

April 24, 2003
Keyport, New Jersey

Minutes of a Special 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 being called by Mayor Merla, in accordance with the Open Public Meetings Act. Notices were faxed to the Courier, Asbury Park Press, Independent and Two River Times and posted on the Bulletin Boards.

Mayor Merla called the meeting to order at 5:40 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Doyle, Green. Absent: Councilman Bergen.

DISCUSSION

1. Telephone and Data Cabling/Termination of Agreement with Tel Excel and Award to Preferred Electric. Mayor Merla advised that Tel Excel cannot perform the work and in order to keep to the New Municipal Complex building schedule, the contract has to be reassigned to another company now, that being Preferred Electric.
2. Authorize Publication of Legal Advertisements and Issue Request for Qualifications & Bids for Sale of Water & Wastewater Systems. Mayor Merla advised that this is the first step in the process toward selling the systems. He said George Sappah, Superintendent of Public Works, Thomas Fallon, Chief Financial Officer and Gerald Freda, Borough Engineer will now get involved. The infrastructure is outdated and if the systems are not sold, rates will have to be raised. The advertisement and RFP process will evaluate the systems.

RESOLUTIONS

1. Resolution #173-03, Telephone and Data Cabling/Termination of Agreement with Tel Excel and Award to Preferred Electric.

WHEREAS, the Borough of Keyport did advertise a request for proposals for the supply and installation of telephone and data cabling for the new municipal complex in accordance with the general requirements prepared by Lloyd Consultants, Inc., Red Bank, New Jersey, consultants retained by the Borough of Keyport relative to the design and installation of telecommunications and data systems within the new municipal complex; and

WHEREAS, specific proposals were received and the Borough of Keyport did award a contract for telecommunications equipment to Tel-Excel by Resolution on November 4, 2002; and

WHEREAS, it has come to the attention of the Mayor and Council that Tel-Excel is unable to complete the telecommunications equipment at the municipal Borough complex and has sought to vacate its agreement with the Borough of Keyport; and

WHEREAS, the Mayor and Council has been advised by Lloyd Consultants that Preferred Electric is prepared to complete the work called for in the initial proposal with respect to

the installation of telecommunications at the municipal complex; and

WHEREAS, Lloyd Consultants, Inc. has received and reviewed certain written proposals submitted by Preferred Electric relative to the supply and installation of telephone and data cabling within the new municipal complex; and

WHEREAS, the lowest qualified proposal was submitted by Tel-Excel, Inc., Allenhurst, New Jersey, to supply and install telephone and data cabling in the new municipal complex, including all materials and labor, for the proposed sum of Sixteen Thousand, Nine Hundred Dollars (\$16,900.00); and

WHEREAS, the bid proposal submitted may be awarded without public advertisement for receipt of formal bids pursuant to N.J.S.A. 40A 11-3 as the proposed contract is less than \$17,500.00 as required by statute for the solicitation of formal bids; and

WHEREAS, Lloyd Consultants, Inc. has recommended the replacement of Tel-Excel, Inc., who is unable to perform the contract for the installation of telephone and security; and

WHEREAS, it is the intention of the Mayor and Council of the Borough of Keyport to authorize the Mayor of the Borough of Keyport to execute a contract with Preferred Electric, Matawan, New Jersey, for the supply and installation of telephone and data cabling at the new municipal complex in accordance with the proposal submitted.

NOW, THEREFORE, be and it is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. The Mayor and Council hereby rescinds Resolution No. 353-02 awarding a contract of the installation of the telephone and security systems at the new municipal complex providing award to Tel-Excel on November 4, 2002 and to the inability of the contractor to comply with the terms of the contractual agreement.
2. The Mayor and Borough Clerk are hereby authorized to enter into a contract consistent with the proposal submitted by Tel-Excel, Inc. between the Borough of Keyport and Preferred Electric, LLC, Matawan, New Jersey, for the supply and installation of telephone and data cabling for the new municipal complex within the Borough of Keyport, County of Monmouth and State of New Jersey.
3. The within award is contingent upon the certification of the Municipal Finance Officer as to the availability of funds within the applicable bond ordinance as adopted by the Mayor and Council.
4. That Notice of Award of the within contract shall be published in a legal newspaper of the Borough of Keyport, if so required, pursuant to N.J.S.A. 40A:11-1 et seq., within 10 days.
5. Upon execution, the Borough Clerk is authorized to forward a copy of the completed executed contract to Preferred Electric, LLC, Matawan, New Jersey and to Tel-Excel, Inc. Allenhurst, New Jersey.
6. The Borough Clerk shall retain the original and fully executed copy of the contract and supporting application

