Approved 2/20/07

Keyport, New Jersey
May 2, 2006

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Council Chambers, Municipal Complex, 70 W. Front Street, Keyport, New Jersey pursuant to the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent, the Newark Star Ledger and the 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 7:20 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #151-06, 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. Police Matters
2. 2006 Budget

Possible Litigation

1. St. John's United Methodist Church
2. Manasquan Reservoir Rate Increase

Labor Relations

Contract Negotiations

1. Water Tower

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, Possible Litigation 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 this meeting shall continue in approximately 15 minutes.

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

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

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

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

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

BE IT ORDAINED, by the Borough Council of the Borough of Keyport, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Purpose. The purpose of this ordinance is to finance the cost of the preparation of an approved tax map and complete revaluation of real property.

SECTION 2. Appropriation. The authorization for this special emergency appropriation is $250,000. At least one-fifth of such appropriation shall be included in each annual budget until the appropriation has been fully provided for.

SECTION 3. This Ordinance repeals any inconsistent ordinance or ordinances or parts thereof.

SECTION 4. This Ordinance shall take effect immediately upon its final passage and publication as required by law.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as introduced, in the Courier, issue of May 4, 2006 for a Hearing to be held on May 16, 2006 moved by Mr. Walling, seconded by Mr. Ortman with Ayes by all present.

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

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

The Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE 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 therefore 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 therefore.

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.

Mr. Bergen said we were awarded a Department of Transportation Grant for this project and the Borough received good bids. We will retire $325,000 worth of debt.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 4, 2006 for a Hearing to be held on May 16, 2006 moved by Mr. Walling, second by Mr. Sheridan with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Tax Collector's Annual Report of Taxes Not Collectible.

   Motion to receive and file moved by Mr. Bergen, second by Mr. Ortman with Ayes by all present.

2. Request from James Mastrokalos, Licensed Water & Sewer Operator for approval of the proposal for the 2005 Water Quality Data/Consumer Confidence Reports (CCR) to be printed for distribution.

   Motion to list a Resolution of approval moved by Mr. Bergen, second by Mr. Walling with Ayes by all present.

3. Request from Keyport First Aid Squad for permission to install a light at the rear of their property.

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

4. Shorelands Water letter regarding NJ American Water Company Rate Increase.

   Motion to list a Resolution opposing the rate increase moved by Mr. Sheridan, second by Mr. Wedick with Ayes by all present.

5. Letter from Thomas Romand, TNT Rebuildables, Inc. regarding renting a portion of the Division St. lot until completion of constructing a new building.

   Motion to refer to the Building and Grounds Committee, Finance Committee and Borough Administrator moved by Mr. Sheridan, second by Mr. Hassmiller with Ayes by all present.

UNFINISHED BUSINESS

1. Matty D's Towing Application. Motion to resolve and file moved by Mr. Wedick, second by Mr. Walling with Ayes by all present.

2. KBA Liaison. It is not appropriate to change Mr. Walling. Mr. Bergen stated $693,000.00 towards Bulkhead which is 75% of the project. Mr. Walling thanked Mr. Antonucci and Mr. Norbut for the work they have done.

3. Cass Street Standpipe Painting and Improvements

ADMINISTRATOR'S REPORT

Mr. Antonucci reported on the following. He read the Payment of Bills for April 25th. The Steering Committee would like to kickoff a Brownsfield project. With regards to the Cass Street Water Tower, letters are going out to residents advising them of the project. Hydrant flushing has been completed. The cellular companies have removed their poles and replaced them with temporary towers. Scaffolding needs to go up around the towers. The project is on schedule. The Elizabeth Street tank is online, alone. With regard to the Bulkhead, we need additional money. The Borough roof is complete and the scaffolding is coming down. There are some Punch List items will be addressed before final payment. On May 9th there will be a meeting for the Atlantic Street Project at 2:00 P.M. at T & M Associates, as well as a meeting for 3rd Street at 3:00 P.M. On May 11th bids will be received. On June 1st the new insurance carrier takes over which will be Horizon Blue Cross/Blue Shield. The first meeting for employees was held on May 1st and the second will be on May 4th. He will attend an OPRA seminar with the Borough Clerk on May 3rd. A project is needed for the Community Development Block Grant, Cedar Street was mentioned. The grant application deadline is June 30th. Mr. Bergen said a list of streets should be given to Don Norbut. Mr. Walling asked Mr. Antonucci about the addition to the gazebo, and if there was an additional charge. Mr. Antonucci said the extra drawing was taken on by himself. There was no plan on the way to get into the gazebo when he started working and there is going to be a charge for the plan. There was a need for this and it was done as an administrator. Mr. Bergen supported Mr. Antonucci. The Borough has ADA lawsuits filed against us. The plan will help get public into the gazebo. Mr. Walling asked what is the concept of the deck on the back. Plans should come before the Mayor and Council. Mr. Norbut said the Borough has to provide an accessible walkway to the gazebo; there is no need for a design. There is also no charge to add a rectangle to the plan. Mr. Wedick asked about the mold test for the roof, Mr. Antonucci said the onus should not be on Badger. Mr. Wedick asked that this cost should be added to the litigation with A & K Construction.

