Keyport, New Jersey
May 16, 2006

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

Mayor Merla called the meeting to order at 7:49 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. Ebner, Borough Attorney and Mr. Antonucci, Borough Administrator.

RESOLUTION

1. Resolution #168-06, 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. Special Officer 1/Parking Enforcement Officer
2. Department Head Meeting
3. Police Captain Position
4. Administrator

Litigation

Labor Relations

1. Step #3 Grievance/Sgt Gallo

Contract Negotiations

1. Telephone System
2. School Budget

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

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

Personnel, Labor Relations and Contract Negotiations

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

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

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

Council went into Closed Session at 7:49 P.M. and this meeting was reconvened at 8:42 P.M.

Mayor Merla called the meeting to order at 8:46 P.M. and read the Sunshine Law Notice. Councilman Sheridan 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. Ebner, Borough Attorney, Mr. Norbut, Borough Engineer and Mr. Antonucci, Borough Administrator.

APPEARANCE AND DISCUSSION

1. Kenneth Marra, New Energy Concepts, LLC (Gas and Electric). The Mayor said this will be listed on the June 5th Agenda.

HEARING ON ORDINANCE

1. Ordinance No. 8-06, Authorize Special Emergency Appropriation for the Preparation of an approved Tax Map and Complete Revaluation of Real Property

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of May 4, 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 read the Ordinance by Title:

ORDINANCE
AUTHORIZING SPECIAL EMERGENCY APPROPRIATION FOR THE PREPARATION OF AN APPROVED TAX MAP AND COMPLETE REVALUATION OF REAL PROPERTY PURSUANT TO N.J.S.A. 40A:4-53

The Hearing was opened to the public for comments or questions at 8:48 P.M. Mike Lane asked about the funds. Mr. Bergen replied that we have funds for two items, the Tax Maps and Revaluation. This will be financed for 5 years. A firm will be hired to conduct the revaluation. Any remaining money can be cancelled. Mr. Lane asked if it was a competitive bid; no, it is an Engineering service. Mr. Bergen said there are a few engineers working for the Borough and we can use their expertise. T & M Associates and Hatch Mott are our engineers. Mr. Lane said the Borough should work on a committee. He asked how the data from past Planning Board action is given on revaluation. He asked if the Tax Map reflects the merged lots; yes, it is supposed to. Mr. Norbut said the State does not look into that much detail. Mr. Bergen said the Borough is looking into digitizing the maps. Mr. Lane said Planning Board and the Governing Body should work together. Mr. Ludwig said the County merges the lots. There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:54 P.M.

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

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 May 18, 2006 moved by Mr. Bergen and seconded by Mr. Wedick with Ayes by all present.

2. Bond Ordinance No. 9-06, Warren Street and Coluco Place Improvements

The Clerk reported that 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 May 4, 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 read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF WARREN STREET AND COLUCO PLACE AND DRAINAGE IMPROVEMENTS TO GREEN GROVE AVENUE IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY, APPROPRIATING $525,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $375,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF 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, New Jersey (the "Borough") as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of $525,000, including a grant in the amount of $150,000 from the New Jersey Department of Transportation (the "NJDOT Grant"). No down payment is required pursuant to N.J.S.A. 40A:2-11(c) as the improvement or purpose described in Section 3 is being partially funded by a State grant.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the NJDOT Grant, negotiable bonds are hereby authorized to be issued in the principal amount of $375,000 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 reconstruction of Warren Street and Coluco Place and drainage improvements to Green Grove Avenue from Warren to Third Street, 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 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 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 ordinance, is 20 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 $375,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding $125,000 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.

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.

The Hearing was opened to the public for comments or questions at 8:55 P.M. There being none, the Hearing was closed at 8:55 P.M.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of May 18, 2006 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

REPORTS OF COMMITTEES

Councilman Hassmiller; Fire: Mr. Hassmiller reported on the following. There were 914 man hours for the month of March; 21 fires. A Fire Truck proposal has been received and the Fire Committee must meet on this matter. Mr. Regan asked that this be budgeted in the Fire Department line item for 2006.

Councilman Walling; Public Works/Recycling/Property Maintenance: Mr. Walling reported on the following. The Property Maintenance Officer has 44 field hours; Tim is doing a great job. With regard to the Department of Public Works, the waterfront is in great shape. With regard to the Harbor Commission, there is a new Hot Dog Lease before Council (it is a new vendor this year).

Councilman Wedick; Police: Mr. Wedick reported on the following. He read the Police Chief's April report. In April 2006 there were 884 calls for service. The Police Department received $29,053.00 from the State through Safe and Secure Grant.

Councilman Bergen; Finance and Redevelopment: Mr. Bergen reported on the following. The Budget has been discussed.

