation.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of February 20th, Special Meeting of March 5th, Work Meeting of March 6th, Closed Meetings of February 20th, March 5th and 6, 2001 were approved as read on motion of Mr. Antonucci, seconded by Mr. Pedersen, with Ayes by all present.

HEARING ON ORDINANCE

1. Ordinance #5-01, Bond Ordinance/Acquisition of Property-Block 1, Lot 40

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 8, 2001 that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

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

The Clerk read the Ordinance by Title:

AN ORDINANCE OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF PROPERTY DESIGNATED AS BLOCK 1, LOT 40 AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF KEYPORT AND APPROPRIATING $100,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $95,000 IN BONDS OR NOTES OF THE BOROUGH OF KEYPORT TO FINANCE THE SAME

BE IT ORDAINED by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey (not less than two-thirds of all members thereof affirmatively concurring, as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $100,000, including the sum of $5,000 as the down payment required by the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of $95,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the acquisition of property designated as Block 1, Lot 40 on the tax maps of the Borough, including all rights and interests therein and all work and services necessary therefor or incidental thereto, as described in the plans and specifications therefor on file with the Borough Clerk.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest as such rate or rates and be in such form as may be determined by the Chief Financial officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of NJSA 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is director to report in writing to the Governing Body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

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

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

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

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this Ordinance is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the Office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such Statement shows the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $95,000 and the obligation authorized herein will be within all debt limitations prescribed by that Law.

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

(e) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at lease once in a newspaper qualified under NJSA 40A:2-19, at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least ten days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of NJSA 409A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Mayor and Council, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under NJSA 40A:2-19.

Section 11. The Mayor and Council of the Borough of Keyport hereby covenant on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code") including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make is consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

The Hearing was opened to the public for comments or questions at 9:00 PM. There were no comments or questions and the Hearing was closed at 9:00 PM.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Atkins, Bergen, Pedersen
Abstain: Councilman Merla (same attorney has represented Mr. Merla. Mr. Litwin advised Mr. Merla that this does not constrain him from voting)

1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of March 22, 2001 moved by Mrs. Atkins, seconded by Mr. Pedersen, with Ayes by all present.

2. Ordinance #6-01, Bond Ordinance/Reconstruction of American Legion Drive Bulkhead

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 8, 2001 that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

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

The Clerk read the Ordinance by Title:

AN ORDINANCE OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR THE RECONSTRUCTION OF THE

AMERICAN LEGION DRIVE BULKHEAD AND OTHER RELATED EXPENSES IN AND FOR THE BOROUGH OF KEYPORT AND APPROPRIATING $500,000 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF $475,000 IN BONDS OR NOTES OF THE BOROUGH OF KEYPORT TO FINANCE THE SAME

BE IT ORDAINED by the Borough Council of the Borough of Keyport, in the County of Monmouth, New Jersey (not less than two thirds of all members thereof affirmatively concurring) as follows:

Section 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of $500,000 including the sum of $25,000 as the down payment required by the Local Bond Law. The down payment has been made available by virtue of the provision in the capital improvement fund in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds are hereby authorized to be issued in the principal amount of $475,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds are to be issued is the reconstruction of the American Legion Drive bulkhead in the Borough of Keyport, including all work or materials necessary therefor or incidental thereto, as described in the plans and specifications therefor on file with the Borough Clerk.

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

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

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the Chief Financial Officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of NJSA 40A:2-8(a). The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Borough is hereby amended to conform with the provisions of this Bond Ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Borough Clerk and is available there for public inspection.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $475,000 and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $200,000 for items of expense listed in and permitted under NJSA 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(e) The Borough reasonably expects to commence acquisition and/or construction of the project described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Borough further reasonably expect to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate not to exceed the amount of bonds or notes authorized in Section 2 hereof.

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

Section 8. The full faith and credit of the Borough is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. After passage upon first reading of this bond ordinance, the Borough Clerk is hereby directed to publish the full text of the bond ordinance, together with the notice set forth below entitled: "NOTICE OF PENDING BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under NJSA 40A:2-19 at least seven days prior to the date set for public hearing and further consideration for final passage (which date shall be at least 10 days after introduction and first reading). The Borough Clerk is further directed to comply with all provisions of NJSA:40A:2-17(b) regarding postings, publications and the provision of copies of this bond ordinance.