on file in the office of the Borough Clerk.

7. Copies of the within resolution shall be forwarded to Preferred Electric, LLC, Matawan, New Jersey, Lloyd Consultants, Inc., Kaplan, Gaunt & DeSantis, Municipal Finance Officer and the Borough Engineer.

Offered by Mr. Doyle, seconded by Mr. Stalter

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

2. Resolution #174-03, Authorize Publication of Legal Advertisements and Issue Request for Qualifications & Bids for Sale of Water & Wastewater Systems.

WHEREAS, the Borough of Keyport ("Borough") presently owns, operates and manages a water treatment plant and transmission and distribution system and a wastewater collection system (hereinafter, the "Systems"); and

WHEREAS, the Systems date back to the late 1800's and are comprised of approximately 2900 service connections, twenty (20) miles of main, two water towers, two wells and two sewage pumping stations, serving residential and commercial customers in the Borough; and

WHEREAS, in an effort to enhance its ability to provide for the health, safety and welfare of its residents and to determine whether private operation of the Systems would provide the Borough and its users efficiencies of operation, cost savings and an enhanced technical operation of the Systems, by Resolution 370-01, the Borough authorized a consultant team consisting of legal, technical and financial advisors (hereinafter the "Project Team") to prepare and issue a Request for Qualifications/Request for Proposals ("RFQ/RFP") for the potential private operation of the Borough's Systems; and

WHEREAS, subsequent to the receipt and evaluation of the Proposals submitted in response to the RFQ/RFP, the Borough determined that it was not in the best interest of the Borough and the users of the Systems to continue to explore the potential for private operation of the Systems for a finite term, but that it may be more beneficial to sell the Systems, thereby permanently shifting all responsibility for day to day operation and management, predictive and preventative maintenance, capital improvements and regulatory compliance to a qualified firm; and

WHEREAS, by Resolution 105-03, the Borough authorized the termination of the RFQ/RFP process for the private operation of the Systems and authorized the Project Team to prepare a Request for Qualifications and Bids ("RFQ/RFB") for the sale of the Systems; and

WHEREAS, pursuant to N.J.S.A. 40:62-4, the Borough is required to adopt a resolution authorizing the sale of the Systems which sets forth a general description of the Systems, and any such conditions that the Borough shall deem advisable and thereafter advertise for bids at least six times, one a week, in one or more newspapers circulating in the Borough and at least once, not less than thirty days prior to the receipt of bids, in a newspaper or magazine devoted wholly or partly to municipal matters; and

WHEREAS, in furtherance and satisfaction of the applicable statutory provisions, the Borough desires to reaffirm the authorization set forth in Resolution 105-03 and to authorize the Project Team to finalize and issue the RFQ/RFB for the sale of the Systems and to, in consultation with the Borough Clerk, prepare and publish the necessary legal advertisements associated therewith.

NOW, THEREFORE, BE IT the same hereby resolved by the Mayor and Council of the Borough of Keyport that the Mayor and Council do hereby reaffirm the authorization set forth in Resolution 105-03 and further authorized the Project Team to finalize and issue the RFQ/RFB for the sale of the Systems and to, in consultation with the Borough Clerk, prepare and publish the necessary legal advertisements associated therewith, in satisfaction of the requirements set forth in N.J.S.A. 40:62-1, et seq; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

Offered by Mrs. Atkins, seconded by Mr. Hyer

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

ADJOURNMENT

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

Time of Adjournment: 5:45 PM

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk