Approved 11/22/05

Keyport, New Jersey
April 6, 2004

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

Mayor Merla called the meeting to order at 7:07 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Atkins, Stalter, Hyer. Others present were: Mr. Kain, Borough Attorney and Mr. Palamara, Borough Administrator.

RESOLUTIONS

1. Resolution No. 131-04, 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. Tax Collector/Treasurer
2. Construction Code Office

Litigation
1. Magic Touch vs. Borough of Keyport

Labor Relations
1. IUOE Grievance-Various Employees Salaries
2. Senior Account Clerk - Barbara Hassmiller Grievance
3. PBA Grievance
4. PBA Contract Negotiations
5. Police Department/Blocked out Dates for Requests for Leave
6. IUOE Clerical Unit - Christmas Holiday

Contract Negotiations
1. Health Services
2. New Municipal Complex
3. Water Utility

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 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 Mrs. Atkins, second by Mr. Hyer

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

Nays: None
Abstain: None
Absent: None

Council went into closed session at 7:08 P.M. and this meeting was reconvened at 8:08 P.M. On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Atkins, Stalter, Hyer.

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

ROLL CALL

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

Mayor Merla advised the public that Mary Alan fractured her back and Terry Parker had a mini stroke.

CONTINUATION OF HEARING ON TRANSFER OF LIQUOR LICENSE TO GARIBALDI RESTAURANT, 34 E. FRONT STREET 1322-33-003-007

Antonio Cruz, Attorney for applicant (Garibaldi II), introduced himself. Mayor Merla disqualified himself from the matter, a family member is named in the transcript. Mr. Kain asked that Mr. Cruz waive their appearance as there is no additional testimony. Exhibits were submitted; Lieutenant Mitchell's letter, Perth Amboy Zoning Approval. Garibaldi will do the landscaping and continue the restaurant business.

The Hearing was opened to the public at 8:12 P.M. Robin DeGracia said parents are against the liquor license being approved for this location; there is not a lot of lighting and the parking lot is unsafe. Mrs. Atkins said an opinion cannot be given until the hearing. Mr. Cruz said his client would abide by the ABC rules regarding liquor. Mike Lane, 51 First Street, said Garibaldi is a good restaurant. As far as a liquor license, the Ordinance states no live entertainment. Pre-existing live entertainment is not grandfathered. There was a prior establishment in the area and there was a lot of noise. Mr. Lane asked for Council's assurance that there will be no live entertainment. The notices that were put out were only for property owners within 200 feet.

Mr. Kain said this is a permitted use with no live entertainment in the zone. The notices were sent to property owners within 200 feet and published in the newspapers for two weeks.

There being no one else from the audience who wished to be heard, the hearing was closed to the public at 8:26 P.M.

Mr. Kain asked about Mr. Cruz's transcript and reservations. Mr. Cruz said it is the Borough vs. Garibaldi. They would like a liquor license in addition to the restaurant. It was asked if there is any reasonable conditions attached to the license. Mr. Kain said the conditions would be lighting on the property (not intrusive to the neighbors), additional security and two years to not sell package or bulk goods.

Chief Gajewski asked if Mr. Reedy was in the audience? No. Lieutenant Mitchell did not have a recommendation stating there

is no reason to not allow the transfer. Garibaldi right now has "Bring Your Own Bottle" and there is no control, but a liquor license would allow control. Mr. Atkins asked if the Police Department has been contacted regarding any problems since the last meeting; there have not been any problems. Mr. Bergen asked if the Police have investigated the matter and if there was anything criminal; no. Mr. Cruz said the Police Department conducts a comprehensive investigation. Mr. Bergen said there is no court reporter in attendance this evening and if the transcript accurately depicts the hearing. Mr. Kain said the applicant appeared 15 minutes ago. Mr. Bergen asked if the lighting would be done; Mr. Cruz said it could be incorporated into the landscaping upon receipt of transfer.

Mayor Merla said Council has heard from the Public, Police and Applicant. This matter will be listed on the April 19th agenda. This matter ended at 8:34 P.M.