ENGINEER'S REPORT

Mr. Norbut said the Community Development deadline is coming up and the Borough needs to decide what road project it will apply for. A Pre Application Meeting will be held at the County. Mr. Bergen said Cedar Street abuts Pine Street and has a Public Park (better priority points). There was a Department of Transportation Project on Pine Street. Mr. Wedick said he is looking to build onto Atlantic Street by the cross streets. Mr. Antonucci will poll Council on their ideas. The intersections have a lot of ruts. The application is due June 30th and a resolution is due by May 16th. Mr. Antonucci said, the Property Maintenance Officer went to Bill Wright's property and inspected; it has been cleaned.

ATTORNEY'S REPORT

Mr. Ebner did not have a report.

NEW BUSINESS

1. **Keyport 5K Race.** The matter will be discussed at a Recreation Commission Meeting and Council will wait for recommendations.

2. **Brownsfield Development Area.** Mr. Bergen said a Brownsfield Development Area will be good for Keyport.

3. **Keyport Library.** Mr. Sheridan said the Library is heading in the direction to be placed on the Historical Registry. He also wanted to thank Boy Scout Troop 80 for inviting him to the Award Ceremony for Keith Bosler on April 22nd. The Mayor had performed two weddings that day and could not attend.

PUBLIC COMMENT PORTION

The meeting was open to the public at 8:38 P.M. for comments or questions. Rowland Seckinger, Environmental Commission, thanked Roger Goedtel, Cliff Moore, Michael Palmisano, and Kathy Shaw for clean ocean action funds and T-Shirts. The kids did a super job; they moved 25 tires off of the beach. He thanked Department of Public Works for collecting the tires and Don Norbut for the coffee and donuts. There were 70 people who helped clean the beach.

With regard to the Environmental Commission, the tree ordinances need more time. There was a letter to Mr. Bergen stating the Environmental Commission needs to initiate the inventory. Green Groove and St. Joseph's Cemetery were cleaned up 85%; He thanked Tim Regan, Property Maintenance Officer.

Mike Lane, First Street, said it is great to have the potential to have Bill Wright clean up his property. Mr. Lane asked if the Borough will have a property sale. He wondered about the letter from the Mayor in the Courier and the Independent regarding the Police Department. It is not appropriate to have a Police Director at this time. There is a good response and the Chief is in a tough spot right now. Mr. Lane mentioned a Property dispute and wondered if there was any action from the Mayor and Council.

The Mayor stated that he sent the letter to the newspapers as a Borough resident, not as the Mayor. Mr. Lane quoted the letter in the Courier. The Mayor read from the newspaper and said that he is entitled to his opinion. The Mayor and Council know a lot about the Department that the public doesn't know.

Mr. Lane asked about the tax assessment on the Uptown Bar & Grille being dramatically reduced. The Mayor told Mr. Lane to address the appropriate Departments of his concerns. Mr. Bergen said he will review the documents.

Mr. Bergen said he was in favor of the initial Police Director. He said the Mayor's mother passed away and was the driving force behind the business. Other people should not be dragged into this, the Mayor's mother is not here; she was a good woman.

Mr. Wedick agreed with Mr. Lane's view on a Director. We currently have a Police Chief and we should look at the Department to see who can move up. This matter is pre-mature to discuss.

Tom Hoff, 7 Gull Way, asked if the Police Director is a sworn officer; no. He said he would rather have someone who is sworn in.

