Approved 9/5/06

Keyport, New Jersey
March 7, 2006

Minutes of the Work Meeting of the Mayor and Council, held on the above date in the Municipal Complex Council Chambers, 70 West Front Street, Keyport, New Jersey, pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, the Courier, the Independent, the Two River Times and Newark Star Ledger and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L., 1975, Chapter 231.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman. Others present: Mr. Wisniewski, Borough Attorney (arrived 7:08 P.M.) and Mr. Antonucci, Borough Administrator.

RESOLUTIONS

1. Resolution #97-06, Closed Meeting - Personnel, Litigation, Labor Relations, Contract Negotiations

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

Personnel

1. Eleanor Sappah
2. Borough Clerk Position
3. Police Department Matters

Litigation

Labor Relations

Contract Negotiations

1. St. John's United Methodist Church
2. Halstead Water/Sewer Bill
3. Yurowski Water/Sewer Bill
4. Plan Endorsement Process
5. Health Insurance
6. Bulkhead-American Legion Drive
7. Browns Point Marina

WHEREAS, the Governing Body has determined that within the provision 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, Borough Hall, for the purpose of discussing the following subjects:

Personnel and Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel and Contract Negotiations conducted at said Closed Session shall be disclosed when the matters discussed are resolved and this meeting shall continue in approximately 20 minutes.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

Council went into closed session at 7:01 P.M. and this meeting was reconvened at 8:09 P.M.

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

ROLL CALL

On Roll Call the following were present: Councilmembers Hassmiller, Walling, Wedick, Bergen, Sheridan, Ortman. Others present: Mr. Wisniewski, Borough Attorney, Mr. Norbut, Borough Engineer and Mr. Antonucci, Borough Administrator.

Mr. Bergen made a motion to add Pearlman Properties to the Agenda, second by Mr. Hassmiller with Ayes by all present.

PRESENTATION

1. **Pearlman Properties.** Mayor Merla extended an invitation to Carl Woodrow, Esq. to come and talk about Browns Point and Endeavor House Improvements at the March 7, 2006 Council Meeting. Mr. Woodrow said he would like to work with the Borough on the project. He stated the Browns Point was at the west end of the town; he showed an aerial photo of the Marina. This would be a mixed use project and they would like to expand and upgrade the Marina. They are working with the DEP to restore as wetlands. There would be condos at the Endeavor House and walkway access to the waterfront for the public; there would be some advantages to this plan. There was a favorable response from the DEP and they would work with Keyport to develop this further. The Developer does not have contracts to obtain properties. This matter was referred to the Redevelopment and Finance Committees. Mr. Wedick asked how many units are there; none right now. Mr. Sheridan asked if Endeavor House would no longer exist; the answer was yes. He went on by saying zoning is single family. Mr. Pearlman owns and operates the Endeavor House right now. The Mayor asked if they were set on condos or town houses and they said they are working on condos and discussed it with the DEP. It was asked if there were 70 boat slips planned; yes, the program would offer condo owners boat slips. They still want to maintain it as a Marina. The condos would not really be for first time home buyers. Mr. Bergen asked for recommendations from Council. The Mayor referred this matter to the Redevelopment Committee to make recommendations to the Mayor and Council and Planning Board. The proposal can be used for guidance. Everyone wants the Marina to be a major part of the town. The community involvement is there. DEP restrictions are on the footprint. There are 2 or more acres that would be wetlands. There will be flood water, but it shouldn't change much.

2. **Groundbreaking Shovel.** Former Councilman, Wade Pedersen, presented to Mayor and Council the Groundbreaking shovel for the Municipal Complex, that he was asked to mount the shovel on a piece of wood so that it could be hung in Borough Hall. Mr. Pedersen said Mr. Walling wanted the shovel to be mounted on the wall since it was the shovel used to break ground to begin construction of the building. The shovel was presented to Mr. Walling. Mr. Walling asked Council's permission to have a plaque affixed to the mounted shovel.

RESOLUTION

2\. Resolution #98-06, Appointment of Borough Clerk - Allyson M. Cinquegrana

WHEREAS, the Mayor and Council of the Borough of Keyport have created the position of Borough Clerk pursuant to N.J.S.A. 40A:9-133

WHEREAS, the position of Borough Clerk is established under Keyport Borough Ordinance ` 2-3.1 (Ord. No. 19-75, ` ` 1 and 2; 1972 Code ` 2-1; Ord. No. 37-89, ` ` I, II; Ord. No. 26-95, ` 1) and provides that the Borough Clerk shall be appointed by the Mayor and Council for a term of three (3) years, and

WHEREAS, the Mayor and Council recognize that the incumbent Borough Clerk has retired and it is necessary to make an appointment of a new Borough Clerk,

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

1. Effective March 7, 2006 Allyson Cinquegrana is appointment Borough Clerk of the Borough of Keyport at an annual salary of $45,500.00 beginning on the date of appointment.

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

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

Mayor Merla said as most members of the Public and Governing Body know, the Borough Clerk's position is a Department Head position in which you put your trust in an individual to do the best job they possibly can not only for the elected officials, but the residents of Keyport. The Mayor said he truly believes Allyson possesses those skills and interests for this position and that not only did Council make a wise choice, but a great choice for Keyport's future.

OATH OF OFFICE

Allyson M. Cinquegrana was administered the Oath of Office by John Wisniewski, Borough Attorney, while her husband Joe and son Colin held the Bible. The Mayor then spoke about Mrs. Cinquegrana.

HEARING ON ORDINANCES

1. Ordinance No. 3-06, Create the Position and Salary for Deputy Municipal Department Head

The Clerk reports that the Ordinance was published as introduced in the Courier, issue of February 23, 2006 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 reads the Ordinance by Title:

ORDINANCE NO. 3-06
AN ORDINANCE CREATING THE POSITION OF DEPUTY MUNICIPAL DEPARTMENT HEAD IN THE BOROUGH OF KEYPORT AND TO AMEND AMEND AND SUPPLEMENT AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT,N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

The Hearing was opened to the public for comments or questions at 8:34 P.M. There being no one who wished to be heard, the hearing was closed at 8:34 P.M.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
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 March 9, 2006 moved by Mr. Walling, second by Mr. Wedick with Ayes by all present

2. Bond Ordinance No. 4-06, Repairs to Municipal Complex Roof

The Clerk reported the Supplemental Debt Statement was approved by the Department of Community Affairs.

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of February 23, 2006 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 reads the Ordinance by Title:

BOND ORDINANCE PROVIDING A SUPPLEMENTAL APPROPRIATION OF $150,000 FOR THE REPLACEMENT OF THE BOROUGH HALL ROOF AND RELATED IMPROVEMENTS IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF $142,500 BONDS OR NOTES OF THE BOROUGH FOR FINANCING PART OF THE APPROPRIATION.

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

Section 1. The improvement described in Section 3(a) of this bond ordinance has heretofore been 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(a), there is hereby appropriated the supplemental amount of $150,000, such sum being in addition to the $300,000 appropriated therefor by bond ordinance #25-05 of the Borough finally adopted November 1, 2005, and including the sum of $7,500 as the additional down payment required by the Local Bond Law. The additional down payment is now available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the additional cost of the improvement or purpose not covered by application of the additional down payment, negotiable bonds are hereby authorized to be issued in the principal amount of $142,500 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 heretofore authorized and the purpose for the financing of which the bonds are to be issued is for the replacement of the Borough Hall roof and related improvements, as more specifically described in the Summary of Work section of the Bid Specs on file in the office of the Clerk, including all work and materials necessary therefor and incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is $427,500, including the $285,000 bonds or notes authorized by bond ordinance #25-05 of the Borough finally adopted November 1, 2005 and the $142,500 bonds or notes authorized herein.

(c) The estimated cost of the improvement or purpose is $450,000, including the $300,000 appropriated by bond ordinance #25-05 of the Borough finally adopted November 1, 2005 and the $150,000 appropriated herein.

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

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $142,500, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $122,500 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement. Of this amount, $100,000 was estimated for these items of expense in bond ordinance #25-05 of the Borough finally adopted November 1, 2005 and an additional $22,500 is estimated therefor herein.

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

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

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

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

The Hearing was opened to the public for comments or questions for 8:36 P.M. Mike Lane, First Street asked what the first $300,000.00 was for. Mr. Bergen said it was for subsequent problems not done to design. The building is not safe. Things need to be done and there are no other funds to fund repairs. Mr. Lane asked if the $450,000.00 was being used for the roof; yes. Cleaning of the bricks was recommended, but not decided on yet. He asked if the contractor was still in business; yes. Mr. Bergen said the Borough's claim against the contractor will exceed $1 Million. There is bond coverage, but our claim will be $3.6 Million. Mr. Lane asked if there would be supervision while the building was being built; yes, but not 24 hours a day. Mr. Wisniewski said it would be better if the case was not discussed; it could prejudice it. Mr. Bergen said the Local Public Contracts Law needs to be changed. There being no one further who wished to be heard, the Hearing was closed to the public at 8:41 P.M.

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick

Bergen, Sheridan, Ortman

Nays: None
Abstain: None
Absent: None

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of March 9, 2006 moved by Mr. Wedick, second by Mr. Hassmiller with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Bond Ordinance No. 5-06, Cass Street Standpipe Painting Project

The Clerk reported the Supplemental Debt Statement was filed with her prior to the Ordinance's introduction.

The Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE CASS STREET STANDPIPE PAINTING PROJECT FOR THE WATER-SEWER UTILITY IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING $600,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $600,000 BONDS OR NOTES OF THE BOROUGH FOR FINANCING THE COST THEREOF.

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

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Borough of Keyport, in the County of Monmouth, New Jersey (the "Borough"). For the improvement or purpose described in Section 3, there is hereby appropriated the sum of $600,000. No down payment is required as the purpose authorized herein is deemed self-liquidating and the obligations authorized herein are deductible from the gross debt of the Borough, as more fully explained in Section 6(e) of this ordinance.