APPROVAL OF MINUTES

Minutes of the Regular Meeting of February 17, 2004 and Closed Meeting of February 17, 2004 were approved as read on motion of Mr. Hyer, second by Mr. Doyle with Ayes by all present.

Minutes of the Work Meeting of February 4, 2003 were approved as read on motion of Mr. Hyer, second by Mrs. Atkins with Ayes by all present.

HEARING ON ORDINANCES

1. Ordinance No. 3-04, Amend Chapter XIII, Section 13-5 (New) Fire Lanes.

The Clerk reported that the Ordinance was published as introduced, in the Courier, issue of March 8, 2004 that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER XIII, FIRE PREVENTION

The Hearing was opened to the public for comments or questions at 8:35 P.M. There being none, the Hearing was closed to the public at 8:35 P.M.

Offered for adoption by Mrs. Atkins, second by Mr. Wedick

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of April 8, 2004 moved by Mrs. Atkins, second by Mr. Doyle with Ayes by all present.

2. Ordinance No. 4-04, "CAP" Ordinance to Exceed Index rate

The Clerk reported that the Ordinance was published as introduced, in the Courier, issue of March 8, 2004 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:

"CAP" ORDINANCE TO EXCEED INDEX RATE; INDEX RATE LESS THAN 5% LIMITATION FOR THE YEAR 2004 (NJSA 40a:4-45.14)

The Hearing was opened to the public for comments or questions at 8:36 P.M. Mike Lane, First Street, asked how much the Borough is exceeding the rate by. Mr. Bergen said the Borough would be at CAP - 5%; there are some items outside the CAP. The Borough could cut items out of the budget to stay at 2.5%, but it cannot be done to operate the Borough. There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:37 P.M.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
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 April 8, 2004 moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance No. 5-04, Bond Ordinance Amending Ordinance No. 8-03, Reconstruction of Therese Street, Appropriating an Additional $150,000.00

The Clerk reported that the Supplemental Debt Statement was filed with her office prior to the introduction.

The Clerk read the Ordinance by Title:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 8-03 (WHICH PROVIDES FOR THE RECONSTRUCTION AND RESURFACING OF THERESE STREET) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON APRIL 1, 2003, AS AMENDED AND SUPPLEMENTED, TO THEREIN INCREASE THE APPROPRIATION TO $650,000, TO THEREIN INCREASE THE AUTHORIZATION OF BONDS OR NOTES TO $428,500 AND TO THEREIN INCREASE THE DOWN PAYMENT TO $21,865

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

SECTION 1. The Bond Ordinance of the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on April 1, 2003, numbered 8-03 and entitled, "BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND RESURFACING OF THERESE STREET, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $500,000 (INCLUDING A MONMOUTH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF $199,635) THEREFOR AND AUTHORIZING THE ISSUANCE OF $286,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF" (the

"Original Ordinance"), which Original Ordinance is hereby amended and supplemented to the extent and with the effect as follows:

SECTION 2. For the Improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, there is hereby appropriated the additional sum of $150-,000, said sum to be inclusive of $7,500 as the amount of an additional down payment required by the Local Bond Law, NJSA 40A:2-1 et. seq. (the "Local Bond Law"), which down payment is now available therefore by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to $650,000 including the sum of $21,865 as the total down payment available therefore and a Monmouth County Community Development Block Grant originally appropriated in the Original Ordinance and to be received in the amount of $199,635 (the "Grant").

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the additional down payment or the Grant, additional negotiable bonds or notes of the Borough in the amount of $142,500 are hereby authorized to be issued by the Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvement or purpose stated in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to $428,500.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose stated in the Original Ordinance, as amended and supplemented hereby, is equal to $428,500.

(c) The estimated cost of the improvement or purpose stated in the Original Ordinance, as amended and supplemented hereby, is equal to $650,000.