Councilman Sheridan; Library/Recreation and Parks: Mr. Sheridan reported on the following. There will be a new sign put up at the Library by Memorial Day and donated by Tom Romond. There will be a Preschool through 8th Grade reading program. The Bayshore Regional

Watershed has dredged materials from Pedersen's Marina. The 5K Race looks to be feasible in the fall. The Recreation Commission outdoor movie night will be held on July 8th. There will be a donation in writing for the Mayor and Council to accept.

Councilman Ortman; Buildings & Grounds/Health: Mr. Ortman reported on the following. There will be a Health meeting next week. Regarding Buildings and Grounds the water tower scaffolding is not up. Mr. Sheridan asked what color would the Water Tower be and the answer was a tan background.

Administrator Antonucci: Mr. Antonucci reported on the following. Mr. Antonucci read the May 8th Payment of Bills. The Community Development Block Grant for Cedar Street Park meeting was last week. There will be a Citizen Participation meeting in a few weeks. There will be a notice on the water tower district by the Department of Public Works. On June 3rd at 10:00 A.M. there will be a Department of Public Works sale. Regarding the Water Tower, the weather is affecting the blasting, so it has been delayed. The Contractor is ready to go and the paperwork is in order. Regarding to the Bulkhead there has been a status quote. There was a meeting at T&M on the Atlantic Street and Third Street projects on May 9th. The pits on Third Street will be tested next week. A bid for Warren Street was received on May 9th for the Bump Out and reconstruction. Mr. Bergen said to take the Bump Out to Don Norbut and Change the Order. Regarding the Gazebo, we are trying to make it wheelchair accessible with ADA compliance research. The Borough Health Insurance will change as of June 1st. Last Friday was the deadline to enroll and there was a good response. Mr. Wedick asked how much the savings is; Mr. Antonucci said it would be 9%.

Engineer Norbut: Mr. Norbut reported on the following. Mr. Antonucci has covered all the items. The DEP Costal Department will contact Birdsall as the low bid will start a 90 day contract. The Community Development Block Grant and Department of Transportation State Aid is due on June 30th and we should think about the roads. An Ordinance was approved on Warren Street and moved forward with Lucas Brothers. Pioneer was not a bidder this time and has two other contracts. Mr. Bergen said to Mr. Norbut that sump pump and sanitary sewer surveys were sent out to affected properties. There was a good response of about 50%. Code Enforcement will knock on doors. Mr. Bergen said to Mr. Antonucci that the Department of Public Works will start this project. Mr. Wedick asked Mr. Norbut if this was a Union and Non-Union problem. The DEP is to meet with Birdsall, Unions, and the Borough. The Unions will video each day and report back. The Borough standard operating procedure states when labor is used it should be at prevailing wages. The State DEP makes the award, not the Borough. We are only responsible for 10%. Mr. Wedick asked about work stoppages. Mr. Norbut stated Garafalo dealt with this before and there were no stoppages. Mr. Sheridan said at the last Library Meeting it was discussed that no trees would be cut during construction. It was also asked when the Bulkhead would be opening. The Contractors have 90 days from when they sign the Contract to start the work. We are aiming for the end of August. It will take 180 days to perform and complete the work. Mr. Sheridan is to meet with the Harbor Commission about this and advise the Public of what is happening. Mayor Merla stated First Street is a County Road and Atlantic Street. We should get approval on what New Jersey Natural Gas did and we don't want this to settle. Mr. Norbut stated he has worked with County and will monitor this. Mr. Bergen said to bring this matter to the Planning Board for small applications. We should work with local applications instead of Contractors (developers). Mayor Merla said Virginia Febo has bumped some Applications to June.

Attorney Ebner: Mr. Ebner has no report for this meeting.

Mayor Merla: Mayor Merla reported on the following. The KBA Budget was defeated; it is up to the Mayor and Council to strike a budget. There are records from the new President Art Olsen. We should act soon when we receive the records. There was a Department Head meeting on May 13th where we received some concerns. Mayor Merla asked when the Boat Ramp will be opened. Serious work needs to be done to the roof and a trailer was recommended. In future it should be rebuilt. For the expense the roof is in disrepair and the Department of Public Works can do the repair. Mr. Antonucci spoke with George Sappah today and minor repairs are to be handled. Mayor Merla said the Ken Ebner that the Ordinance Book is not clear. We have to enforce the odd/even water restrictions and need something for the Keyport Police Department to enforce it. Mr. Bergen said this is a easy Ordinance with no research. There have been some letters received about the water shut off.

REPORTS OF DEPARTMENTS

March 2006

1. Fire Department

   See full copy of report on file with the Borough Clerk.

   Submitted by Tim Regan, Fire Chief

2. Librarian's Report

   See full copy of report on file with the Borough Clerk.

   Submitted by Jacqueline LaPolla, Librarian

3. Property Maintenance

   See full copy of report on file with the Borough Clerk.