Section 2. In order to finance the cost of the improvement or purpose, negotiable bonds are hereby authorized to be issued in the principal amount of $600,000 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 the financing of which the bonds are to be issued is the Cass Street Standpipe Painting Project for the Water-Sewer Utility, including all work and materials necessary therefor and incidental thereto, and as more fully described in the Engineer's letter on file in the Clerk's office, which letter is hereby incorporated by reference as if set forth at length.

(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 ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The Borough hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Borough is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

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

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the Borough may lawfully undertake as a self-liquidating purpose of a municipal public utility. No part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by $600,000, but that the net debt of the Borough determined as provided in the Local Bond Law is not increased by this bond ordinance. The obligations authorized herein will be within all debt limitations prescribed by that Law.

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

(e) This bond ordinance authorizes obligations of the Borough solely for purposes described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for a purpose that is deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

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

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

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

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

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

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of March 9, 2006 for a Hearing to be held on March 21, 2006 moved by Mr. Walling, second by Mr. Bergen with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Keyport High School for and Ad in the 2006 Yearbook (see Resolutions).

   Motion to Approve with a Resolution for $225.00 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

2. Off Premise Draw Raffle License Application from Jesus the Lord Church on July 15, 2006.

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

3. Letter from Keyport Fire Museum requesting a donation to help continue running the Fire Museum.

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

4. Request for permission from St. Joseph's Church
   A. To hold their Annual Fair: May 31-June 4, 2006
   B. Sponsor Fireworks on June 2nd (rain date June 3rd or 4th)

   Motion to approve and advise the appropriate department heads moved by Mr. Bergen, second by Mr. Ortman with Ayes by all present.

5. Annual Report on Planning Board Applications for 2005.

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

6. Street Opening Application No. 2470 for 139 Broad Street (opening on Warren Street)/renew service.

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

7. Street Opening Application No. 2645 for 416 Main Street/retiring service

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

8. Request from the Keyport Spanish American Club to use West Front Street and American Legion Drive (as an alternate location) on August 12, 2006 from 12-8 P.M. for the 9th Annual Festival

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

9. Request from Swift Properties for a Water/Sewer Bill Adjustment

   Motion to refer to finance moved by Mr. Bergen, second by Mr. Sheridan with Ayes by all present.

UNFINISHED BUSINESS

1. Monmouth County Mosquito Extermination Commission Ariel Spray

   Mr. Seckinger submitted a letter to Mayor and Council. He will do further research on this matter and comment on it in 2007. The Mayor said that he has set up a meeting with Mr. Seckinger and Vicki from the Monmouth County Mosquito Commission.

2. Water/Sewer Bill - Halstead, 45 Beers Street, Apt. 2. Meters should be installed outside.

3. Water/Sewer Bill - Yurowski, 43 Atlantic Street. This was referred to the Finance Committee to report back.

4. Bayshore Bandits use of Cedar Street Park

   The Bandits gave an in kind contribution of good clay to the Borough for use of the field. Recreation did not discuss this matter yet. Mr. Sheridan said the school takes preference of the field over everyone.

   Motion to approve based on the Recreation Commissions review moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

5. Letter from Keri Kaufman of Troop 80 regarding Keith Bosler receiving an Eagle Scout Award.

   The Fire Department Chief is looking into this matter and will advise the Mayor and Council of the outcome. The recognition will take place on April 22, 2006.

ADMINISTRATORS REPORT

Mr. Antonucci reported on the following. The February 28th Payment of Bills were as follows: CURRENT - $135,015.16, WATER AND SEWER - $16,750.64, GENERAL CAPITAL - $402.61. The First Aid siren was changed from 12 to 6 tolls. The budget process is now in full swing and something will presented to the Mayor and Council in 1 to 2 weeks; Budget introduction will be listed on the March 21st agenda. Phone issues are being addressed. He is working with the garbage contractor on the inspection. The water tower painting will begin in April; the committee is investigating the color and renderings.

On March 1st the DEP held Receipt of Bids for the American Legion Drive reconstruction project. The apparent low bidder is Bird Construction who submitted a bid in the amount of $3,152,857.00 which is in excess; $2 Million is engineering. We are waiting on the Discretionary Aid from the DEP. In March, bids will be received for the William Ralph Pier. There are mason problems with the Municipal Complex roof and we are trying to remediate them. The Atlantic Street and Third Street/Library plans are in place; Receipt of Bids will be March 16th with a possible contract award on March 21st. Don Norbut said there will be small cut outs and a retaining wall; he hopes for 120 days to complete the project. We received $150,000 from the Department of Transportation for Warren St. and it is a $475,000 project. With regard to the Gazebo, the trees are cut down, the footings are done and have been inspected.

Governor Corzine's State Budget Dialogue will take place at Monmouth University in the Woodrow Wilson Auditorium. Mr. Bergen said we need State Aid. Mr. Walling said the KBA has some concerns at last night's meeting and he informed Thomas Antonucci about them.