Section 10. After final adoption of this bond ordinance by the Mayor and Council, the Borough Clerk is hereby directed to publish the full text of this bond ordinance, as finally adopted, together with the notice set forth below entitled: "NOTICE OF ADOPTION OF BOND ORDINANCE" (with appropriate completions, insertions and corrections), at least once in a newspaper qualified under NJSA 40A:2-19.

Section 11. The Mayor and Council of the Borough of Keyport hereby covenant on behalf of the Borough to take any action necessary or refrain from taking such action in order to preserve the tax exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 12. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make is consistent herewith.

Section 13. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by Section 10 hereof and the Local Bond Law.

The Hearing was opened to the public for comments of questions at 9:04 PM. There being no comments or questions, the Hearing was closed at 9:04 PM.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

2a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of March 22, 2001 moved by Mrs. Atkins, seconded by Mr. Merla, with Ayes by all present.

3. Ordinance #7-01, Deputy Registrar of Vital Statistics

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of March 8, 2001 that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

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

The Hearing was opened to the public for comments or questions at 9:06 PM. There being no comments or questions, the Hearing was closed at 9:06 PM.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

3a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted, according to law, in the Courier, issue of March 22, 2001 moved by Mrs. Atkins, seconded by Mr. Pedersen, with Ayes by all present.

BUSINESS IMPROVEMENT DISTRICT
2001 BUDGET RESOLUTIONS

2. Resolution #111-01, Authorize Clerk to read the Budget by Title

WHEREAS, the Borough Clerk heretofore posted a complete copy of the approved BID Budget in accordance with N.J.S.A 40:56-84; and

WHEREAS, copies of said BID Budget were available to each and every person requesting the same during the week prior to this Hearing and at the time of this Hearing; and

WHEREAS, the BID Budget was advertised in the Courier on March 8, 2001, said Budget Summary was published in accordance with N.J.S.A. 40:56-84.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the budget as advertised, posted and distributed, be read at the Public Hearing by Title.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

The Hearing was opened to the public for comments or questions at 9:07 PM. Eric Yurowski of the Courier asked where do the funds come from to support the budget. Mayor Graham advised that properties within the district have a special assessment. Mr. Yurowski asked about the BID being an issue with business renters. Mayor Graham advised that the owners of the property are assessed, not the business renters and that the business owners were in support of the BID.

3. Resolution #112-01, Adoption of 2001 BID Budget

WHEREAS, the Borough Council of the Borough of Keyport, County of Monmouth, received a detailed annual budget for the Business Improvement District for the year 2001 (the "Budget") during the public session of the February 20, 2001 meeting of the Mayor and Council; and

WHEREAS, the Budget was introduced and approved by the Borough Council at said meeting; and

WHEREAS, upon approval of the Budget, the Borough Council set March 20, 2001 at 8:00 P.M. as the time and place for a public hearing upon the approved Budget; and

WHEREAS, the Budget and the time and place of the public hearing has been advertised and posted in accordance with State law; and

WHEREAS, the Borough Council has, on this date, conducted a public hearing thereon and all persons having an interest therein were given an opportunity to present objections; and

WHEREAS, the Borough Council declare it to be in the best interest of the Borough to adopt said Budget without amendments.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council that the Budget herein set forth is hereby adopted and shall be deemed appropriate for the purposes stated of the sums therein set forth as appropriations and authorization of the amount of:

$50,746.00 for BID purposes

REVENUES:	
Amount to be raised by Special Assessment for BID purposes	$50,746.00
Appropriations:	
Operations	$50,746.00
Total Appropriations	**$50,746.00**

It is hereby certified that the within budget is a true copy of the BID Budget for the year 2001 as finally adopted by Resolution of the Governing Body on the 20th Day of March 2001. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared on the 2001 approved budget and all amendments thereto, if any.