   Submitted by Tim Regan, Property Maintenance Officer

April 2006

4. Borough Clerk

WATER/SEWER ACCOUNT

WATER CONNECTION	$	-0-	
TURN ON CHARGE		-0-	
WATER METER		-0-	
SEWER CONNECTION		-0-	
SEWER/POOL PERMIT		30.00	
WATER METER W/TO		200.00	
OTHER: DEMOLITION		300.00	
TOTAL WATER/SEWER	**$**	**530.00**	**CK #3687**

CURRENT ACCOUNT

BINGO LICENSE	$	-0-
FIREARM & FINGERPRINTING		81.00
LIMO LICENSE		-0-
PHOTOCOPIES		75.25
POSTAGE		-0-
RAFFLE LICENSE		60.00

TAXI LICENSE, DRIVER	-0-	
TAXI LICENSE, OWNER	-0-	
POLICE DEPT. ACCIDENT RPT.	308.00	
SEARCHES	-0-	
VENDING LICENSE	-0-	
LIQUOR LICENSE	10,104.96	
STREET OPENING	-0-	
RECYCLING PERMITS	300.00	
PARKING PERMITS	-0-	
AUCTION	-0-	
OTHER: MISC.	.20	
OTHER		
OTHER		
TOTAL CURRENT	**$ 10,929.41**	**CK #3688**

ESCROW ACCOUNT

CASH REPAIR	$	CK #
TOTAL RECIEPTS	**$ 11,459.41**	

5. Emergency Management

See full copy of report on file with the Borough Clerk.

Submitted by Ken Marr, Jr., Coordinator

6. Tax Collector

2006 TAXES	$1,670,148.85
2005 TAXES	70,745.68
INTEREST AND COSTS	10,500.43
MUNICIPAL COURT FINES	20,266.43
UNIFORM FIRE SAFETY	5,142.00
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	20,062.00
UNIFORM CONSTRUCTION CODE	32,714.00
DRUNK DRIVING INFORCEMENT GRANT	3,590.09
CLEAN COMMUNITY PROGRAM GRANT	7,669.34
UNIFORM CONSTRUCTION CODE - MISC	10,830.16
ALL OTHER MISCELLANEOUS REVENUE	22,572.43
TOTAL CURRENT RECIEPTS	**$1,874,241.41**

WATER/SEWER RENTS	$ 615,617.98
INTEREST AND COSTS	4,969.35
WATER/SEWER CONNECTION FEE	.00
TURN ON CHARGE	.00
NSF CHECK CHARGES	80.00
POOL FILL PERMITS	45.00
METER TEST	35.00
METER INSTALLATION FEE	.00
METER WITH TURN ON CHARGE	.00
DEMOLITION PERMITS	.00
CELLULAR TOWER LEASE	12,740.42

Submitted by Keri R Stencel, Tax Collector

7. Building Department

PERMITS	# OF PERMITS	AMOUNT
STATE DCA FEE	46	$354.00
CONSTRUCTION CERTIFICATES	4	$159.00
PLUMBING	22	$1,512.00
ELECTRICAL	25	$2,213.00
BUILDING	37	$4,162.00

FIRE SUB CODE	15	$840.00
CODE ENFORCEMENT C OF O	52	$1,340.00
TRANSFER OF TITLE C OF O	11	$435.00
SMOKE DETECTOR INSPECTION	52	2,395.00
ZONING	28	$280.00
200 FT. PROPERTY LIST	3	$30.00
MISCELLANEOUS	10	$250.00
COPIES	0	$0.00
CONST. DEBRIS DEPOSIT	10	$500.00
CONSTRUCTION VIOLATIONS	0	$0.00
RE-INSPECTION	0	$0.00
TOTALS		**$14,470.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO THE BOROUGH $ 13,616.00 CHECK #2554
DEBRIS DEPOSIT TO THE BOROUGH $ 500.00 CHECK #2553
STATE FEE DUE QUARTERLY

Submitted by Carole Cerase, Senior Permit Clerk

8. Municipal Court

See full copy of report on file with the Borough Clerk.

Submitted by Kathy Coffey, Court Administrator

9. Librarian's Report

See full copy of report on file with the Borough Clerk.

Submitted by Jacqueline LaPolla, Librarian

10. Fire Department

See full copy of report on file with the Borough Clerk.

Submitted by Tim Regan, Fire Chief

COMMUNICATIONS & PETITIONS

1. Letter from Gale Leswing regarding Building Permit fee.

Motion to refer to Rob Burlew for input by Mr. Bergen, seconded by Mr. Wedick with Ayes by all present.

2. Letter from Michael Cummins requesting transference or exchange of Borough Property.

Pat Menna is to make a recommendation on Kara Homes. This matter should be held until the Planning Board acts. Mr. Bergen said there should be some Spring Supplemental help to get them to court.

Motion to refer to finance commission by Mr. Bergen, seconded by Mr. Sheridan with Ayes by all present.