ENGINEERS REPORT

Mr. Norbut reported on the following. His report was given to Mayor and Council. Birdsall Engineering advertised the Atlantic Street Phase II Project. Two contracts were bid at the same time, it was recommended we award the contracts at the March 21st meeting.

ATTORNEY'S REPORT

Mr. Wisniewski did not have a report.

NEW BUSINESS

1. **KBA Election.** Judge McLeod will handle this matter and Allyson will assist. It is KBA's responsibility to get the petitions and ballots out; Allyson will open and count them. Judge McLeod said the challenges would be taken care of by him. There are 240 voters for the KBA. Mayor and Council will go forward with a 6:00 P.M. meeting on March 13th for the budget; the newspapers were noticed on this meeting. Mr. Bergen made a motion that Allyson M. Cinquegrana and Judge McLeod count the votes on Election Day for the KBA, second by Mr. Walling with Ayes by all present.

2. **Revised Bicycle Helmet Law.** Mayor Merla read the new law to the public.

Mr. Bergen thanked everyone for all of their thoughts.

3. **Red Knights International Motorcycle Chapter request to use Waterfront parking lot.** The Mayor said the Red Knights International Motorcycle Chapter lost one of their members to illness and they would like to do a benefit with a ride and would like to end at the waterfront. The benefit will be in May and they would like to have a tent with food for about 4 hours in the parking lot on the waterfront. They would also like to use the

bandstand. They would like to start organizing now for May and will speak with Councilman Sheridan, the Police Department, and Thomas Antonucci about the organization and what is to be done. Mr. Bergen said work is supposed to begin on the waterfront and they need insurance; they will provide insurance to Keyport. Bill Moran is in charge of the benefit in memory of Jim Moran. The run is to conclude in Keyport at noon and the event will end at 5:00 P.M. This will be the first year they are doing this benefit. The Mayor referred this matter to Thomas Antonucci.

PUBLIC COMMENT PORTION

The Meeting was open to the public for comments or questions at 9:20 P.M. Carole Cerase, 34 Main Street, followed up on her issue regarding the Property Maintenance Officer and the issue of the shed on Barnes St. Mr. Walling asked if she received a response? Mayor Merla said Timothy Regan is looking into the issue and requested Mr. Antonucci write to the Property Maintenance Officer regarding the concern.

Rowland Seckinger, Environmental Commission, said there will be an Environmental Clean Up of the creek on April 13th; there will be a dredge clean up. Mr. Seckinger announced the 2006 Environmental goals; Mr. Bergen said he would talk with Mr. Seckinger.

As Treasurer of the Fire Museum, Mr. Seckinger said the County gave an award for the preservation of the Fire Museum building. The Monmouth County Fire Protection Association gave an award for the programs that have taken place in Keyport and in other County Communities.

The Mayor said at the February 21st meeting, Isaiah Cooper spoke about welfare. On March 14th the Mayor, Mr. Cooper, Thomas Antonucci and Wendy Tooker will meet with the County to discuss this matter.

Mike Lane, First Street, complimented Don Norbut who is aware of projects and being helpful with the Planning Board. With regard to a water connection fee for a restaurant, if the restaurant doesn't go to the Planning Board for approval, do they still have to pay a connection fee? Yes. Mr. Lane asked if they still had to apply to the Borough to increase the size of the line? They should apply the Ordinance to a different use. Mr. Bergen said Council is reviewing and will put something in place, the matter is being addressed. Regarding Browns Point Marina, three members of Council are on the redevelopment committee. Browns Point Marina is included in the redevelopment plan which is part of the Smart Growth Grant and we should see if there are redevelopment guidelines. Any property owner can share their plan. There is a process for them to go before the Mayor and Council or the Planning Board. The Committee should sit down to see if it applies to the Redevelopment process. Mr. Bergen said Redevelopment applies from Aeromarine to the Marinas. Most of the time is spent on the Aeromarine. You can't zone the area by variance; the area is not designated.

Bob Ludwig, 50 Beers Street, stated there was an ad in the Asbury Park Press regarding the Uptown Bar and Grill. Mr. Ludwig asked when the hearing would be? It will be determined by the Mayor and Council and the Borough Clerk. On February 21st appeals and denials of the Planning Board were discussed. Mr. Wisniewski stated there was no Borough Ordinance for this and the Mayor and Council cannot hear anything on the appeal of approvals or denials of the Planning Board. There are bans on Initiative and Referendum matters, but there are none in the Borough form of Government. The Faulkner form of Government can have Initiative and Referendum. Mr. Ludwig said the Borough web site with the KBA has copyrights from Allen

Consulting. The rights should be held by the Borough since the Borough paid for it.

Police Chief Gajewski congratulated Allyson M. Cinquegrana on becoming the Borough Clerk. He said the Janitorial staff is doing a great job. With regard to the garbage truck inspections, they must park at the Boat Launch Ramp and wait. Crossing Guard Nicie Hammond broke her hip; she is doing well. The Police Department will be giving out Best Buy gift certificates to children who are wearing their helmets when bike riding or skateboarding.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 9:40 P.M.