SECTION 4. The Capital Budget of the Borough is hereby amended, as necessary to conform with the provisions of this amendatory and supplemental bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of community Affairs (the "Director of the Division of Local Government Services"), will be on file in the Office of the Clerk and will be available for public inspection.

SECTION 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and 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 for in this amendatory and supplemental bond ordinance by $142,500 and the said obligations authorized herein will be within all debt limitations prescribed by law.

(b) For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of $40,000 is hereby included for the items of expense listed in and permitted under NJSA 40A:2-20, making the total amount for such items of expense $140,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 6. The Borough reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, with the proceeds of such bonds or notes. No funds from sources, other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 6 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2 and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, used to reimburse the Borough for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditure of bond proceeds, "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue or (iii) to reimburse the Borough for any expenditure of payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1 (e)). The bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, to reimburse the Borough for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, will be issued in an amount not to exceed $428,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 7. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended and supplemented hereby.

SECTION 8. Except as expressly amended and supplemented hereby, the Original Ordinance shall remain in full force and effect.

SECTION 9. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

The Clerk was advised to notice the residents of Therese Street.

Offered for adoption by Mr. Hyer, second by Mr. Stalter

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

1a. Motion authorizing the Borough Clerk to publish the Ordinance as introduced in the Courier, issue of April 8, 2004 for a Hearing to be held on April 19, 2004 moved by Mrs. Atkins, second by Mr. Doyle with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from John Connell regarding Charter Fishing Boat Lease and requirement of Performance Bond.

   Mr. Wedick said there was another bidder. If a Performance Bond was required, the matter should be rebid with the standards.

   Motion to refer this matter to the Harbor Commission moved by Mr. Hyer, second by Mr. Wedick with Ayes by all present.

2. Request from Kimber Petroleum for release of Performance Guarantees, Block 53, Lot 3, Exxon Station/Convenience Store.

   Motion to refer to Birdsall Engineering moved by Mr. Bergen, second by Mr. Stalter with Ayes by all present.

3. Request from Keyport Kiwanis Club to use Firemen's Parking Lot for Flea Markets, April 4th to the last Sunday of December 2004.

   Mr. Hyer said the Special Events Committee reviewed this request. This event should be moved back to the water side. Mr. Hyer said he spoke with Mr. Hansen. The Insurance Certificate is forthcoming to the Special Events Committee.

   Motion to Approve moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

4. Request from Clean Ocean Action to hold 19th Annual Spring Beach Sweeps on Saturday, April 24, 2004.

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

5. Request from True Jesus Church, Elizabeth, to hold Church Baptisms at Cedar Street and Benjamin Terry Park beaches on April 18th and August 29, 2004 from 9 AM to 11:30 AM.

   A Certificate of Insurance would be required and the Police should be notified.

   Motion to refer this matter to the Special Events Committee moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

6. Resolution adopted by the Township of Bordentown concerning "Property Tax Reimbursement Program".

   Motion to Receive and File moved by Mr. Wedick, second by Mr. Stalter with Ayes by all present.

7. Resolution adopted by the Township of Aberdeen requesting the State Legislature change the system which property tax bills are sent.

   Motion to Receive and File moved by Mr. Wedick, second by Mr. Doyle with Aye by all present.

8. Resolutions adopted by the Borough of Tinton Falls and Borough of Englishtown requesting modifications to the Notification Procedures and Requirements of Megan's Law.

   Motion to refer to the Police Committee moved by Mr. Hyer, second by Mr. Stalter with Ayes by all present.

UNFINISHED BUSINESS

1. **Memo from Police Chief Gajewski regarding KBA Bicycle Race.** The route was changed. Motion to Approve the change moved by Mr. Hyer, second by Mr. Doyle with Ayes by all present.

ADMINISTRATOR'S REPORT

Mr. Palamara reported on the Payment of Bills of March 31, 2004: Current Account - $155,606.22, Water and Sewer - $16,700.67 and General Capital - $400,258.36.