3. Letter from Pioneer General Contracting requesting use of the Church Street and Second Street Lot to store equipment for a Reconstruction.

We need insurance to authorize. Mr. Walling asked if this would affect the Yacht Club, the answer was yes. Mr. Bergen told Mr. Norbut to call Pioneer and discuss what type of equipment and where.

Motion to refer to Engineer by Mr. Wedick, seconded by Mr. Walling with Ayes by all present.

4. Amendment Application for Bingos/Keyport First Aid (License R:3-06)

The first one was on Thursday and 90 people showed up. Doors will open 6:30 P.M. on Thursday.

Motion to approve by Mr. Walling, seconded by Mr. Sheridan with Ayes by all present.

UNFINISHED BUSINESS

1. **Matty D's Towing Application.**

Motion to deny by Mr. Walling, seconded by Mr. Hassmiller with Ayes by all present.

NEW BUSINESS

1. **Liquor License Renewal (2006/2007) response from Departments.**

Motion to list on Unfinished Business for June 5th by Mr. Wedick, seconded by Mr. Sheridan with Ayes by all present.

2. **Police Rate/Charitable Organization Events (Ordinance Amendment).** Mr. Bergen asked for this, since St. Joes uses the Keyport Police Department and can't afford the rate of $45.00 per hour. Mr. Bergen said there should be a Religious or Charitable Organizations Ordinance. We should help out some organizations. St. Joes paid the Keyport Police Department directly and had a uniformed officer and two specials. The Mayor and Council can change this. The Ordinance should be amended by a Resolution tonight. The Fairs are out of the Keyport Police Department Budget due to overtime. The KBA, Fire Department, and St. John's would all benefit from this new Ordinance. Mr. Wedick asked if someone can protest this for a donation to the Organization. Mr. Bergen said it is excessive entanglement. Mayor Merla asked if the special is receiving the same as a regular officer. The Chief said yes as per Borough Ordinance. The Chief stated that there is a new salary. Mr. Bergen made a motion to establish a rate of $12.00 per hour for a Special, seconded by Mr. Sheridan with Ayes by all present.

3. **NJ League of Municipalities/Binding Arbitration.**

RESOLUTIONS

2. Resolution #169-06, Payment of Bills

See full copy of Resolution attached hereto and made a part hereof these minutes.

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

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

3. Resolution #170-066, Authorize Execution of Gordon N. Litwin, Special Legal Counsel Contract

WHEREAS, the Mayor and Council of the Borough of Keyport and the borough of Keyport have the need for legal services; and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 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 Mayor and Borough Council of the Borough of Keyport have decided to utilize a fair and open process pursuant to N.J.S.A. 19:44A-20.5 to publicly solicit proposals or qualifications of persons interested in being appointed Special Legal Counsel; and

WHEREAS, Gordon N. Litwin, Esq., has submitted a proposal and contract to perform legal services for the Borough of Keyport for an hourly rate of $195.00 per hour for non-litigation matters and $225.00 per hour for litigation matters plus disbursement fees, if required; and

WHEREAS, the proposal of Gordon N. Litwin, Esq., 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, the sufficient funds are available ad have been or will be appropriated for this specific purpose,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor is authorized to execute the contract with Gordon N. Litwin, Esq., as Special Legal Counsel.

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

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

4. Resolution #171-06, Authorize Release of Performance Bond and Accept Maintenance Bond - Bill Wright and Sons

WHEREAS, development activity has been undertaken on Block 1, Lot 3 in the Borough of Keyport by Bill Wright and Sons Towing pursuant to valid municipal land use approvals which required the posting of a Performance Guarantee; and

WHEREAS, T & M Engineering, Inc. has recommended the release of the Performance Guarantees because all site improvements have been completed and are acceptable; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Performance Guarantee given by the developer of Block 1, Lot 3 be released subject to:

1. The posting of a two year Maintenance Guarantee in the amount of $693.75 representing 15% of the original construction costs; and

2. The payment of any outstanding inspection or escrow fees; and

3. All property taxes and other escrow charges being current.

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

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

5. Resolution #172-06, Authorize Mayor to execute a Contract with Valley Painting/ Cass Street Water Tower Painting and Improvements

WHEREAS, The Mayor and Council of the Borough of Keyport have advertised for the receipt of bids on March 29, 2006 for said painting and improvements, and

WHEREAS, Valley Painting, Inc., U.S. Tank Painting, Inc., and Alpine Painting & Sandblasting submitted bids in response to the advertisement for the same, and

WHEREAS, the Mayor and Council have reviewed the bids submitted and have determined the lowest responsible bidder to be Valley Painting, Inc.

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

1. The Mayor of the Borough of Keyport is authorized to execute a contract with Valley Painting, Inc. for a total price not to exceed Three Hundred and Fifty-Four Thousand Six Hundred and Seventy-Five Dollars ($354,675.00).