John Kennedy, 104 Chingarora Avenue, stated there should not be a Police Director; there are qualified people on staff. He said we don't need a civilian running the Police Department. The Ordinance for the gazebo should be changed to $13,000.00. It was asked how much goes to the Auditor for reviewing the School Budget. It was also asked if the Borough received funds since the budget was introduced? No.

Bob Ludwig, 50 Beers Street, agreed with Mr. Lane. The Mayor has shouted at the Police Department. Mr. Ludwig asked Mr. Bergen for a second hearing on the Liquor License application for the Uptown. The Mayor said at the first hearing, there was public outburst where I defended my Mother and a Police Officer laughed. The Mayor's Mother is not here to defend herself.

Ken Marr, PBA Union 223 President, thanked the Mayor and Council for the recognition of Captain Dayback. He asked about the current Police Captain Position. Mayor Merla stated Council discussed thoughts and concerns and there is no recommendation at this time. Another meeting was held and there were no thoughts then either. Mr. Marr asked the Mayor about the comments he made in an article in the Courier. There were 8 people in the audience at the Special Meeting on the budget on April 29th. There will be a $.24 tax increase and we can't cut the Budget anymore. Since this happened we may consider layoffs. The Borough has never said layoffs would be Police Officers. The Mayor read a flyer that went out; this is a rumor and is not true. Mayor and Council have discussed cuts. There will not be a rank reduction or layoffs. Mr. Bergen said he will not negotiate with the PBA on promotions. We are looking at all the departments. Mr. Bergen said to Mr. Marr we can negotiate on reducing Police Budget and cutting $100,000.00 from the 2006 budget. Mr. Marr said overtime was reduced drastically since the new shift. Mr. Marr advised Mr. Wedick the Keyport Police Department has been asked to cover more events and there shouldn't be a reduction in the budget. Regarding promotions, the PBA will work with the Mayor and Council. He asked if a spot was not covered how slack would be covered. Mr. Bergen said the Police Department is a large part of the Budget. The arbitrator implemented a 4% salary increase. There are some structural department problems. Mr. Marr asked Mr. Bergen to read the arbitration award. There has been 2½ years of arbitration; $4.83/month which is less than a cable bill. There was a discussion on the arbitration proceedings. Mayor Merla complimented Mr. Marr on his conduct.

There are budgetary problems everywhere and we can't rely on state aid. There are many concerns on this matter. Mr. Marr said the word is out on the street that these things are happening. Mr. Marr said the Keyport Police Department is doing on heck of a job. Mr. Wedick advised the Council is trying to find a way to reduce overtime. Mr. Bergen said overtime hasn't drastically gone down.

Laura Sanborn, 140 First Street, said she was robbed and the Police were there in two minutes. She feels safe and the person was caught in her house. Mrs. Sanborn said she is scared to lose officers. Mr. Bergen asked for her to come to the Budget Meeting on May 16th. Mrs. Sanborn said the Keyport Police Department is very professional.

The owner of Once Upon a Stitch, said he is a retired officer and he knows the Department very well. There should not be a civilian, Council should let the men climb the ranks. Mayor Merla said he felt the same way years ago and Frank Miele did a great job. He wasn't in favor of hiring a Director, but changed his mind when Miele was hired.

Lieutenant Mitchell, Keyport Police Department, said he was touched by Mayor Merla's explanation of the outburst on April 4th. It was derogatory, the Mayor explained what took place.

Jim Murphy, 10 Fifth Street, said the hostility is alarming. People are fed up with the School Board, and don't want things taking place behind closed doors. Mr. Ortman stated not everyone has hostility with the Keyport Police Department; the Mayor has issues. Mr. Murphy asked who has ultimate say with the rumors of layoffs and the director. Mr. Wedick said the Chief must retire and there is no vacancy. Mayor and Council have the final decision. Council would look at Police personnel first to see who can advance. If there is no one capable of handling the Chief position, then Council would look for a Director. The same process for the last Director would be done. Mr. Murphy asked if someone was not sworn in, could they enforce the law. Mr. Wedick said the answer for policy is yes, but with overtime a Director cannot assign personnel. The Borough can get a Police Secretary to do that allowing the Chief to take office. Mr. Murphy asked if the Borough keeps the Keyport Police Department and the Mayor and Council decide a Director, then what would happen. Mr. Bergen said Council is forced to deal with the competing interest and the Public needs to give input. He explained what happened with the Police Director a few years back.