Offered for adoption by Mrs. Atkins, seconded by Mrs. Ashmore

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

COMMITTEE REPORTS

Councilwoman Ashmore; Police: Mrs. Ashmore reported on the following. Interviews for the position of Police Lieutenant were conducted by Mrs. Ashmore, Mr. Merla, Police Chief Gajewski and Captain Dayback with two candidates, Det. Sgt. Thomas Mitchell and Sgt. George Casaletto. Based on the interviews, Chief Gajewski has recommended the appointment of Thomas Mitchell as Police Lieutenant and she requested that a resolution of appointment be added to the agenda.

Councilman Antonucci; Health, Welfare, Recreation and Parks: Mr. Antonucci reported on the following. The Borough Engineer is checking on the Cedar Street Park lights and will make a recommendation at the next meeting. A Web site domain name "keyportonline.com" has been registered in the Borough of Keyport's name. There was a meeting with Shore Grafx and he will be looking at other companies also. In response to Mr. Merla's inquiry regarding food vendor licenses, there are 4 available each year through the Board of Health (one is held for the Borough). The Board of Health is open to recommendations. Mr. Merla suggested seasonal versus year round. Mr. Yurowski of the Courier asked if the 4 licenses covered both hot dogs and ice cream.

Councilman Merla; Fire: Mr. Merla reported on the following. The First Aid sent a letter to the Fire Chief commending and thanking the members of the Fire Department for volunteering in helping the First Aid. Responders out of Eagle Company answered 60 calls. The First Aid has started a Cadet group. He asked that the letter be put on file. A request from the Fire Department to hold the Bayshore Fire Chief's Memorial has been added to the agenda and the monthly Fire Department Report is listed. Mr. Merla said he sent a letter to the Fire Chief regarding implementing a policy on having the fire truck's tanks flushed once a month. Eagle Hose's truck, which is 11 years old, has had a discharge pipe replaced twice, the water is not being discharged. He discussed this problem with Ray Bhatia of the Engineer's office who said still water becomes stagnant. He discussed possibly putting an additive in the water. The fire houses pay for the water used and several have overhead fills. Chief Stonerock said this will be taken care of at the next Department meeting. Mr. Merla said that Mr. Bergen has asked to meet with him regarding the specifications for Fire Patrol's truck. This has been included in the 3 year plan in the Budget. He requested to move on the specifications for the Fire Chief's vehicle. He reported that there has been a couch left out at 470 Main Street and requested that the garbage company be notified. There will be a meeting with Senator Kyrillos on March 28th regarding discretionary aid for the new Municipal Complex. Mrs. Atkins and Mr. Merla will attend. The bench at the Post Office has slats missing and requested that the bench be removed. A new business has opened and there are complaints. He met with the owner. The advertisement for adult novelties has been removed and the "smoke shop" has been painted over. Permits were issued for the installation of the aluminum windows at Gils Market. The Historic Preservation Commission was not notified. Mr. Merla advised the business owner that the windows did not fit into the historic district. The owner of the property did not know the windows were installed. He asked about the property at 108 Broad Street, that the foundation is unfit. A stop work order was issued on the project. He discussed putting the Boat Launching Ramp concession out for bid. The boat ramp did well in 1999 and 2000 regarding ramp passes. Mr. Pedersen asked about accommodating the person who will be working the ramp. Mr. Bergen suggested leasing out the whole operation. Mr. John Olsen of the Harbor Commission raised his concern about an outside entity taking boat ramp fees. The last concession lease will be pulled from the files and Mr. Pedersen requested a copy. Mr. Merla said he spoke with the attorney for the Bayshore Regional Sewerage Authority who said 2001 is the last year of their big bonding costs and that they have significant projects in Aberdeen and Holmdel. Mr. Merla has spoken to Thomas Fallon, CFO. The BRSA will be cleaning their trunk lines in Keyport.

Councilwoman Atkins; Buildings & Grounds and Library: Mrs. Atkins reported on the following. The February Library reports shows 1465 books and magazines circulated, 44 new books added to the shelves,1470 patrons used the library and 201 used the computers. On March 1st there was a first aid exercise at Earle and Fort Monmouth with police, fire and first aid participation. Last Monday she attended the BID meeting. There are 25-27 committee persons. The Public Works Department have put up the banners and installed the fence at the Mini Park. Fire Patrol will host Breakfast With The Easter Bunny on Sunday from 9-12.