ENGINEER'S REPORT

Engineer Freda reported on the following. There will be a Preconstruction Meeting /Therese Street Project on April 16th and the residents will be able to speak on April 14th. The Construction will start in May. Atlantic Street and the 2004 Road Program (in design for streets that were decided). Bids will be received on April 15th. The Bulkhead and Marina Expansion will be held until the DEP issues its permits.

Mayor Merla asked about the piles. They need borings to the end of the pier. Engineer Freda said this would be subcontracted. There will be other professionals to do soundings. The Army Corps of Engineers has findings and a map of the soundings. It was asked if there are "as builts" for the existing pier; Engineer Freda said he would speak with Mr. Sappah. Mr. Bergen asked if there would be a second story put on; there were approvals for the back to be built, in kind. The Public Works Facility should be advertised. The residents in the area have met.

Engineer Freda said he has submitted two proposals on the sanitary sewers with a subcontractor price from Oswald Sewer. The revised proposal that will save the Borough $50,000 will be forwarded. Mr. Hyer said this includes Beers Street between the corner lots. The Mayor asked if Beers Street would be addressed first and then look at vacating it; the DOT may contribute. Engineer Freda said if the area is vacated, Beers Street should be made an alternate and Waverly put in.

ATTORNEY'S REPORT

Attorney Kain reported on the following. A decision has been made in the Magic Touch case; the Summary Judgment is in favor of the defendants.

NEW BUSINESS

1. **Borough Administrator Position.** Mr. Wedick said he was not at the last Council meeting and the majority made an appointment. Mr. Wedick said the Agenda did not list an Appointment and he thought the Committee was still working on the matter. He said he thought the resumes were distributed to the full Council which was not the case; a Committee was formed. Mr. Wedick said he did not have any say on this matter. There is a promise of a Contract vs. State Statute. He would have liked to review the four resumes submitted. He was admonished by the Mayor for going to the newspapers.

   There were two interviews held in person (1/2 hour each) and one via telephone conference (5 minutes). The first and second candidates did not have qualifications for the position. The third candidate had one year experience as an Administrator (MBA and Science Degree) and did not need medical benefits ($60,000-$65,000 annually). The appointment is foregone and the conclusion is the vote was done along party line; full inquiries were made by all. Mr. Wedick said he would speak with anyone he wants to.

2. **Flag Pole.** Mr. Doyle said he gathered information for a flag pole in front of the New Municipal Complex. Engineer Freda said the Borough would have to get the County's approval. Engineer Freda, Mr. Doyle and Administrator Palamara will work on the location and consult with the Architect also. Mrs. Atkins said the American Legion will pay for the flag pole.

3. **Alcohol Awareness.** Mrs. Atkins reminded everyone April is Alcohol Awareness Month and no one should drink and drive, etc.

4. **Cablevision.** Keansburg's Mayor has advised that their contract with Cablevision will expire.

5. The United Way of Monmouth County has payroll deduction.

6. **Jersey Shore Conference.** Mayor Merla said Keyport and Henry Hudson High School's football teams, band and other activities and programs are not permitted to participate in the Jersey Shore Conference. There will be a joint resolution passed opposing this action.

7. **Manasquan User's Group.** Mayor Merla said a notice was received regarding a Manasquan User's Group settlement. Matawan did not participate and they received a dollar share.

8. **Livable Communities Grant.** Senator Kyrillos sent a supportive letter on Keyport's behalf to the DEP for the Therese Street Grant Application ($68,000). The next cycle will be June/July.

9. **Broad Street Traffic.** A resident was concerned with the traffic on Broad Street. This was referred to the Police Chief.

   There was an Article in the newspaper from Jack Jeandron, Historian

   A letter was received from the Bureau of Safe Drinking Water (Well 7 and 8).

   A letter was received from Assemblyman Samuel Thompson regarding the 2004 Historical Trust Grant; application must be received by May 11, 2004. This was referred to Mr. Doyle.

The Restoration Loan did not pan out.

Raymond Laughlin requested a waiver on the Landlord Registration Form from Anthony Vecchio. Mr. Kain will research the matter.