Ken Marr, said Frank Miele was a tool; the Borough had qualified people then and still does now. There was a new decision with Asbury Park; the Director has no Police power, he just oversees the Budget.

Warren Chamberlain, St. Peters Place, said people should vote on a referendum. He is tired of the indictment talk. People only come out to meetings if they benefit from it. Items should be put on a referendum and Mayor and Council will do better by talking about it. Residents are getting fed up.

A resident of 175 Second Street, said she's embarrassed for everyone and their behavior; it is disrespectful to be spoken to in a negative tone.

Detective Mark Hafner, stated the Captain's position has to be filled. Lieutenant Mitchell is a top cop and should fill this position. Delegation has already taken place and someone is in line to fill Dayback's position. Mayor Merla said the Chief has not sent a letter to Mayor and Council. Mr. Wedick said the Chief has requested a test for promotion. Mayor Merla said he had no information regarding the Chief being away. Detective Hafner said Officers have been asked and are asking for a test. Mayor and Council should know a Captain is needed. A memo from the Chief was read by Officer Marr dated April 10th that he is on vacation.

Mr. Kennedy, requested everyone stop arguing and get this issue resolved.

Officer Marr, said he has been an employee for 18 years and there are constant problems. The Police are trying to bridge the gap.

Robin Gallo, Atlantic Street, addressed Mayor and Council stating it seems they don't want the Lieutenant to move up and asked if there is a personality conflict. The Governing Body is a weak Mayor and a strong Council. Her thoughts were based on the newspaper articles.

Dave Sorber, spoke as a Keyport Police Department employee and a tax payer. He asked if there is a test for the Chief and Captain positions and when is it done. The Mayor and Council can waive the test if they choose. There is a Lieutenant test called for and there is no vacancy. Mr. Antonucci called for the Lieutenant's test. Mayor and Council will be prepared to promote from the test. Patrolman Sorber said he would like to have rank some day.

Warren Chamberlain, said "the left hand doesn't know what the right hand is doing." It was asked if Mr. Antonucci communicates with the Mayor and Council. Mayor and Council didn't know the Lieutenant test was called for.

Linda Churchill, asked if Keyport needs a Police Captain; yes. It was asked if there is a vacancy. She asked what will happen by the end of tonight, the public wants an answer tonight. This matter will be referred to the Police Committee to address with the Chief. Procedure was reviewed.

Tony Gallo, Atlantic Street, said Mayor and Council has several options with the Captain vacancy. They could either go from Lieutenant to Captain or go to a Sergeant and promote. Lieutenant Mitchell should be made the Captain tonight. It is fair when you wait your turn. Lieutenant Mitchell went to FBI school in Quantico, Virginia last year. There is an organizational chart. Everyone knew the Captain was leaving and Council should promote. Mr. Gallo stated he has received information on the Lieutenant test. Chief Lee and Chief Ruth asked for the same things Frank Miele did. There were problems in the past and Mayor and Council know what to do. The Mayor has "animosity" towards the Department but had always held us in high regard except for the last few months. The article in the newspaper was a bash towards the Department. There are many duties in the shift and many responsibilities are now incurred. The Police are being paid to patrol and cannot do its other duties now.

Linda Churchill, clarified there is no intention to eliminate a position. It was asked what the timeframe would be for promotion. The Borough seems to be band-aiding the situation. Mayor Merla said he can't give a timeframe, the Mayor and Council must review the situation. The residents want answers. Mr. Wedick will make an announcement at the next meeting once it has been discussed in Closed Session. If there is a letter sent to the State requesting a waiver, how long would it take? The State would decide, it takes a few months for a State waiver. Mrs. Churchill requested this be resolved for the Community so we can move ahead.

Pat DeNardo, asked why no decision was made. This has been known for a while and the Police deserve their promotion. This should have been done before and been ready. The Mayor said there will be a $.24 increase.

Ed Burlew, advised Mayor and Council that residents are concerned about the tax increase. The Council seems to Bond and Float the costs for projects. Are we now catching up?

Mr. Nies, 7 Gull Way, said he is embarrassed to be a new resident. He is in the Marines and has been to Iraq three times to fight for everyone's Freedom. He said, "I don't know," is not a good excuse. There are some communication issues and the town is dying. Information should be posted on the website; rules and regulations must be followed.