Councilman Bergen; Finance, Purchasing, Insurance and Grants: Mr. Bergen reported on the following. He requested input from the Harbor Commission on bidding the concession stand at the boat ramp. The Finance Committee met with the Board of Education this past Monday on the School Budget which will be presented on March 28th.

Councilman Pedersen; Public Works and Recycling: Mr. Pedersen reported on the following. There will be Jet Vac and Sewer Truck demonstrations on March 28th and 29th and April 4th. The Beers & Maple drains are being addressed by the County; there was a blockage by the telephone company whereby the pipe dropped and the County will bring in a cutter. Street sweeping will begin the first week of April according to district; there has been a lot of sand due to the snow storms and this will be addressed. The leaves that are at the waterfront have not been removed because the farm where they are brought is bogged down with mud. Mr. Pedersen said he was advised by the Borough Engineer that the construction company will be paving Washington Street. He asked if a Change Order could be done to cross over W. Front Street and loop around North West First Street which would cost under $10,000. He will discuss this with Mr. Bergen. He requested that a letter be sent to the Endeavor House that they install their water line now or be subject to the moratorium on opening the streets. Mr. Bergen asked if the last part of Washington Street could just be an overlay and Mr. Kriskowski, Borough Engineer said no, that this is the worst section of Washington Street. Mr. Kriskowski suggested applying to the State for grant funds to do the Front/North West First Street loop.

Administrator Poling: Mrs. Poling reported on the following. The Fire Department trucks, First Aid rigs and some of the Public Works trucks use diesel. Mrs. Poling asked about adding them to the Wright Express agreement. Mr. Litwin asked that he be sent a copy of the present fuel oil contract for review.

Engineer Kriskowski: Mr. Kriskowski reported on the following. Regarding the lights at the Cedar Street Park, there are safety concerns. He has contacted manufacturers and will forward the information to Mr. Antonucci. Mr. Merla reported that the Public Works Department has changed certain water meters on Washington Street because the screens were clogged with sand and because of this there may be low bills. Mr. Kriskowski said he waiting for a report and that George Sappah, Supt. of Public Works is working on the matter. The contractor said it is not his responsibility. The problem involved 15-16 meters and Mr. Bergen recommended that a water flow study be conducted before and after the new meters were installed. Cost per meter - $56.00.

Attorney Litwin: Mr. Litwin reported on the following. A draft lease for ferry service has been sent to Green Acres for approval and he will await a response. There is a motion pending on March 30th regarding the bids on the Municipal Complex. A & K has asked Judge Lawson to reconsider his ruling and a State official's testimony will be taken. Mr. Litwin has asked for a stay.

Mayor Graham: The Mayor reported on the following. On March 2nd, he and Chief Gajewski attended the Bayshore Conference of Mayor's meeting. The Bayshore Task Force complimented the Borough on Det. Sgt. Thomas Mitchell's participation giving him high praise. On March 12th he gave a presentation on the Bulkhead to the Historical Society. There is a hold up on the demolition of the Major's property due to GPU removing a pole. The Fire Department will hold a drill on the property on March 26th at 6:30 PM. The building will be filled with smoke and Hazlet and Union Beach Fire Departments will participate. Mr. Bergen asked about 210 Atlantic Street and 147 Church Street properties. Mr. Litwin said there is a contract buyer for 147 Church Street and this is on hold and he is drafting the complaint for 210 Atlantic Street. Mr. Pedersen reported that he and Mayor Graham attended the baby shower for Deputy Borough Clerk Allyson Cinquegrana and wished her well.