RESOLUTIONS

3. Resolution #99-06, Payment of Bills

CUREENT - $74,851.32, WATER/SEWER - $54,926.72, GENERAL CAPITAL - $7,000.00 AND BAYSHORE RECREATIONAL IMPROVEMENT TRUST - $31.84.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

4. Resolution #100-06, Authorize Mayor to Sign Bond Counsel's 2006 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(1)(a)(i) permits the Borough of Keyport to award a contract for legal services without public advertising for bids and bidding, and

WHEREAS, the proposal was solicited through a fair and open process to publicly solicit proposals or qualifications of persons interested in being appointed bond counsel in accordance with NJSA 19:44A-20.5, and

WHEREAS, the proposal of McManimon & Scotland has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, 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, THEREOFRE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the contract for Bond Counsel is awarded to McManimon & Scotland and the Mayor is authorized to execute same.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

5. Resolution #101-06, Authorize Donation to Keyport High School/Yearbook

WHEREAS, the Keyport High School is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Keyport High School has requested that the Borough of Keyport contribute a monetary donation for the purpose of a full page ad in their 2006 yearbook,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the sum of $225.00 is hereby approved as a contribution to the Keyport High School and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

6. Resolution #102-02, Appoint James Mastrokalos Deputy Municipal Department Head - Water/Sewer

WHEREAS, at the January 1, 2006 Reorganization Meeting, the Mayor and Council adopted Resolution #36-06 appointing James Mastrokalos as the Borough's Water Plant Operator and Resolution #37-06 appointing James Mastrokalos as the Licensed Wastewater Collection System Operator and Licensed Water Distribution System Operator; and

WHEREAS, Ordinance No. 3-06 creating the position and salary of a Deputy Municipal Department Head/Water & Sewer Department was duly adopted by the Mayor and Council; and

WHEREAS, the Borough of Keyport is in need of the services of a Deputy Municipal Department Head/Water & Sewer Department; and

WHEREAS, Jim Mastrokalos is qualified and possesses the requisite credentials/licenses.

NOW, THEREFORE, BE IT RESOLVED that based upon the newly created position of Deputy Municipal Department Head Resolutions 36-06 and 37-06 are hereby rescinded; and

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

1. Jim Mastrokalos is hereby retained as a Deputy Municipal Department Head overseeing the Keyport Water Treatment and Sewer Department effective from January 1, 2006.

2. Jim Mastrokalos shall be compensated for said services an annual salary of $22,000 per year for a minimum of 20 hours per month.

3. Said services shall include the preparation and filing of all operation reports, performance of all services

required by the State of New Jersey and any other applicatory regulatory agencies.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

7. Resolution #103-06, Approve Professional Contract with CME Associates/Plan Endorsement Process

WHEREAS, the Borough of Keyport ("Borough") is in need of professional engineering with regards to preparation of initial/final Plan Endorsement to the State Development and Redevelopment Plan and associated processing of the same with the State Planning Commission

WHEREAS, CME Associates, possesses the requisite skill expertise to provide said engineering and planning services; and

WHEREAS, CME Associates, has submitted a proposal to provide said engineering services dated February 10, 2006, at an initial cost not to exceed $10,000; and

WHEREAS, the Chief Financial Officer has certified that funds are or will be available for said purpose.

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

1. The proposal of CME Associates for professional engineering and planning services for the design and preparation of contract documents and bid support with regards to preparation of initial/final Plan Endorsement to the State Development and Redevelopment Plan and associated processing of the same with the State Planning Commission is hereby approved in a total amount not to exceed $10,000.00.

2. The appropriate Borough officials are hereby authorized to enter into an agreement with CME Associates to provide the above described services.

3. This action is approved as an award of a professional services contract pursuant to N.J.S.A. 40A:11-5(1)(a).

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

8. Resolution #104-06, Change Order #2 Municipal Complex - $25,800.00

WHEREAS, on or about November 25, 2005 the Borough of Keyport awarded a contract to Badger Roofing, Inc. ("Badger") for the replacement of the Municipal Complex roof for the sum of two hundred and eighty five thousand dollars ($285,000.00) excluding differentials, and

WHEREAS, on December 20, 2005 the mason sub-contractor informed the Borough's project manager Henry Vitale of James D. Cummins & Co. that a dangerous condition was discovered regarding the front pediment, and

WHEREAS, the dangerous condition consists of the 400+ pound coping stones failing to be anchored to the structural steel of elements of the front pediment, and

WHEREAS, the mason sub-contractor is of the opinion that said dangerous condition must be corrected, and

WHEREAS, the Borough's project manager Mr. Henry Vitale of James D. Commons & Co., after inspecting said condition, is also of the opinion that said condition need to be corrected, and

WHEREAS, Henry Vitale met with the Borough Engineer, T&M Associates who concurred that said condition is unsafe and remediation is necessary, and

WHEREAS, Henry Vitale prepared a written certification in accordance with N.J.A.C. 5:30-11.9 explaining the factual circumstance justifying the issuance of the change order, which is attached hereto and incorporated herein by reference.