2. Execution of the foregoing Contract is subject to the certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Valley Painting, Inc., executing and delivering the Contract for said Cass Street Water Tower painting and improvements, the vehicle identification affidavit, affirmative action affidavit and such other documents required in the bid specifications or required by the Borough of Keyport.

3. A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Finance Officer, Valley Painting, Inc., and a copy shall be maintained in the office of the Borough Clerk for public inspection.

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

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

6. Resolution #173-06, Authorize Special Emergency Appropriation for the Preparation of an approved Tax Map and Revaluation of Real Property

WHEREAS, the Borough Council of the Borough of Keyport has found it necessary to make a special emergency appropriation for the preparation of an approved tax map and complete revaluation of real property; and

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act.

NOW, THEREFORE, BE IT RESOLVED that in accordance with the provisions of N.J.S.A. 40A:4-55:

1. A special emergency appropriation is hereby made for the preparation of an approved tax map and complete revaluation of real property in the total amount of $250,000.00.
2. That the special emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than $50,000.00.
3. That the issuance of a "special emergency note", not in excess of the amount authorized pursuant to law, be provided.
4. The chief financial officer shall determine, pursuant to applicable law, all matters in connection with notes issued pursuant to this resolution and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. At least one-fifth of the notes issued shall mature and be paid annually.
5. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

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

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

7. Resolution #174-06, Authorize Mayor to sign Third Street and Library Improvement Contract

WHEREAS, The Mayor and Council of the Borough of Keyport have advertised for the receipt of bids on March 6, 2006 for said reconstruction and improvements, and

WHEREAS, Pioneer General Contracting Co., Inc., Star of the Sea Concrete, F & P Contractors, and DeFino Contracting Co., Inc. submitted bids in response to the advertisement for the same, and

WHEREAS, the Mayor and Council have reviewed the bids submitted and have determined the lowest responsible bidder to be Pioneer General Contracting Co., and

WHEREAS, in Resolution 119-06 the Mayor and Borough Council awarded a contract to Pioneer General Contracting Company, Inc. for a total price not to exceed Four Hundred and Forty-Nine Thousand Four Hundred and Ninety-Two Dollars and Fifty Cents ($449,492.50).

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

1. The Mayor of the Borough of Keyport is authorized to execute a contract with Pioneer General Contracting Co., Inc. for a total price not to exceed Four Hundred and Forty-Nine Thousand Four Hundred and Ninety-Two Dollars and Fifty Cents ($449,492.50).

2. Execution of the forgoing Contract is subject to the final approval and/or contract clearance of the contractor, Pioneer General Contracting Co., Inc., and by the Monmouth County Community Block Grant Development Program.

3. Execution of the foregoing Contract is subject to the certification of available funds by the Chief Financial Officer of the Borough of Keyport and subject to Pioneer General Contracting Co., Inc., executing and delivering the Contract for said Third Street Reconstruction and Library Site Improvements, the performance bond, the certificate of insurance, the vehicle identification affidavit, affirmative action affidavit and such other documents required in the bid specifications or required by the Borough of Keyport.

3. A copy of the within Resolution shall be forwarded to the Borough Administrator, the Borough Attorney, the Municipal Financial Officer, Pioneer General Contracting Co., Inc., and a copy shall be maintained in the office of the Borough Clerk for public inspection.

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

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

8. Resolution #175-06, Authorize Mayor to sign Hot Dog Lease with Phillip Richiuso t/a Philly's Franks

WHEREAS, N.J.S.A. 40:66-22 permits a municipal Harbor Commission to enter into leases for public property for certain purposes and under certain conditions, and

WHEREAS, the Harbor Commission of the Borough of Keyport wishes to enter into a lease with Phillip Richiuso trading as Philly's Franks, of Matawan, New Jersey to provide a hot dog concession on the Borough's waterfront during the summer months pursuant to the terms and conditions set forth in the proposed lease agreement which is attached hereto and made a part hereof by reference, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor and Council hereby approve of the aforementioned proposed lease agreement by the Harbor Commission, subject to approval by the New Jersey Department of Environmental Protection Green Acres Program. A copy of this resolution shall be kept on file for public inspection in the office of the Borough Clerk along with copies of the lease agreement.

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

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

9. Resolution #176-06, Hire Part Time Summer Laborers - Boat Ramp/ Frank Fischler, Linda Corbett, Janine Popovich and Emily Burlew

WHEREAS, it is necessary to hire Part Time Summer Laborers; and

WHEREAS, applications have been submitted and reviewed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Frank Fischler, Linda Corbett, Janine Popovich, and Emily Burlew are hereby hired as Part Time Summer Laborers, effective May 17, 2006 at the hourly rate of $10.00 per hour.

BE IT FURTHER RESOLVED that the maximum hours per week is not to exceed 28 hours.