REPORTS OF DEPARTMENTS

2000 YEAR END REPORT

1. Historian's Report

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

Submitted by Jack Jeandron, Historian

JANUARY 2001

2. Treasurer's Report

CURRENT CHECKING	$1,411,413.50
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	80.57
TRUST CHECKING	40,274.54
TRUST SAVINGS	138,383.50

RECREATION BAYFRONT	60,947.87
UNEMPLOYMENT/DISABILITY	60,905.07
RECREATION COMMISSION	7,455.81
GENERAL CAPITAL	11,080.27
ESCROW TRUST	170,239.22
LAW ENFORCEMENT	9,499.25
SELF HEALTH INSURANCE FUND	4,568.54
WATER/SEWER OPERATING	5,000.00
WATER/SEWER SAVINGS	121,339.71
WATER/SEWER INVESTMENT	326,686.50
WATER CAPITAL CHECKING	1,340.10
WATER CAPITAL INVESTMENT	90,485.82
GENERAL CAPITAL INVESTMENT	99,714.58

INTEREST EARNED ON INVESTMENTS FOR JANUARY, 2001
CURRENT - $9,789.05
WATER - $ 2,398.81

Submitted by Pauline Redmond, Treasurer

3. Police Department/Firearm and Fingerprint Fees

Total Amount Collected $64.00

Submitted by Theodore Gajewski, Police Chief

FEBRUARY 2001

4. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ -0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	-0-
WATER METER W/TO	-0-
DEMOLITION	-0-
TOTAL WATER/SEWER,	**$ -0-**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	100.00
LIMO LICENSE	-0-
PHOTOCOPIES	49.00
POSTAGE	1.57
RAFFLE LICENSE	-0-
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	425.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLER LICENSE	-0-
LIQUOR LICENSE	-0-
STREET OPENING	375.00
FISH & GAME	-0-
RECYCLING PERMITS	546.00
PARKING PERMITS	10.00
AUCTION LICENSES	-0-
TOTAL CURRENT, CHECK #3427	**$ 1,506.87**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3428	$ 135.00
TOTAL RECEIPTS	**$ 1,641.87**

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

5. Tax Collector's Report

2001 TAXES	$1,109,520.69
2000 TAXES	31,745.15
2002 PREPAID TAXES	-0-
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	3,776.11
TAX SEARCHES	-0-
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	24,873.00
RETURNED CHECK CHARGES	-0-

ALL OTHER MISCELLANEOUS REVENUE	52,989.12
TOTAL CURRENT RECEIPTS	**$1,222,904.07**

WATER & SEWER RENTS	$ 2,481.66
INTEREST AND COSTS	847.83
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	-0-
POOL PERMITS	-0-
WATER METERS/WITH TURN ON	100.00
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	-0-
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	**$ 53,429.49**

Submitted by Pauline Redmond, Tax Collector

6. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	18	$ 101.00
CERTIFICATE OF OCCUPANCY	32	830.00
PLUMBING PERMITS	7	340.00
ELECTRICAL PERMITS	6	880.00
BUILDING PERMITS	12	1990.00
FIRE SUB CODE	7	560.00
CONST CERT OF OCCUPANCY	2	80.00
ZONING PERMITS	5	50.00
200 FT PROPERTY LIST	2	20.00
TRANSFER OF TITLE	6	210.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	3	2.25
MISC.	1	25.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	25	500.00
CONST. DEPOSITS REFUNDABLE	1	50.00
TOTAL		**$ 5638.25**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2333	$ 5487.25
STATE FEE DUE - PAID QUARTERLY	101.00

Submitted by Annette Kovacs, Senior Permit Clerk

7. Police Department/Traffic Safety Report

Total Amount Collected $425.00

Submitted by Theodore Gajewski, Police Chief

8. Librarian's Report

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

Submitted by Jacqueline LaPolla, Librarian

9. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE		**$4,221.20**
DOG LICENSES	$ 1,605.20	
CAT LICENSES	208.00	
MARRIAGE LICENSES	140.00	
BURIAL PERMITS	38.00	
DEATH CERTIFICATES	1,350.00	
MARRIAGE CERTIFICATES	85.00	
BIRTH CERTIFICATES	5.00	
POOL PERMITS	-0-	
PLAN REVIEW	100.00	
FOOD HANDLERS	670.00	
MISCELLANEOUS	20.00	

DISBURSEMENTS

CHECK #2635 - BOROUGH OF KEYPORT MISC. ACCT $2,283.00

CHECK #2636 - BOROUGH OF KEYPORT TRUST ACCT	125.00
CHECK #2637 - BOROUGH OF KEYPORT DOG ACCT	1,464.00
CHECK #2638 - NJ STATE DEPT OF HEALTH	349.20