Fred Holper, 99 Warren Street, a lifetime resident of Keyport, said no one should move from this beautiful place. He said when he was growing up, he never paid attention to politics. The Keyport Police Department is the best Department; they are not arrogant and arrive at a scene in a heartbeat. This is not a dying town, 15 months ago a black cloud descended.

John Cosgrove, requested Council consider a waiver of the Captain's test.

Tim Regan, Broad Street, asked about the paging systems for the Fire Department and First Aid, should the Borough switch to county dispatch. Mr. Bergen said Council has to sit down and discuss this matter among the committees. There is a problem with the paging system; it defaults First Aid. Mr. Bergen said the Police, Fire, and Finance Committees must meet. Mr. Wedick said there should be a timetable of missed communications and missed fires. A question was asked about the timeframe of the Cass Street Water Tower being down was asked. Aberdeen was called on this matter to help us out. Mr. Antonucci said the tower would be down one month and we should be online by June 30^{th}. Mr. Hassmiller said there is a report on the truck for the Mayor and Council.

There being no further comments or questions, the meeting was closed to the public at 10:15 P.M.

RESOLUTIONS

2. Resolution #152-06, Payment of Bills

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

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

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

3. Resolution #153-06, Authorize Special Meeting - June 5, 2006 at 6:30 P.M./Discuss Records Management Procedures

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

Monday, June 5, 2006, 6:30 P.M.

in the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, N.J. for the purpose of:

Discussing Records Management Procedures and any other business which may come before the Governing Body;

and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold a Special Meeting as stated in the Municipal Complex, council Chambers, 70 W. Front Street, Keyport, N.J.

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

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

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

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

4. Resolution #154-06, Appoint Substitute School Crossing Guard - Ronald Dente

WHEREAS, there is a present need to fill the position of Substitute School Crossing Guard; and
WHEREAS, the Chief has recommended that Ronald Dente be hired for the position; and

WHEREAS, sufficient funds have been provided in the 2006 Budget for this position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Ronald Dente is hereby hired as a Substitute School Crossing Guard, effective May 3, 2006.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $10.25 per hour, the salary in effect as per current Salary Ordinance and Salary Resolution; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

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

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

5. Resolution #155-06, Appoint Substitute Crossing Guard - Margaret LaRosa

WHEREAS, there is a present need to fill the position of Substitute School Crossing Guard; and

WHEREAS, the Chief has recommended that Margaret LaRosa be hired for the position; and

WHEREAS, sufficient funds have been provided in the 2006 Budget for this position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Margaret LaRosa is hereby hired as a Substitute School Crossing Guard, effective May 3, 2006.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $10.25 per hour, the salary in effect as per current Salary Ordinance and Salary Resolution; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

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

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

6. Resolution #156-06, Appoint Substitute Crossing Guard - Laurie Vanderbeck-Kopacz

WHEREAS, there is a present need to fill the position of Substitute School Crossing Guard; and

WHEREAS, the Chief has recommended that Laurie Vanderbeck-Kopacz be hired for the position; and

WHEREAS, sufficient funds have been provided in the 2006 Budget for this position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Laurie Vanderbeck-Kopacz is hereby hired as a Substitute School Crossing Guard, effective May 3, 2006.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $10.25 per hour, the salary in effect as per current Salary Ordinance and Salary Resolution; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

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

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

7. Resolution #157-06, Appoint Special Law Enforcement Officer Class I - Carol Fox

WHEREAS, the is a need to hire a Part Time Class I Special Law Enforcement Officer (SLEO) in the Police Department; and

WHEREAS, Chief Theodore Gajewski has recommended Carol Fox be hired as a Class I Special Law Enforcement Officer.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council, Borough of Keyport that Carol Fox is hereby appointed as a Class I Special Law Enforcement Officer (SLEO), effective May 3, 2006, pending the results of a background investigation, completion of the required medical examination and satisfactory graduation from the Monmouth County Police Academy.

BE IT FURTHER RESOLVED the Carol Fox will be responsible for her schooling and uniforms.

BE IT FURTHER RESOLVED that since this is a part time position, there are no benefits and this appointment will expire December 31, 2006.