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

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

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

10. Resolution #177-06, Approve Paytech Contract & Mayor Execution - Phone Services

11. Resolution #178-06, Amendment to Binding Arbitration Statue

WHEREAS, The Police and Fire Interest Arbitration Ace of 1995 provided for interest arbitration to be the final step in the collective bargaining process for Police and Fire, and

WHEREAS, This Act;
a) requires the arbitrator to determine the "net economic change" to be awarded, thereby encouraging arbitrators to select compromises from the final positions of the employers and unions for numerous economic issues,
b) amends criteria to be used by the arbitrators to include two references to the State CAP Law, and
c) expands criteria concerning the impact of the arbitrators award on the ability of the governing body to maintain or expand existing programs or initiate new ones, and

WHEREAS, The Binding Arbitration Process is intended to support local government by arriving at award decisions equitable to all involved parties, including Police and Fire, Municipal Officials, taxpayers, and other municipal employees, and

WHEREAS, Despite the economic constraints suggested in the guidelines noted above, for the ten year period from January 1996 through December 2005, arbitration awards exceeded both the CAP Law limitation and the Consumer Price Index (CPI) by 50%, and

WHEREAS, Excessive Binding Arbitration awards are clearly a major factor causing the rapidly increasing municipal property taxes throughout New Jersey, and

WHEREAS, The high salaries now paid to Police are causing municipalities to curtail other desired services and to give lower salary increases to other employees to off-set Police salary increases, and

WHEREAS, The New Jersey State League of Municipalities has proposed that the State Legislature amend the Interest Arbitration Law to limit awards to the amount of the annual CAP limitation.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport supports the N.J.L.M.'s position on this matter and requests the New Jersey State Legislature to amend the Police and Fire Interest Arbitration Act to limit binding arbitration awards for all economic issues combined to an amount on a department basis that does not exceed the annual CAP Law limitation.

BE IT FURTHER RESOLVED that municipalities throughout the State are requested to pass a similar resolution and to forward it to out legislators.

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

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

12. Resolution #179-06, Award Contract to Lucas Brothers, Inc., for Warren St. and Coluco Pl. Reconstruction

WHEREAS, as determined by the Mayor and Council of the Borough of Keyport Warren Street and Coluco Place are in need of reconstruction, and

WHEREAS, The Mayor and Council of the Borough of Keyport have advertised for the receipt of bids for said reconstruction, and

WHEREAS, Lucas Brothers, Inc. and Star of the Sea Concrete Corp. submitted bids in response to the advertisement for the same, and

WHEREAS, the Mayor and Council have reviewed the bids submitted and have determined the lowest responsible bidder to be Lucas Brothers, Inc.

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

1. Said contract is awarded to Lucas Brothers, Inc. and the Mayor of the Borough of Keyport is authorized to execute a contract with Lucas Brothers, Inc. in accordance with the bid specifications, which are incorporated hereto and made a part hereof by reference, for a total price no to exceed Three Hundred and Fifty Thousand Three Hundred and Six Dollars ($350,306.00).

2. The foregoing award of Contract is subject to the certification of available funds by the Chief Financial Officer of the Borough of Keyport, approval of the New Jersey Department of Labor and Division of Wage and Hour Compliance; approval of the New Jersey Department of Transportation and subject to Lucas Brothers, Inc., executing and delivering the Contract for said reconstruction, the performance bond, the certificate of insurance, the vehicle identification affidavit, affirmative action affidavit and such other documents required in the bid specifications or required by the Borough of Keyport,

3. The Bid Guaranty in the form of a bid bond or certified check submitted by Lucas Brothers, Inc., is hereby released.

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

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

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

13. Resolution #180-06, Authorize the Retention of Hatch Mott MacDonald for Engineering Bid Services, Contract Administration Services and Project Monitoring for the Cass Street Water Storage Tank Painting Project

WHEREAS, an internal and external inspection of the Cass Street Water Storage Tank, on November 29, 2005 revealed deficiencies and potential problems, and

WHEREAS, the available information shows that the tank was last painted in 1976, Preliminary reports from the aforementioned inspection show that the tank requires sand blasting both inside and out to remove the existing paint prior to the application or a new coating system, and

WHEREAS, the upgrade required for the Cass Street Water Storage Tank are specific upgrades designed to make the water storage tank more reliable, and to improve the overall finished water quality, and

WHEREAS, the contract for said painting the improvements was awarded to Valley Painting, Inc., and

WHEREAS, a project of the magnitude requires professional engineering services to administer the contract and monitor the project, and

WHEREAS, Hatch Mott MacDonald has the necessary expertise for contract administration and project monitoring of said project, and

WHEREAS, Hatch Mott MacDonald was appointed on January 1, 2006 as the Borough of Keyport's consulting engineer on water matters pursuant to a fair and open process wherein Hatch Mott MacDonald was determined to be the most advantageous, price and other factors considered, and

WHEREAS, Hatch Mott MacDonald has submitted a proposal for said services as set forth in their April 4, 2006 proposal for professional engineering services - bid services, construction administration and observation, which is appended hereto and incorporated herein by reference, and

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

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Hatch Mott MacDonald is authorized to engage in the engineering bid services, contract administration and project monitoring services for the Cass Street Water Storage Tank painting project, in an amount not to exceed Twenty Nine Thousand Nine Hundred Dollars ($29,900.00).