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:24 P.M. Ed Burlew, 59 West Front Street, asked if there were hours for the parking lot in the back of his property. Chief Gajewski said he would have to check the parking Ordinance. Almost all of the residents have access to the back of their yard. Mr. Burlew said some businesses have apartments with tenants and asked where they are suppose to park especially on Tuesdays and Fridays when the streets are being cleaned (there is no parking 6-8 AM). Most tenants park on West Front Street after 11 P.M. Mr. Wedick asked if there were tenants over the Bulkhead Bar and Grille; the Ordinance has some exceptions. Mr. Burlew said there has been selective ticketing to out of towners. Mr. Bergen said this should be referred to the Police Committee. Mr. Burlew asked why the streets are being cleaned two times a week and the KBA also cleans the streets in the business district. Mayor Merla said it is done to keep the streets clean, the businesses are doing things they should not be doing. The owner of the Holmdel/Aberdeen car service asked about no parking on West Front street on Tuesdays and Fridays for street sweeping. Mr. Wilcox has his accounting business at 59 West Front Street and he needs to park two cars and parking is a problem if he is not permitted to park in the back lot. Mr. Wilcox said he has received and paid parking tickets.

Mr. Wedick said circulation in parking is a problem and the Borough and KBA needs an opportunity to look at the whole picture and put a recommendation together. Mr. Stalter asked if the tickets are being written on the 2nd day of sweeping; Mr. Burlew said yes and people are being targeted with the ticketing.

A Business Owner at 69 Maple Place asked about receiving Borough Parking Permits. The parking permits are for residents that do not have driveways. Most people know when the parking enforcement officer is coming and they move their cars.

George Walling, 54 Second Street, asked about Brian Mullen. Mr. Kain said he has not received a response yet and will follow up on this matter. With regard to the Administrator, he asked if the Committee met on Monday; the Mayor and Mr. Hyer did. Mrs. Atkins said she and Mr. Doyle interviewed one of the applicants. Mr. Walling asked if Mrs. Atkins sat in on the interview held Monday; Mrs. Atkins said no, she had another meeting. Mr. Walling asked about Mr. Palamara's qualifications, salary, use of a car or car allowance. Mr. Hyer said some applicants asked for use of a car. Mayor Merla said some wanted use of a Borough vehicle and other requested reimbursement for gas and mileage. Mr. Bergen asked if there would be a contract. Mr. Kain said there will be a Resolution to execute the contract on the April 19th Agenda. Mr. Walling asked about the qualifications and if they satisfy the requirement? Yes. He asked if the matter could be shared with the public? Yes. Mr. Walling said Robert Burlew has office hours on Tuesdays and Thursdays for the Building department and he has a Borough vehicle. He said he saw Mr.

Burlew at a bagel shop. Mrs. Atkins said Mr. Burlew makes inspections all of the time. Mr. Bergen asked Administrator Palamara to find out how many Borough vehicles there are and who uses them.

Mike Lane, First Street, asked about sewer infiltration and if there are 24 hour flow readings and if they are done at night. Mr. Bergen explained how the BRSA bills the Borough and what could cause the problems. Engineer Freda said the testing should be done at night; it would be a waste to do an Inflow and Infiltration study. The system is old. Mr. Hyer advised Mr. Lane to speak with George Sappah about this. Mr. Bergen asked if there was a surcharge on the sump pumps. Mr. Lane asked for an update on the Kara Homes property swap. There is nothing new. Mr. Lane recommended selling the property and putting it on the tax rolls. Mr. Lane asked about the "CAP" increase which allows a municipality to exceed the 2.5%. A CAP Ordinance allows for an increase up to 5%. Mr. Lane asked if the Borough has used up the CAP Bank; Mr. Bergen said yes and the Borough will be going higher than 5%. The Capital Budget would not result in an tax increase. Mr. Bergen said the debt service is 2 cents. Old debt goes and new debt comes in. There are projects that will take place on the waterfront. Mr. Bergen said there is no money available for projects except bulkheading. Council must decide what is put down there. The Borough needs a down payment for projects to be included in the budget. CFO Fallon should be asked about the Bond Ordinance done in 2003. There was an 11% increase in salaries and wages (a major part is the Police salaries and overtime). The numbers may have to be reworked and staff cut.