WHERAS, the contractor Badger Roofing Co., Inc. has submitted a change order (Change Order No. 2) for said repairs in the amount of twenty-five thousand eight hundred dollars ($25,800), and

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

WHEREAS, the aforementioned condition could not have been be foreseen at the time the specifications were written and the contract awarded, and

WHEREAS, if this problem is not addressed a substantial amount of construction will be delayed which would result in substantial increase in costs above the original contract amount and substantial inconvenience to the public would result if bidding to correct said problem were required, and

WHEREAS, extra work cannot be reasonably be effectuated by a separate bid contract without unduly disrupting the basic work or imposing adverse cost consequences, and

WHERAS, Change Order No. 2 brings the total amount of change orders to exceed the contract price by more than twenty percent (20%), and

WHEREAS, the Borough of Keyport had followed the procedures for approval of change orders if the total amount of change orders exceeds the contract price by more than twenty percent (20%) as set forth in N.J.A.C. 5:30-11.1 et seq.,

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

1. Change Order No. 2 of the Municipal Complex roof repair contract is hereby authorized for the remediation of the pediment steel on the Municipal Complex is authorized pursuant to the specifications contained the February 14, 2005 proposal from Badger Roofing to Henry Vitale for a cost not to exceed twenty five thousand eight hundred dollars ($25,800), said letter is attached hereto incorporated herein reference.

2. The foregoing award of Change Order No. 2 is subject to the written certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Badger Roofing, executing and delivering on Change Order No. 2.

3. Change Order No. 2 will be attached to the original contract.

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

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

Mr. Bergen said there is a certification by the Borough Engineer and Henry Vitale.

9. Resolution #105-06, Amend Temporary Capital Budget

WHERAS, the Borough of Keyport desires to amend the 2006 Temporary Capital Budget of said municipality by inserting therein capital projects.

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

Amendment Number 1 to the
Temporary Capital Budget of the
Borough of Keyport
County of Monmouth, New Jersey

Projects Scheduled for 2006 and
Method of Financing

Project	Estimated Cost	Capital Imp. Fund	Grants in Aid	Bond and Notes Auth.
Cass Street Standpipe Painting Project	600,000	0	0	600,000

Section II. The Borough Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of this project for the 2006 Amended Temporary Capital Budget, to be included in the 2006 Permanent Capital Budget as adopted.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

10. Resolution #106-06, Appointment of Recreation Commission Member - Marialaina Storrow

Mayor Merla announced with the advice and consent of the Council, the appointment of **Marialaina Storrow** as a Recreation Commission member to fill a five year unexpired term which will expire on December 31, 2006.

BE IT RESOLVED by the Council of the Borough of Keyport that the appointment of MARIALAINA STORROW to the Recreation Commission be and the same is hereby confirmed.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

11. Resolution #107-06, Appointment of Recreation Commission Member - Nicki Frances

Mayor Merla announced with the advice and consent of the Council, the appointment of **Nicki Frances** as a Recreation Commission member to fill a five year unexpired term which will expire on December 31, 2010.

BE IT RESOLVED by the Council of the Borough of Keyport that the appointment of NICKI FRANCES to the Recreation Commission be and the same is hereby confirmed.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

12. Resolution #108-06, Authorize Chlorine System Replacement - Water Plant

WHEREAS, in order to meet the anticipated summer water demand the Perry Street Water Treatment Plant (the "Plant") is scheduled to startup on or about April 1, 2006, and

WHEREAS, Hatch Mott MacDonald has been hired by the Borough of Keyport to engage in the engineering design and permit application services for the Plant upgrade, and

WHEREAS, Hatch Mott MacDonald reviewed the required chlorine feed rates for the current demands of the plant with the Licensed Operator and the plant staff, and

WHEREAS, Hatch Mott MacDonald reviewed the critical maintenance items required at the Plant in an effort to correct operational deficiencies using a cost effective approach, and

WHEREAS, Hatch Mott MacDonald obtained a price quote from LOC Pump & Equipment, Inc. for the upgrade of the chlorination system, which is appended hereto and made a part hereof by reference, 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 and bidding when the aggregate cost or price of a contract does not exceed $21,000.00 and, for all contracts that are less than the bid threshold of $21,000.00 but totaling 15 percent more than that amount at least two competitive quotes should be solicited, if practicable N.J.S.A. 40A:11-6.1(a), however, a contract may be awarded, without soliciting competitive quotations, if the amount of the contract is less than 15% ($3,500.00) of the bid threshold of $21,000.00 N.J.S.A. 40A:11-6.1(c), and

WHEREAS, LOC Pump & Equipment, Inc. submitted a price quote of $2,996.75 for the upgrade of the chlorination system, which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous price and other factors considered, and