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

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

8. Resolution #158-06, Authorize Borough Administrator to execute Indemnity Agreement with Raritan Post No. 23/American Legion

WHEREAS, the American Legion Raritan Post No. 23 caused to be delivered, at their request, to their property located at 81 West Front Street Keyport, N.J. 07735 eight (8) loads of soil to be used for fill in the rear of said property, and

WHEREAS, the aforementioned soil fill was obtained from the Borough of Keyport Department of Public Works yard, and

WHEREAS, the Borough of Keyport in order to protect the health, safety and welfare of it citizens requires the American Legion Raritan Post No. 23 to indemnify and hold harmless the Borough of Keyport for any and all liability arising from said soil fill.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough Business Administrator is authorized to execute an indemnity agreement with the American Legion Raritan Post No. 23 for the aforementioned soil fill. A copy of said indemnity agreement is appended hereto and incorporated herein by reference.

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

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

9. Resolution #159-06, Authorize Advertisement for Receipt of Bids for a Commercial Cutaway Vehicle

WHEREAS, the Mayor and Council have determined the need for the purchase of a new commercial cutaway vehicle for the Borough of Keyport to replace aging vehicles in the Borough's inventory, and

WHEREAS, the Mayor and Council direct the Borough Clerk to advertise for the receipt of bids for the purchase of a commercial cutaway vehicle.

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

1. The Mayor and Council authorize the Borough Clerk to advertise for receipt of bids for the purchase of a commercial cutaway vehicle.

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

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

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

10. Resolution #160-06, Authorize Sale of Borough Property

WHEREAS, the Mayor and Council have determined that certain Borough personal property is no longer needed for public use, and

WHEREAS, N.J.S.A. 40A:11-36 allows for the public sale of Borough personal property no longer needed for public use, and

WHEREAS, the Mayor and Council authorize a public sale of Borough personal property no longer needed for public use in accordance with N.J.S.A. 40A:11-36, and

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

1. The Mayor and Council authorize the Borough Clerk to advertise for a public sale of Borough personal property as described in the list attached hereto and made a part hereof by reference.

2. Notice of the date, time and place of the public sale together with a description of the items to be sold and the conditions of sale shall be published in an official newspaper. Such sale shall be held not less than 7 nor more than 14 days after the latest publication of the notice thereof.

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

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

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

11. Resolution #161-06, Authorize Borough Auditor to review the Defeated School Budget

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised that the Local School Budget, as proposed by the

Keyport Board of Education was defeated by the voters of the Borough of Keyport; and

WHEREAS, the Mayor and Council have determined to conduce a review of the proposed school budget to ascertain whether further reductions should be made by the Governing Body in accordance with applicable statue; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed the qualifications of Ronald F. Gardner, Hodulik & Morrison, P.A., Highland Park, New Jersey, a licensed auditor who possesses experience in the review and analysis of defeated school budgets; and

WHEREAS, the Mayor and Council are resolved to appoint Ronald F. Gardner as Special Auditor to review the current school budget and make specific recommendations to the Governing Body at an amount not to exceed Two Thousand Five Hundred ($2,500.00) Dollars.

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 appoint Ronald F. Gardner, from the firm of Hodulik & Morrison, Highland Park, New Jersey as Special Auditor for the purpose of conducting a review of the defeated Keyport School Budget.

2. The Mayor and Council further direct Mr. Gardner to conduct said review and to make specific recommendations to the Mayor and Council as to any areas which the school budget may be modified or reduced. Mr. Gardner shall provide said service to the Borough of Keyport for a sum not to exceed Two Thousand Five Hundred ($2,500.00) Dollars.

3. The appointment herein is made without competitive bidding under the Local Public Contracts Law as same is a professional service and therefore not subject to competitive bidding.

4. The Borough Clerk is directed to publish notice of the within appointment pursuant to NJSA 40A:11-1 et seq. within ten days following the adoption of this Resolution in a newspaper of general circulation.

5. Copies of the within Resolution shall be forwarded to Ronald F. Gardner, Hodulik & Morrison, Highland Park, New Jersey, Municipal Finance Officer, Borough Attorney 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 Mr. Hassmiller

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

12. Resolution #162-06, Temporary Capital Budget Amendment

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

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

SECTION I. The 2006 Temporary Budget of the Borough of Keyport is hereby amended by the adoption of a schedule to read as follows:

Amendment Number 2 to the
Temporary Capital Budget of the
Borough of Keyport
County of Monmouth, New Jersey

Projects Scheduled for 2006 and
Method of Financing

Estimated Project Notes Auth.	Capital Imp. Cost	Grants	Fund	Bond and in Aid
Reconstruction of Warren St. And Caluco Pl. and Drainage Improve. To Green Groove Ave.	525,000	0	150,000	375,000

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 2006 Amended Temporary Capital Budget, to be included in the 2006 Permanent Capital Budget as adopted.