Submitted by Anne R. Biagianti, Treasurer

10. Fire Department Report

Total Company runs: 81
Mileage on Chief's car: 97,255

Submitted by Larry Stonerock, Fire Chief

11. Municipal Court Report

STATE FINES	$ 600.00
STATE SURCHARGE	771.00
STATE UNINSURED	506.00
COUNTY FUNDS	1,467.42
COUNTY FINES	4,892.50
MUNICIPAL FINES	4,892.50
MUNICIPAL COSTS	3,448.00
MUNICIPAL PARKING	1,217.00
MISCELLANEOUS	1,715.00

Submitted by Kathie Coffey, Court Administrator

12. Code Enforcement Officer Report

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

Submitted by Anthony Vecchio, Code Enforcement Officer

13. Treasurer's Report

CURRENT CHECKING	$1,299,463.49
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	490.00
TRUST CHECKING	40,167.54
TRUST SAVINGS	138,383.50
RECREATION BAYFRONT	60,622.98
UNEMPLOYMENT/DISABILITY	61,034.08
RECREATION COMMISSION	7,455.81
GENERAL CAPITAL	171,416.91
ESCROW TRUST	175,325.51
LAW ENFORCEMENT	9,499.25
SELF HEALTH INSURANCE FUND	4,568.54
WATER/SEWER OPERATING	5,000.00
WATER/SEWER SAVINGS	84,540.02
WATER/SEWER INVESTMENT	328,086.68
WATER CAPITAL CHECKING	1,340.10
WATER CAPITAL INVESTMENT	90,873.64
GENERAL CAPITAL INVESTMENT	3,101,481.57

INTEREST EARNED ON INVESTMENTS FOR FEBRUARY, 2001
CURRENT - $7,326.54
WATER - $ 1,487.44

Submitted by Pauline Redmond, Treasurer

Motion to Accept all reports as submitted moved by Mr. Merla, seconded by Mr. Pedersen, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Auction Quest to hold a Boat Auction (May 18-20, 2001).

   Motion to refer to Councilman Pedersen and John Olsen, Harbor Commission, moved by Mr. Merla, seconded by Mrs. Atkins, with Ayes by all present.

2. Letter from Monmouth County Water Resources Association with a Resolution opposing NJ State Legislative Bill S2051/A3116.

   Motion to list resolution in support of opposition on the 4/3/01

Agenda, moved by Mr. Merla, seconded by Mrs. Atkins, with Ayes by all present.

3. Letter from Joseph Wedick inviting Mayor and Council and the public to the Bayshore PBA Basketball Classic on March 25th, 2 PM at Holy Family School Gym.

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

4. Request from Patricia Ralph requesting a speed limit sign on Jackson Street between Perry and Beers Streets.

   George Sappah, Supt. of Public Works advised "Children Playing" signs have been installed.

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

5. Fire Department Membership Application from George Sprague/Liberty Hose Fire Company.

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

6. Request from Keyport Kiwanis for Public Works to hang Chicken Fry Banners (pending GPU approval).

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

7. Letter from Fire Chief Stonerock requesting Donald Vaughn be added back as an active member of Fire Patrol (see Resolutions).

   Motion to add resolution to agenda, moved by Mr. Merla, seconded by Mr. Pedersen, with Ayes by all present.

8. Request from Jesus the Lord Church to hold two processions (April 8th and April 13th) during Holy Week.

   Motion to approve, moved by Mr. Merla, seconded by Mr. Pedersen, with Ayes by all present.

9. Request from Masonic Lodge to use picnic table/chair units for their annual picnic (August 18th).

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

10. Letter of Retirement from Eugene J. Regan, Public Works Department, effective July 1, 2001.

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

11. Letter from St. Joseph School inviting Mayor and Council to participate and support their first annual golf outing (June 25th).

    Motion to receive and file, moved by Mr. Merla, seconded by Mr. Pedersen, with Ayes by all present.

12. Request from Fire Department for use of Broad Street Municipal Parking Lot for Bayshore Fire Chief's Memorial Services, March 31, 2001 and to close off Third Street from Broad to Main.