Mr. Bergen said if there is no discretionary aid received, then there will be lay offs. Surplus is revenues not anticipated (actually collected). The Borough will cancel appropriate reserves.

Rowland Seckinger extended an invitation to the Fire Museum's first annual picnic to be held on Sunday, April 25th.

Mr. Walling said with regard to Mr. Palamara, there were quotes in the newspaper article. Mr. Walling asked Mr. Hyer how many fire companies there are in Atlantic Highlands and how many on the Police force; Mr. Hyer said he did not know.

Mrs. Atkins reminded everyone that there will be a Monmouth County Community Development Meeting for Public Input on April 15th at 6:30 P.M.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 10:25 P.M.

RESOLUTIONS

2. Resolution No. 132-04, Appointment of School Crossing Guard Sonia Perno

WHEREAS, on March 16, 2004 the Mayor and Council accepted the resignation of Sonia Perno as a School Crossing Guard effective March 26, 2004; and

WHEREAS, Police Chief Theodore Gajewski has advised that Ms. Perno has had a change in plans and will be staying on as a School Crossing Guard; and

WHEREAS, funds are available in the 2004 budget for this position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Sonia Perno is hereby hired as a part time School Crossing Guard, at the hourly rate now in effect for the position, retroactive to March 16, 2004.

BE IT FURTHER RESOLVED that since this is a part time position, there are no benefits.

BE IT FURTHER RESOLVED that the maximum hours of work are not to exceed 28 hours per week.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

3. Resolution No. 133-04, Resolution to Change Signatories on Bank Accounts - Wachovia Bank

Full copy of Resolution is attached hereto and made part of these minutes.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

4. Resolution No. 135-04, Resolution to Change Signatories on Bank Accounts - First Union

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

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

5. Resolution No. 136-04, Authorize Execution of Contract for Improvements to Therese Street/Ace Manzo, Inc. and D. Manzo and Sons, Inc.

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for improvements to Therese Street, consisting of full road repavement, installation of curbs, sidewalks, driveway aprons and handicapped ramps together with the removal and replacement of the water main on Therese Street based in part upon a grant received from the Community Development Block Grant Program to the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on December 30, 2003 at the Borough Hall, Keyport, New Jersey consistent with the advertised Notice to Bidders; and

WHEREAS, based upon a review of the bids submitted, Ace Manzo, Inc., and D. Manzo & Sons, Inc. were awarded the contract by the Borough of Keyport based upon their low bid submission in the gross amount of Four Hundred and Ninety Nine Thousand, Seven Hundred and Eighty Six Dollars and 50 Cents ($499,786.50), which constituted the lowest responsible bid received pursuant to the specifications proposed which specifications contain the full nature and scope of the work to be performed; and

WHEREAS, the Mayor and Council desire to authorize the Mayor to execute a contract between the Borough of Keyport and Ace Manzo, Inc., and D. Manzo & Sons, Inc. based upon their low bid submitted, subject to the Certification of the Municipal Finance Officer as to the availability of funds for the within project and further subject to the approval of the contractor and any additional conditions imposed by the Department of Community Development.

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

1. The Mayor and Council hereby authorize the Mayor and Borough Clerk to sign a contract for Therese Street Improvements for various roadway improvements including full road repavement, installation of curbs, sidewalks, driveway aprons and handicapped ramps together with the removal and replacement of the water main on Therese Street in the gross amount of Four Hundred and Ninety Nine Thousand, Seven Hundred and Eighty Six Dollars and Fifty Cents ($499,786.50), with Ace Manzo, Inc. and D. Manzo & Sons, Inc., Aberdeen, New Jersey upon certification of the availability of funds by the Municipal Finance Officer and subject to review, approval and the satisfaction of any conditions imposed by the Department of Community Affairs.