Mr. Walling asked the Mayor how he made out on April 28th. No cuts were presented with Budget items. There will have to be a meeting with the School Board.

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

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

13. Resolution #163-06, Authorize Special Meeting - June 5, 2006 at 6:00 P.M.

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

Monday, June 5, 2006, 6:00 P.M.

in the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, N.J. for the purpose of discussing Police Matters and any other business which may come before the Governing Body; and

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

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold a Special Meeting as stated in the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, N.J.

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

BE IT FURTHER RESOVELD that notice of said meetings be posted on the Bulletin Board in the Borough Hall and that a copy of said notice be filed with the Borough Clerk and also furnished to any person who has requested, in writing, that the Governing Body furnish a copy of any regular meetings, scheduled or revisions thereof, and any advanced written notice of any Regular, Special or rescheduled meetings of the Governing Body as required by law.

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

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

14. Resolution #164-06, Authorize Water Quality Report Printing

WHEREAS, the Mayor and Council wish to have printed and mailed to the residents of the Borough of Keyport the 2005 water quality data for the Borough of Keyport, and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-3 permits the Borough of Keyport to award a contract without public advertising and bidding when the aggregate cost or price of a contract does not exceed $21,000.00 and, for all contracts that are less than the bid threshold of $21,000.00 but totaling 15 percent or more of that amount at least two competitive quotes should be solicited, if practicable N.J.S.A. 40A:11-6.1(a), however, a contract may be awarded, without soliciting competitive quotations, if the amount of the contract is less than 15% ($3,150.00) of the bid threshold of $21,000.00 N.J.S.A. 40A:11-6.1(c), and

WHEREAS, Consumer Confidence Reports (CCR) Management Services submitted a price quote of $2,760.58 for the production, mailing and website posting of the 2005 water quality data report, which has been determined by the Mayor and Council of the Borough of Keyport to be the most advantageous, price and other factors considered, and

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

1. The Mayor and Council authorize the Borough Business Administrator to execute a contract and/or purchase order with Consumer Confidence Reports (CCR) Management Services in an amount not to exceed two thousand nine hundred dollars ($2,900.00) for the printing, mailing and website posing of the 2005 water quality data as described in the April 23, 2006

memo from Jim Mastrokalos, Licensed Water & Sewer Operator which attached hereto and made a part hereof by reference.

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

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

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

15. Resolution #165-06, Manasquan Rate Increase Opposition

WHEREAS, The Borough of Keyport is part of the Manasquan Customers Group for purchase of water from New Jersey American Water Company, and

WHEREAS, The Mayor and Council of the Borough of Keyport have been advised that the New Jersey American Water Company filed for an overall rate increase of 22.3% which results in an actual rate increase of 24.6% for members of the Manasquan Consumers Group, and

WHEREAS, said rate increase would amount to approximately a seventy one thousand three hundred and sixty five dollars ($71,365.00) increase in purchase price of water by the Borough of Keyport, and

WHEREAS, the Mayor and Council have determined that it is in the best interests of the citizens of the Borough of Keyport to oppose the aforementioned rate increase.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby oppose the rate increase filed by New Jersey American Water Company.

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

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

16. Resolution #166-06, Authorize Administrator to send a letter to Residents/Cass Street

WHEREAS, the Mayor and Council wish to inform the Borough residents of the Cass Street Standpipe painting and improvements schedule and water conservation measures, and

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

1. The Mayor and Council authorize the Borough Clerk to mail the residents of the Borough of Keyport the schedule of painting and improvements to the Cass Street Standpipe and

water conservation measures as set forth in the form of letter attached hereto and made a part hereof by reference.

2. A copy of the within Resolution shall be maintained in the office of the Borough Clerk for public inspection.

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

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

ADJOURNMENT

Motion to Adjourn the meeting by Mr. Sheridan, seconded by Mr. Walling with Ayes by all present.

Time of Adjournment: 10:24 P.M.

Respectfully submitted,

Allyson M. Cinquegrana, RMC
Borough Clerk