    Motion to approve, moved by Mr. Pedersen, seconded by Mr. Merla, with Ayes by all present.

13. Notice from Sprint that they will be installing a radio cabinet in conjunction with their cellular tower lease.

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

UNFINISHED BUSINESS

1. **Maple and Beers Intersection.** This matter was previously discussed.

2. **Fast Ferry.** Mr. Merla said that during the Firemen's Fair the Ferry company will have to find 40 spots. He said the the Charter Fishing Boat is accommodated and the same should be done for the Ferry. Mayor Graham said this will be discussed.

3. Master Plan. Mrs. Atkins said the BID was inquiring about the Master Plan. Mayor Graham said the Master Plan will be discussed at the Planning Board Meeting; the work has been done and has to be put into final form.

NEW BUSINESS

1. **Youth Serving Organization Employee and Volunteers.** Mrs. Atkins said adoption of an ordinance for fingerprinting would be worthwhile, that it should encompass all organizations. This would contain private information. Mayor Graham said this goes through the Attorney General's office. Mr. Jiminez of the Recreation Commission said he will be obtaining more information. Motion that the Recreation Commission submit a recommendation, moved by Mr. Bergen, seconded by Mr. Merla, with Ayes by all present. Mr. Jiminez was asked if the Commission hires the same employees for the summer program and he said yes.

2. **Outside Contractor Work.** Motion to refer the matter to the Administrator, moved by Mrs. Atkins, seconded by Mr. Pedersen, with Ayes by all present.

3. **Mosquito Commission.** Mr. Merla reported that the Mosquito Commission is requesting Borough permission to go on Borough Property, Block 51, Lot 22.01 to address a problem at Pinebelt. This matter will be listed on the 4/3/01 agenda for further discussion.

PUBLIC PARTICIPATION

The meeting was opened to the public at 10:30 P.M. for comments or questions. Mr. Yurowski, of the Courier and also a Borough resident asked about recycling permits and instituting a junk day. Mayor Graham said this is under discussion. Mr. Pedersen recommended that Mr. Yurowski attend the Recycling Committee meeting. The Committee is considering recommending issuing 3 recycling permits to each home and a clean up day is being considered. Mr. Bergen asked Mr. Yurowski who he thought should pay to remove these items, the individual or the taxpayers. He said the Borough should cart them away. Mayor Graham said residents have to pay in Hazlet.

RESOLUTIONS

4. Resolution #113-01, Authorize Borough Clerk/Administrator to Solicit Quotes (Water Samples and #2 Fuel Oil)

   BE IT RESOLVED by the Mayor and Council that the Borough Clerk/Administrator is hereby authorized to solicit quotes/bids for the following:

   1. Water Samples from the potable water supply and from Storm drain outfalls (laboratory services)
   2. #2 Fuel Oil

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

   Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla Atkins, Bergen, Pedersen

   Mr. Litwin recommended bidding just heating oil, not diesel.

5. Resolution #114-01, Authorize Participation in the Local Law Enforcement Block Grant Program with the State of New Jersey, Dept. of Law and Public Safety

   A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

   WHEREAS, the Borough of Keyport wishes to apply for funding a project under the Safe and Secure Communities Program (Grant #P-2169 and

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

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and the Borough of Keyport/Police Department for the purpose described in the application;

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

1. As a matter of public policy the Borough of Keyport/Police Department wishes to participate to the fullest extend 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 funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

6. Resolution #115-01, Appointment of Donald Vaughn as Fire Patrol Member

Mayor Graham announced, with the advice and consent of the Council, the appointments of the following named persons of the Board of Fire Wardens of the Keyport Fire Department as Fire Marshal, whose terms shall expire on December 31, 2001.

Donald Vaughn

RESOLUTION

BE IT RESOLVED by the Council of the Borough of Keyport the appointments of the foregoing named persons of the Board of Fire Wardens of the Keyport Fire Department be and the same are hereby confirmed as Fire Marshals, each term to expire on December 31, 2001.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

7. Authorize Extension of Lease of Diversion Rights Agreement between the Borough and Shorelands Water Company, Inc.

Mr. Merla asked why this can't be put out for bid. Mr. Litwin said the State will extend a current lease but will not grant a new lease. The Borough cannot create the right for a person, the mechanism is to extend. Mr. Merla asked what would happen to a 5 year lease if the Borough sold the water plant in three years. This matter and a request to hold a Special Meeting is to be listed on the 4/3/01 Agenda under New Business. Mr. Bergen said Council has to decide if they want to lease or sell the water plant. Mr. Merla recommended that an agenda be set. There are others who are interested in leasing rights.