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

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

PUBLIC COMMENT PORTION

The meeting was opened to the public for comments or questions at 9:40 P.M. Rowland Seckinger, Environmental Commission, thanked Mr. Sheridan for the dredge material meeting which was very important. The survey was for dredging histories on properties. The grant application is due by June 2006. Mr. Seckinger asked Mr. Sheridan, who is handling the map. Mr. Sheridan said he would call Mr. Reynolds. The Borough of Keyport was thanked for a quick response on the dredge materials. As the Keyport Fire Department Museum President, Mr. Seckinger stated on May 21st at 1:00 P.M. there will be the opening of the Museum with a re-enactment. Everyone should come out for the event. The grass has to be cut at Aeromarine. Mr. Bergen told Mr. Regan to write a summons or warning.

Peggy Hayes, First Street, said in regarding the curbing at the Dubleky property, there are sporadic yellow markings. This has to be repainted since signage is missing. Mrs. Hayes said she has spoken to the County Department of Public Works. There are no miles per hour signs on First Street from Keyport to Union Beach. Speeding is slowing down due to the construction. There are also no signs from Walnut to Broad Street. Mayor Merla said that County should have addressed these concerns and Mr. Antonucci will have the Department of Public Works contact County. Mayor Merla said PVC piping on First Street and Church Street for signs. Mr. Bergen asked Mr. Norbut if there was inspecting. Mr. Norbut said yes, they are addressing the site plan and slate curb reset. Mayor Merla stated to Mr. Norbut that everything is back to normal.

Robert Ludwig, 50 Beers Street, talked about the letter regarding Kara Homes asked not discuss this matter now. In the letter from Mr. Cummins the time frame is not good due to the site plan issues. Mr. Ludwig asked about the Uptown issue. The Attorney is to address some issues. Mr. Bergen said to modify the application and those involved for the second hearing. Regarding the Budget hearing, the wording in Extraordinary Aid Application has to be clarified. There should be a Resolution to memorialize the wording. Mr. Wedick had mentioned the Administrator review after 6 months. His salary is an issue here. Mr. Ludwig asked if Bill Wright got his money back. The Resolution is on for tonight.

Mike Lane, 51 First Street, regarding the hearing for Uptown, it will not be closed or suspended until other evidence is found. There should be a second hearing since there were some missing documents and no survey or definition of area. There is a question about Gordon Litwin fees for redevelopment and other litigation matters. A hourly rate is going to be set. Regarding the Cass Street Water Tower, is the supervisory firm to oversee? Yes, they are to oversee the painting of the Cass Street Water Tower. Mr. Lane also asked if it was part of the bond and the answer was yes it is fair and open. Regarding Patech, with the phone system there is a $51,000.00 savings. Mr. Antonucci said this was for T-1 services and consolidation of phone lines for local and long distance fees. T-1 with pots lines are backing up to prevent loss of service.

Art Olsen introduced himself as the new President of the KBA. The Budget discussion is taking place with additional meetings. It was asked what the time frame would be on the budget reduction. Mr. Bergen said they need to approve the tax bill and Mr. Fallon will contact County on a deadline.

Chief Gajewski, read a prepared statement to clarify the statements made on May 2nd about him. He took over in 1996 and increased the information in the report. The report has been refined each year. Regarding the Department Head meeting, it was asked if other departments responded on the budget crisis; the answer was yes. The Keyport Police Department is anticipating a $44,000.00 in grants this year. There was $85,000.00 in 1998 for operating expenses and $80,000.00 in 2005 for the same thing. In 2004 salary and wages were $168,000.00 and in 2005 it went down $27,500.00, which is a substantial decrease. Pauline Redmond and Judith L. Poling settled comp time. The Captain had no comp time. $10,000.00 was for special events and a lot in contractual agreement. There was a proposal to Mayor and Council on May 1st to promote Thomas Mitchell to Captain and leave the Lieutenant position open. Then a Sergeant would fill the Lieutenant spot with Chief and Captain positions filled. The promotion for the Sergeant and Lieutenant would be in 2007. Next year there will be three retirements, the Chief, Sergeant Dillon and Sergeant Wheeler. Those are three top paid positions and we will save money that way. There will be $50,000.00 if the Lieutenant spot is not filled in 2006. Regarding the Police Director, Mr. Gajewski stated Mr. Wedick said in 1996 there was no training for a Chief. Mr. Gajewski filled in and handled everything including the 1997 Budget. Mr. Gajewski said he respected Mr. Miele even before he became Director since he was Captain for the State Police. Although Mr. Miele didn't know how to run a Municipality Police Department, they wanted to get rid of the civilians in the Department. There is a very qualified person to replace the Chief. Mr. Gajewski said he is training him in what he knows and there is a lot of training and experience. Mr. Gajewski said he does a fair job as Chief and to let him run the Department.

Ken Marr, PBA President, said that the Extraordinary Aid Application for $750,000.00 and page 3 is a concern to him. The Mayor and Council need to address the public on this matter. Mayor Merla said at the 6:00 P.M. meeting held on the Budget, Mr. Ludwig said it should say "considering". There needs to be a plan to submit to the state. The Division of Local Government Services will be advised that we are considering a non-binding plan. The Mayor and Council must notify everyone by law and we have looked into interlocal with County. We must justify the $750,000.00 request. We are also looking at not implementing a plan; and have it not just for this year. I don't think we will receive $750,000.00. Council has approved this application. Mr. Marr said the Mayor and Council denied layoffs, rank reductions, etc. Mr. Bergen took responsibility for the Application. We have to justify to the state and all the Municipalities are doing the same thing with this working document. There is a lot we can do; everyone works hard in the Borough. At the Budget meeting Mr. Wedick made a motion to promote to Captain. Mr. Marr stated as PBA President he is asking for the Captain Position to be filled. This matter will be discussed and action might be taken after the Council Meeting. The Mayor and Council have just received information on Thomas Mitchell. Mr. Walling said he did not look at the Application and voted, he apologized to the Public.

Tony Gallo, 50 Atlantic Street, stated the Officer must have integrity and value it. Credibility is shot if a lie is told, and expects honesty with who he deals with. As a resident Mr. Gallo is appalled at the things that are discussed and then we are told when they have not been discussed. He said Mr. Bergen and the Mayor signed the Discretionary Aid Application. It is obvious thing were discussed and we were told no. Mr. Bergen and Mayor Merla knew what they signed. Mr. Gallo stated he is bothered and disheartened. There is a black cloud over the town. Mr. Bergen said he did not lie and the comments were in the newspaper. The School Budget has been defeated and nothing is "off the table". Mr. Bergen said he takes offense that you say I lied and you have higher integrity.

Warren Chamberlain, stated the Mayor and Council did not tell the truth on May 2nd. Mr. Marr asked directly if cuts were discussed; and they said no and no one spoke up at the meeting. Mr. Chamberlain asked Mr. Ortman if he was aware of the wording. Mr. Walling said no and Mr. Bergen said yes. Mayor Merla said yes, it was signed and authorized to sign for Trenton; the Resolution should be read allowed. It was asked if this was signed without reading. Mr. Bergen said no one is misleading. Mr. Wedick said it is not the wording of the document. Mr. Hassmiller said he didn't read the application and Mr. Sheridan stated no. The Keyport Police Department does not need a director. The right hand doesn't know what the left hand is doing.

Angel Matos, 47 Chandler Avenue, the Extraordinary Aid Application is to relieve the budget. Statements were made to receive funding which is not true. Mr. Matos said to look at all the items in the Application before signing, and try to understand the process. The State Audit is to check on line items and see what was done. Mr. Wedick said last year $200,000.00 was requested in aid. Mr. Bergen said nothing is untruthful in the Aid Application. There will be significant State increases in the future. Mr. Matos said to Mr. Bergen the commitment of the Borough is irresponsible.

Terry Musson, Front Street, stated he disagrees with Mr. Bergen. They want to have to ask for next year and we still have to pay $.24 next year. The Mayor and Council is fluffing and they just want the money. Mr. Bergen said they don't want to put a financial burden on the taxpayers. Mr. Wedick said last year we applied for $200,000.00.

Ken Marr asked Mr. Wedick what was in the 2005 Application. Mr. Wedick read it and Health Insurance was the main issue. Mr. Bergen asked the Public if they want the Borough to write a letter to the State saying we lied and withdraw our Application? Mr. Bergen said no items are "off the table". Mayor Merla said some matters were discussed in closed session and cannot be made public. Mr. Marr said the Police Department doesn't deserve this, they work hard to keep the crime down and are one of the reasons people stay in town.

Ed Burlew asked if Mr. Bergen wrote the Application; with Mr. Fallon and Mr. Antonucci. Mr. Burlew then asked if we were lying to the state about removing officers. With no more comments or questions the meeting was closed to the public at 10:55 P.M.

There was a motion to go into Closed Session by Mr. Wedick, seconded by Mr. Sheridan with Ayes by all present. The meeting went into closed session at 11:03 P.M. and was reconvened at 12:28 A.M.

ADJOURNMENT

Motion to Adjourn moved by Mr. Sheridan, seconded by Mr. Wedick with Ayes by all present.

Time of Adjournment: 12:28 P.M.