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

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

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

6. Resolution No. 137-04, Authorize Addendum to Engineer Contract/ 2004 Fee Schedule

WHEREAS, The Mayor and Council of the Borough of Keyport have previously appointed Gerald J. Freda, P.E., Birdsall Engineering, Inc., Borough Engineer for the Borough of Keyport pursuant to a Resolution duly adopted by this Governing Body on or about January 1, 2002; and

WHEREAS, the Borough Engineer has submitted a revised fee schedule to become effective as of January 1, 2004 which the parties agree shall be an addendum to the within contract which shall fix and determine fees charged by the Borough Engineer; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed a proposed fee schedule which has an effective date of January 1, 2004 as an addendum to the within contract between the Borough of Keyport and the Borough Engineer; and

WHEREAS, the Mayor and Council are resolved to authorize the Mayor to execute the within fee schedule as an addendum to the current contract with the Borough Engineer.

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

1. The Mayor is hereby authorized to execute an Addendum to the Contract for Engineering Services with Gerald J. Freda, P.E., Birdsall Engineering, Inc., which shall incorporate the current fee schedule to be effective as of January 1, 2004.

2. Upon execution, a signed copy of the addendum incorporating the revised fee schedule shall be forwarded to the Borough Engineer and Municipal Finance Officer.

3. Copies of the within Resolution shall be forwarded to the Borough Engineer and Municipal Finance Officer and a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

7. Resolution No. 138-04, Appointment of Tax Collector/Treasurer, Tax Searcher and Collector of Water/Sewer Utility Rents

WHEREAS, Pauline Redmond has retired after over 27 years of service to Keyport and its residents creating a vacancy in the positions of Tax Collector, Treasurer and Searcher of Assessments; and

WHEREAS, 40A:9-141, et seq requires the Borough of Keyport to have a state certified Municipal Tax Collector; and

WHEREAS, Keri R. Stencel is a New Jersey Certified Tax Collector who also has experience in municipal water and sewer billing and also has experience in many other financial and customer related activities.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, in the County of Monmouth, State of New Jersey that the appointment of Keri R. Stencel, CTC as Tax Collector is made for the statutory ending December 31, 2008 at a salary of $40,000 for 2004, prorated from the date of her full time employment at Keyport.

BE IT FURTHER RESOLVED that she is also appointed Tax Search Officer and Official Collector of Water & Sewer Utility Rents for the unexpired term ending December 31, 2004. Compensation for these positions is included in her annual salary as Tax Collector.

BE IT FURTHER RESOLVED that she is also appointed Municipal Treasurer for the unexpired term ending December 31, 2004 at a salary of $10,000 for 2004, prorated from the date of her full time employment at Keyport.

BE IT FURTHER RESOLVED that she will be eligible for medical coverage as provided for other employees effective may 1, 2004.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

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

Nays: None
Abstain: None
Absent: None

8. Resolution No. 139-04, Payment of Bills

See full copy of Resolutions as pages 14-16 of these minutes

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

9. Resolution No. 140-04, Temporary Capital Budget Amendment

WHEREAS, the Borough of Keyport desires to constitute the 2004 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:

Section 1. The 2004 Temporary Capital Budget of the Borough of Keyport is hereby constituted by the adoption of a schedule to read as follows:

Temporary Capital Budget of the Borough of Keyport, County of Monmouth, New Jersey

Projects Scheduled for 2004 and Method of Financing

Project	Estimated Cost	Capital Imp. Fund	Grants in Aid	Bonds & Notes
Supplemental Appropriation Improvements to Therese Street	$150,000	$7,500	0	$142,500

Section 2. 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 2004 Temporary Capital Budget, to be included in the 2004 Permanent Capital Budget as adopted.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

10. Resolution No. 141-04, Authorize the Borough to Apply for Full Membership in the Monmouth County Regional Board of Health Commission #1

WHEREAS, the Borough of Keyport has previously obtained public health services through an agreement with Matawan Borough in which certain public health services were provided to the Borough of Keyport; and