8. Resolution #116-01, Authorize 2000 Budget Appropriation Reserve Transfers

WHEREAS, various 2000 bills have been presented for payment this year, which fills were not covered by order number and/or recorded at the time of transfers between the 2000 budget appropriation in the last two months of 2000; and

WHEREAS, N.J.S.40A4-59 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 $13,500.00 be made between the 2000 budget appropriation reserves as follows:

Budget Appropriation	From	To
Parks and Playgrounds-O/E	$3,000.00	
Fuel for Motor Vehicles	2,000.00	
Electricity	8,500.00	
Legal Services-O/E		$8,000.00
Streets and Roads-O/E		1,000.00
Natural Gas		4,000.00
Municipal Court-O/E		500.00
	$13,500.00	$13,500.00

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla
Atkins, Bergen, Pedersen

8. Resolution #117-01, Special Meeting, March 26, 2001, 7:00 P.M.

WHEREAS, the Mayor and Council of the Borough of Keyport have determined it is necessary to schedule meetings of the governing body on the following dates and times:

Monday, March 26, 2001 at 7:00 P.M.

in the Senior Center, 110 Second Street, Keyport, N.J. for the purpose of discussing the following matters:

Interlocal Agreement with Township of Aberdeen, Garbage Contract, Riparian Rights, and any other business which may come before the governing body. Matters pertaining to Personnel, Litigation, Labor Relations and Contract Negotiations will be conducted in Closed Session and

WHEREAS, the Open Public Meetings Law requires that "48 hour notice" of such meetings be given as required by said law;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold Special Meetings as stated in the Senior Center, 110 Second Street, Keyport, N.J.

BE IT FURTHER RESOLVED that notification of said meetings be mailed forthwith to the Asbury Park Press, the Courier, the Independent and the Two River Times.

BE IT FURTHER RESOLVED that notice of said meetings be posted on the bulletin board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings scheduled or revisions thereof, and any advanced written notice of any regular, special or re-scheduled meetings of the Governing Body as required by law.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla,
Atkins, Bergen, Pedersen

9. Resolution #118-01, Appointment of Police Lieutenant

WHEREAS, it is necessary to fill the vacant position of Police Lieutenant; and

WHEREAS, funds are or will be available in the 2001 Budget for this position; and

WHEREAS, interviews of the candidates were conducted; and

WHEREAS, recommendation for appointment has been submitted by Police Chief Theodore Gajewski; and

WHEREAS, the Borough has received the Certifications of Eligibles for Appointment for this position from the Department of Personnel.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that THOMAS MITCHELL is hereby permanently appointed Police Lieutenant conditioned and effective upon receipt from the Department of Personnel of waivers for the positions of Police Chief and Police Captain which are subject to approval as to form by the Borough Attorney.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen

10. Resolution #119-01, Authorization to Request Promotional Examination for the Position of Police Sergeant.

WHEREAS, it is necessary to fill the position of Police Sergeant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Borough Clerk/Administrator is hereby authorized to submit a request to the Department of Personnel for a promotional examination for the position of Police Sergeant.

BE IT FURTHER RESOLVED that this authorization is conditioned and effective upon receipt from the Department of Personnel of waivers for the positions of Police Chief and Police Captain which are subject to approval as to form by the Borough Attorney.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla, Atkins, Bergen, Pedersen

11. Resolution #120-01, Payment of Bills

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

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Antonucci, Merla*, Atkins, Bergen, Pedersen
*Mr. Merla abstained on payments under the General Capital Account and Escrow Account

ADJOURNMENT

Motion to Adjourn moved by Mr. Pedersen, seconded by Mr. Bergen, with Ayes by all present.

Time of Adjournment:10:50 PM

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