WHEREAS, it is the opinion of Hatch Mott MacDonald that an upgrade of the pressurized gas chlorination system to an automatic vacuum gas system would provide a safer environment for plant operations while providing a more cost effective approach to replacing the chlorine system currently at the point as opposed to a calcium or sodium hypochlorite system, and

WHEREAS, the Plant's Licensed Operator and Borough personnel will perform the installation of the equipment, which results in a significant cost savings to the Borough, and

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

WHERAS, 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 LOC Pump & Equipment, Inc. for the upgrade of the pressurized gas chlorination system at the Perry Street Water Treatment plant to an automatic vacuum gas system for a fee not to exceed $2,996.75.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

13. Resolution #109-06, Authorize Replacement of Filter Effluent Control Valves - Water Plant

WHEREAS, in order to meet the anticipated summer water demand the Perry Street Water Treatment Plant (the "Plant") is scheduled to startup on or about April 1, 2006, and

WHEREAS, Hatch Mott MacDonald has been hired by the Borough of Keyport to engage in the engineering design and permit application services for the Plant and has determined that the four effluent filter control valves at the Plant require replacement, and

WHEREAS, as part of the Water Treatment Plant Upgrade Project to be done later this year, the effluent filter control valves were identified as a priority improvement for the Plant and their replacement prior to the upgrade project will allow for a reliable operation of the Plant in 2006, and

WHERAS, the Local Public Contracts Law, N.J.S.A. 40A:11-3 permits the Borough of Keyport to award a contract without public advertising and bidding when the aggregate cost or price of a contract does not exceed $21,000.00 and, for all contracts that are less than the bid threshold of $21,000.00 but totaling 15 percent or more of that amount at least two competitive quotes should be solicited, if practicable, N.J.S.A. 40A:11-6.1(a), and

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

WHEREAS, the matter was referred to Hatch Mott MacDonald who obtained seven competitive price quotes for the above mentioned replacement, which are appended hereto and made a part hereof by reference, and

WHEREAS, Quality Controls, Inc. submitted a proposal, in the amount of $7,500.00 for four (4) replacement effluent filter control valves (parts only), which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, and

WHEREAS, authorization for the installation of the effluent filter control valves will be made at a later date once the Borough receives quotes for same, 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 Quality Controls, Inc. for four (4) replacement effluent filter control valves (parts only) for a sum not to exceed $7,500.00.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

14. Resolution #110-06, Authorize Clarifier Drive Replacement - Water Plant

WHEREAS, in order to meet the anticipated summer water demand the Perry Street Water Treatment Plant ("the Plant") is scheduled to startup on about April 1, 2006, and

WHEREAS, Hatch Mott MacDonald has been hired by the Borough of Keyport to engage in the engineering design and permit application services for the Plant and has determined that the clarifier drive at the plant requires replacement, and

WHEREAS, in the past, the Borough has experienced intermittent failures of the drive sprocket/pinion connection, which was temporarily remedied in May 2005. These failures resulted in a total shutdown of plant operations requiring expensive emergency service calls, and

WHEREAS, as part of the Water Treatment Plant Upgrade Project to be done later this year the clarifier drive was to be replaced, however the immediate replacement of the clarifier drive prior to the upgrade project will allow for a reliable operation of the clarifier unit in 2006, 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 and bidding when the aggregate cost or price of a contract does not exceed $21,000.00 and, for all contracts that are less than the bid threshold of $21,000.00 but totaling 15 percent or more of that amount at least two competitive quotes should be solicited, if practicable, N.J.S.A. 40A: 11-6.1(a), and

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

WHEREAS, the matter was referred to Hatch Mott MacDonald who obtained three competitive price quotes for the above mentioned replacement, which are appended hereto and made a part hereof by reference, and

WHEREAS, GMH Associates of America submitted a proposal, in the amount of $14,094.62 for the clarifier drive replacement, which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, and

WHEREAS, it is the opinion of Hatch Mott MacDonald that the immediate replacement of the clarifier drive will allow for a reliable operation of the clarifier unit in 2006, and

WHEREAS, the GMH Associates of America proposal details a remanufactured drive unit that can be delivered and installed prior to plant startup, and comes with a full two (2) year warranty, 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 GMH Associates of America for the clarifier drive replacement at the Perry Street Water Treatment Plant for a sum not to exceed $14,094.62.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick
Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

15. Resolution #115-06, Authorize Replacement of Tank Level Radio Telemetry System

WHEREAS, in order to meet the anticipated summer water demand the critical operational repairs to the water system are required prior to startup on or about April 1, 2006, and

WHEREAS, Hatch Mott MacDonald has been hired by the Borough of Keyport to engage in the engineering design and permit application services for the Plant and has determined that phone based time pulse equipment at the Elizabeth Street and Cass Street standpipes should be replaced, and

WHEREAS, Hatch Mott MacDonald reviewed that phone bills for the Perry Street Water Treatment Plant and determined that the replacement of the existing phone based equipment with radio equipment should result in a savings to the Borough of $200.00 to

$300.00 per month, and in addition the radio system will be more reliable and accurate in the transmission of the tank levels from the water storage tanks to the Perry Street Plant, and

WHEREAS, Hatch Mott MacDonald is of the opinion that the improvements need to be completed immediately, as the signal from the Elizabeth Street Tank will be critical to the water system operation during the painting of the Cass Street Tank, 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 and bidding when the aggregate cost or price of a contract does not exceed $21,000.00 and, for all contracts that are less than the bid threshold of $21,000.00 but totaling 15 percent or more of that amount at least two competitive quotes should be solicited, if practicable. N.J.S.A. 40A: 11-6.1(a), and

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

WHEREAS, the matter was referred to Hatch Mott and MacDonald who solicited three competitive price quotes for the above mentioned replacement, which are appended hereto and made a part hereof by reference, and

WHEREAS, Allied Control Services, Inc. submitted a proposal, in the amount of $9,870.00 for the replacement of the existing phone based equipment with radio equipment, which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, 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 Allied Control Services, Inc. for the replacement of the existing phone based equipment with radio equipment for a sum not the exceed $9,870.00.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

16. Resolution #112-06, Authorize payment of $25.00 per meeting videotaping

WHEREAS, the Mayor and Council of the Borough of Keyport wish to stimulate the involvement of the citizens of Keyport in their local government, and

WHEREAS, the Mayor and Council of the Borough of Keyport wish to promote the accessibility of Borough Council meetings, and

WHEREAS, the Mayor and the Borough Council recognize that it would be in the best interest of the citizens of Keyport to videotape Borough Council meetings for local television broadcast, and

WHEREAS, the Mayor and Council of the Borough of Keyport have approved by prior resolution the videotaping of the public portion of Council Meetings,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that authorization is granted for the payment of videotaping the public portion of Borough Council meetings for local television broadcast in the amount not to exceed twenty five dollars ($25.00) for each council meeting that is videotaped.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

17. Resolution #113-06, Approve KBA using the Borough's Address

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, County of Monmouth, New Jersey that the Keyport Business Alliance (KBA) is hereby authorized to use the Borough of Keyport's address: 70 West Front Street, Keyport, New Jersey for Federal and State Reporting of their finance records/reports; and

BE IT FURTHER RESOLVED that the Keyport Business Alliance will use their Post Office Box 636 for all other business.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

18. Resolution #114-06, Authorize Final Notice on Eleanor Sappah

WHEREAS, the Mayor and Council of the Borough of Keyport issued a preliminary notice of disciplinary action to Eleanor Sappah on December 16, 2005 setting a hearing date for January 10, 2006, and

WHEREAS, on December 19, 2005 Eleanor Sappah forwarded to the Borough a written request for a public hearing on the aforementioned disciplinary action, and

WHEREAS, on January 10, 2006 Ms. Sappah attended the council meeting and requested that matter be adjourned and heard in closed session at a later date, and

WHEREAS, the Mayor and Council scheduled a hearing on Eleanor Sappah's disciplinary action on February 7, 2006, however, Ms. Sappah , again, requested an adjournment, and

WHEREAS, the Mayor and Borough Council rescheduled that hearing for February 21, 2006, however, Ms. Sappah failed to appear, and

WHEREAS, the Mayor and Borough Council provided Ms. Sappah proper notice of all hearing dates in accordance with applicable laws.

NOW, THEREFORE, BE IT RESOLVED due to Eleanor Sappah's failure to attend her disciplinary hearing it is hereby authorized by the

Mayor and Council of the Borough of Keyport that the Borough Business Administrator is to issue a Final Notice of Disciplinary Action to Eleanor Sappah removing her from employment from the Borough of Keyport for the following reasons; neglect of duty, failure to perform duties, and abandonment/resignation of employment, Ms. Sappah's removal shall be effective June 6, 2006 unless she returns to full duty with medical clearance that she is able to perform all of her job duties without restriction.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

19. Resolution #115-06, Mosquito Commission Ariel Spray

WHEREAS, the Monmouth County Mosquito Extermination Commission has requested written approval to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Keyport; and

WHEREAS, the Borough of Keyport understands that all pesticides used are registered with the NJDEP for aerial application by the State and the USEPA; and

WHEREAS, it is further understood that the areas being treated are only those found to have a significantly high mosquito population and may present either a public health nuisance or disease factor.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Monmouth County Mosquito Extermination Commission is hereby authorized to apply pesticides from aircraft to control mosquitoes over portions of the Borough of Keyport subject to the Monmouth County Mosquito Extermination Commission notifying the Keyport Police Department prior to each and every application.

Offered for adoption by Mr. Sheridan, second by Mr. Ortman

Roll Call Vote: Ayes: Councilmembers Hassmiller, Walling, Wedick Bergen, Sheridan, Ortman
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Motion to Adjourn moved by Mr. Sheridan, second by Mr. Ortman with Ayes by all present:

Time of Adjournment: 9:42 P.M.

Respectfully submitted,

Allyson M. Cinquegrana

Allyson M. Cinquegrana, RMC
Borough Clerk