WHEREAS, the Borough of Keyport has received written confirmation that the Borough of Matawan will terminate the Health Service/Interlocal Agreement with the Borough of Keyport effective June 30, 2004; and

WHEREAS, the Borough of Keyport has obtained a detailed written proposal from the Monmouth County Regional Health Commission No. 1 to provide health services to the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council have reviewed the service plan proposed as well as the proposed costs to provide the services as presented by the Monmouth County Regional Health Commission No. 1 and determined the proposal to be in the best interest of the Borough of Keyport; and

WHEREAS, the Mayor and Council are inclined to solicit full membership in the Monmouth County Regional Health Commission No. 1 subject to the further consent of the Keyport Board of Health which has reviewed and considered this proposal; and

WHEREAS, the initial term as mandated under State law would be for two years and require the execution of an Interlocal Services Agreement between the Borough of Keyport and the Monmouth County Regional Health Commission No. 1 to provide the within services; and

WHEREAS, the Mayor and Council desire to authorize the Mayor to execute an Interlocal Services Agreement with the Monmouth County Regional Health Commission No. 1 subject to the review and consent of the Board of Health.

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

1. The Mayor and Council hereby authorize that the Borough of Keyport seek full membership in the Monmouth County Regional Health Commission No. 1 effective July 1, 2004 subject to the review of the Keyport Board of Health.

2. Upon application, the Mayor and Borough Clerk are hereby authorized to enter into an Interlocal Services Agreement with the Monmouth County Regional Health Commission No. 1 for a period of two (2) years and to further execute all documents necessary to seek full membership within the Commission.

3. Copies of the within Resolution shall be forwarded to Annette Kovacs, President, Keyport Board of Health, Sidney M. Johnson, Health Officer, Monmouth Regional Health Commission No. 1, Paul Roman, President, Monmouth County Regional Health Commission No. 1 and to the Municipal Finance Officer and a copy shall be retained in the Office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle
Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

11. Resolution No. 142-04, Deny Barbara Hassmiller's Grievance

WHEREAS, the Mayor and Council of the Borough of Keyport did hear and consider the grievance of Barbara Hassmiller as to the issue of sick, vacation and personal days claimed by the employee when she was employed as a part time employee of the Borough of Keyport as presented through her representative; and

WHEREAS, the Mayor and Council have reviewed the applicable ordinances of the Borough of Keyport and policies established by the Borough of Keyport with respect to part time employees and have determined that part time employees are not entitled to vacation, sick or personal days; and

WHEREAS, the Mayor and Council of the Borough of Keyport have further considered that the employee was not a member of a collective bargaining unit at the time of her part time employment with the Borough of Keyport and further not entitled to any benefits as a member pursuant to any agreement between the Union and the Borough of Keyport; and

WHEREAS, the Mayor and Council have further determined that the within grievance is not timely based upon the terms of the present Collective Bargaining Agreement with Local 68 which presently represents the employee.

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

1. The Mayor and Borough Council hereby deny the grievance of the employee, Barbara Hassmiller, as to any and all claims for vacation, personal or sick time benefits, credit or reimbursement during that period where the employee was employed by the Borough of Keyport in a part time position.

2. The Mayor and Council conclude that the Revised Borough Ordinances of the Borough of Keyport and the policies established by the Borough of Keyport do not provide for the payment of benefits to part time employees.

3. The Mayor and Council did hear and consider the within grievance, but further conclude from the facts presented that the within grievance is not timely filed based on the current Collective Bargaining Agreement.

4. Copies of the within Resolution shall be forwarded to Barbara Hassmiller, Michael Gann, Local 68 and a copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

Offered for adoption by Mr. Wedick, second by Mrs. Atkins

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle Atkins, Stalter, Hyer
Nays: None
Abstain: None
Absent: None

ADJOURNMENT

Motion to Adjourn moved by Mr. Stalter, second by Mrs. Atkins with Ayes by all present.

Time of Adjournment: 10:28 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC
Borough Clerk

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk