May 20, 2003
Keyport, New Jersey

Minutes of the Regular Meeting of the Mayor and Council, Borough of Keyport, held on the above date in the Keyport Senior Center, 110 Second Street, Keyport, N.J., pursuant to the adoption of the Annual Notice on file with the Borough Clerk, forwarded to the Asbury Park Press, Courier, Independent and Two River Times and posted on the Bulletin Board in accordance with the Open Public Meeting Act, P.L. 1975, Ch. 231.

In Mayor Merla's absence, Council President June Atkins called the meeting to order at 7:01 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Green. Absent: Councilmembers Bergen, Doyle. Others present: Mr. Kain, Borough Attorney.

RESOLUTION

1. **Resolution #198-03**, Closed Meeting - Personnel, Labor Relations and Contract Negotiations

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

Personnel
1. Tax Office
2. Deputy Registrar

Litigation
1. Magic Touch vs Borough of Keyport
2. Keyport vs the Monmouth County Board of Taxation

Contract Negotiations
1. New Municipal Complex
2. Interlocal with Union Beach for Construction Code Services
3. Cellular Tower Lease

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

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

Personnel, Litigation, Contract Negotiations

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

Offered for adoption by Mr. Hyer, seconded by Mr. Green

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

Council went into Closed Session at 7:01 P.M. and this meeting was reconvened at 8:14 P.M.

Mayor Merla called the meeting to order at 8:14 P.M. and read the Sunshine Law Notice.

ROLL CALL

On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Green. Absent: Councilmembers Bergen, Doyle. Others present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer, and Thomas Fallon, CFO.

Councilman Green led the Pledge of Allegiance and Moment of Silence.

APPROVAL OF MINUTES

Minutes of the Special Meeting of April 24, 2003 were approved as read on motion of Mr. Hyer, seconded by Mr. Green, with Ayes by all present.

PRESENTATION

Mayor Merla presented a Business Award plaque to Dr. Sanford Gold commemorating 40 years of business, his hard work and dedication and commended Dr. Gold, his wife and staff. Dr. Gold said his 40 years were most rewarding and wished his successor good luck.

PROCLAMATION

1. Potholders R Us, Inc. Mayor Merla read a proclamation commending the members of Potholders R Us, second grade students, for their ingenuity and unselfishness in their commitment to the well-being of others. Councilman Hyer's grandson is in Miss Hill's class. In the last ten years, they have raised over $50,000 for the Sunshine House. This years presentation will be on May 29, 2003 at 6:30 PM in the Central School All Purpose Room.

APPEARANCE/DISCUSSION

Eric Woodmont/Woodmont Project. Mayor Merla said that Ordinance #5-03 led to discussions and the need to assess existing laws and also to hire a Planner. The Borough will work with the Smart Growth Grant and the funds should be received in June. Councilmembers Atkins, Doyle and Bergen put together an RFQ and now it is time to move forward. The Woodmont project will consist of 42 units on the site and they have come to make a proposal tonight. Eric Woodmont said this site is the Swift Property consisting of 1.9 acres between First and Front Streets and is under contract to purchase. They will build a 42 unit structure and keep the 2 commercial buildings. Their firm started in

1963. Mr. Woodmont gave an overview of the site. Plan #1 - build 10 town houses on First Street and 1 townhouse on Broad Street with 15-18 feet of green space in front with garage access from the rear and retain the office buildings. Plan #2 - build 10 town house on First Street, remove 1 commercial building and build 29 three story condominiums, with 10 feet between the curb and property line. There were concerns that the original project was too big and they are looking for feed back and input from the Mayor and Council. The property owner needs a commitment. Mayor Merla asked about the first proposal; 3 stories, a garage and 2 floors, height 35-36 feet high. The second proposal would be 40 feet high. The Borough Committee for the Planner will meet with Mark Sessa of the Planning Board for feed back and will meet on site. The Planning Board will retain the Planner who will be hired at the Thursday Planning Board meeting. Mayor Merla asked the Committee to respond back to the Council for the June 2nd meeting.

HEARING ON ORDINANCE

1. **Ordinance #13-03,** Amend Taxicab Owners and Drivers Licensing Fees

The Clerk reported that the Ordinance was published, as introduced, in the Courier issue of May 8, 2003 that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCE OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER CHAPTER V, SECTION 5-10 TAXI CABS

The Hearing was opened to the public for comments or questions at 8:44 P.M. There being none, the Hearing was closed at 8:44 P.M.

Offered for adoption by Mr. Hyer, seconded by Mr. Green

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of May 22, 2003 moved by Mr. Hyer, seconded by Mr. Green, with Ayes by all present.

2. **Ordinance #14-03,** Bond Ordinance/Reallocate Appropriations and Authorizations for Ordinance #28-02

The Clerk reported that the Ordinance was published, as introduced, in the Courier issue of May 8, 2003 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 AMENDING BOND ORDINANCE NUMBER 28-02 (WHICH PROVIDES FOR THE ACQUISITION OF FIRE TRUCKS, EQUIPMENT AND NON PASSENGER VEHICLES) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY ON OCTOBER 1, 2002 TO AMEND THE DESCRIPTION AND TO REALLOCATE APPROPRIATIONS AND AUTHORIZATIONS THEREIN

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

SECTION 1. The bond ordinance of the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on October 1, 2002, numbered 28-02 and entitled, "Bond Ordinance Providing For The Acquisition Of Fire Trucks, Equipment And Non Passenger Vehicles, By And For The Borough Of Keyport, In The County Of Monmouth, State Of New Jersey (The "Borough"); Appropriating $837,000 Therefor And Authorizing The Issuance Of $792,000 Bonds Or Notes Of The Borough To Finance Part Of The Cost Thereof" (the "Original Ordinance"), is hereby amended to amend the description set forth in Section 3(a)(iii) of the Original Ordinance to change the overhauling and renovation of a backhoe to the acquisition of a backhoe and to reallocate appropriations and authorizations contained therein to finance the costs of such acquisition of the backhoe.

SECTION 2. Section 3 of the Original Ordinance is hereby amended with the effect and to the extent as follows:

"Section 3(a) The improvements hereby authorized and purposes for the financing of which said obligations are to be issued are as follows:

Description	Appropriation	Authorization	Down Payment	Useful Life
(i) the acquisition of two (2) fire trucks, including, one (1) utility fire truck for the Keyport Fire Patrol, a volunteer organization, and one (1) pumper fire truck for the Raritan Hose Company Number 1, a volunteer organization, the title to which fire trucks shall remain with the Borough and which appropriation for such fire trucks shall be controlled and disbursed by the Borough;	$525,000	$499,800	$25,200	10 years
(ii) the acquisition of equipment and non-passenger vehicles for the Borough's	$260,000 (including $5,000 from	$242,700	$12,300	10 years

Department of Public Works, including but not limited to, a street sweeper, a dump truck and a lift truck; and	the reserve for a public works vehicle in the general capital fund)			
(iii) the acquisition of a backhoe for the Borough's Department of Public Works;	$52,000	$49,500	$2,500	7 years
TOTALS	$837,000	$792,000	$40,000	

(b) The above improvements and purposes set forth in Section 3(a) shall also include all work, materials, equipment, labor and appurtenances as necessary therefor or incidental thereto.(c) The aggregate estimated maximum amount of bonds or notes to be issued for said improvements or purposes is $792,000. (d) The aggregate estimated cost of said improvements or purposes is $837,000, the excess amount thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the aggregate amount of $792,000, is the Reserve Monies in the amount of $5,000 and the aggregate down payment for said improvements or purposes in the amount of $40,000."

SECTION 3. In the event the United States of America and/or the State of New Jersey make a contribution or grant in aid to the Borough for any of the general capital improvements authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended hereby, then the amount of such bonds or notes to be issued shall be reduced by the amount so received from the United States of America and/or the State of New Jersey. In the event, however, that any amount so contributed or granted by the United States of America and/or the State of New Jersey shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 of the Original Ordinance, as amended hereby, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose.

SECTION 4. The purpose of this amendment is to modify and expand the purposes for capital projects provided for in the Original Ordinance and to reallocate appropriations for such modified and expanded purposes. No additional appropriation, down payment, or issuance of bonds or notes, over and above the respective appropriation, down payment or issuance of bonds or notes authorized by the Original Ordinance as adopted, is hereby made or authorized. The supplemental debt statement required by the Local Bond Law was duly made and filed at the time of introduction of the Original Ordinance. No additional or amended supplemental debt statement is required to be filed at this time.

SECTION 5. The Capital Budget of the Borough is hereby amended to conform with the provisions of this amendatory bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, shall be filed in the Office of the Clerk of the Borough and shall be available for public inspection.

SECTION 6. The average period of usefulness of the improvements or purposes set forth in Section 3 of the Original Ordinance, as amended hereby, within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by the Original Ordinance, as amended hereby, is 9.81 years.

SECTION 7. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

SECTION 8. This bond ordinance shall take effect twenty (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 8:46 P.M. There being none, the Hearing was closed at 8:46 P.M.

Offered for adoption by Mr. Atkins, seconded by Mr. Stalter

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

2a. Motion authorizing the Clerk to publish the Ordinance As finally adopted according to law in the Courier, issue of May 22, 2003, moved by Mr. Green, seconded by Mr. Hyer, with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. **Ordinance #15-03,** Bond Ordinance/Public Works Facility

The Borough Clerk reported that the Supplemental Debt Statement has been filed in her office prior to Introduction of the Ordinance.

The Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A PUBLIC WORKS COMPLEX, BY AND IN THE BOROUGH OF KEYPORT, IN THE THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $850,000 AND THEREFOR

AUTHORING THE ISSUANCE OF $809,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF BE IT ORDAINED AND ENACTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring), as follows:

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of $850,000, which sum includes $40,500 as the amount of down payment for said improvement or purpose required by the Local Bond Law, N.J.S.A. 40A:2-1 et seq. (the "Local Bond Law"). Said down payment is now available therefor by virtue of provisions in a previously adopted budget or budgets of the Borough for down payment or for capital improvement purposes.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said $850,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $809,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding $809,500 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 purpose for the financing of which said bonds or notes are to be issued is the construction of a public works complex on real property being designated as Block 1, Lot 40 on the Official Tax Map of the Borough and commonly known as 199 Chingarora Avenue, such construction shall include, but is not limited to, excavation, site preparation, the construction of a canopy fueling station, a two (2) story administrative building, maintenance and repair garages, a mechanics shop and a salt dome, the acquisition, construction and installation, as applicable, of pole barns with and without garage doors, concrete flooring, sander hoists, fuel pumps and a fuel tank, material bins, hoists, an air compressor, signage, lighting, fencing, gates, furnishings and technology equipment, and all associated paving, concrete padding, curbing, site restoration, landscaping and other aesthetic improvements, and also including all engineering, design and architectural work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and management, and contract administration, and all work,

materials, equipment, labor and appurtenances necessary therefor or incidental thereto.
(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is $809,500.
(c) The estimated cost of said improvement or purpose is $850,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of $40,500 is the down payment for said improvement or purpose.

SECTION 4. In the event the United States of America, the State of New Jersey, and/or the County of Monmouth make a contribution or grant in aid to the Borough, for the improvement and purpose authorized hereby and the same shall be received by the Borough prior to the issuance of the bonds or notes authorized in Section 2 hereof, then the amount of such bonds and/or notes to be issued shall be reduced by the amount so received from the United States of America, the State of New Jersey, and/or the County of Monmouth. In the event, however, that any amount so contributed or granted by the United States of America, the State of New Jersey, and/or the County of Monmouth, shall be received by the Borough after the issuance of the bonds or notes authorized in Section 2 hereof, then such funds shall be applied to the payment of the bonds or notes so issued and shall be used for no other purpose. This Section 4 shall not apply, however, with respect to any contribution or grant in aid received by the Borough as a result of using funds from this bond ordinance as "matching local funds" to receive such contribution or grant in aid.

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no note shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. 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 the notes issued pursuant to this bond ordinance, and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with 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 purchaser thereof upon receipt of payment of the purchase price and accrued interest thereon 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 bond ordinance is made. Such Report must include the principal amount, the description, the interest rate, and the maturity schedule of the notes to be sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the Borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and capital programs as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

SECTION 7. 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 and is an improvement which 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 average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.
(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $809,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
(D) An aggregate amount not exceeding $175,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes 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 bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds, or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will be issued in an amount not to exceed $809,500. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 10. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this ordinance.

SECTION 11. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

Presently the Borough is using a rental facility. The Borough will build on what was formerly the Rollo property and it will accommodate the Public Works needs. The Borough has been trying for many year, owning vs. leasing (lease payment is $56,000/yr). Tom Fallon said the ordinance authorizes $850,000 and provides for $809,500 in bonds or notes ($57,000 per annum), payable over a 20 year period and then the Borough would own the facility and there will be no more debt service. Mr. Hyer said the Borough has been looking long and hard for a home for the Public Works and one that would not have to be retrofitted. Mayor Merla asked about a salt dome. Mr. Freda said it was laid out with a wish list to get the most on the site; a diesel & fuel station with a roof, bays, work shop, lifts, wash down bay, sand & stone bins, house all equipment, meeting room, office and lockers. Mayor Merla said the Police Department would also fuel there

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of May 22, 2003 for a Hearing to be held June 2, 2003 moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

2. **Ordinance #16-03**, Salary Ordinance/Fire Official

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES OF THE BOROUGH OF KEYPORT, NEW JERSEY IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and adopt a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

WHEREAS, the following Ordinance has been prepared with salary ranges therein for the positions listed, wherein the ranges give the minimum salary for the position as well as the maximum for the position, and the exact salary to be paid to each employee as determined by a Resolution duly adopted by the Mayor and Council of the Borough of Keyport must be within the ranges given in the Ordinance, and the purpose is to save money in preparation and publication costs by making the ranges sufficiently wide to last for several years, and also to give greater flexibility, should a position be vacated and it desires to start a new employee with less experience at a lower salary, since the new salary may simply be set by a Resolution of the Mayor and Council.

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

PLEASE NOTE THAT ALL OF THE FOLLOWING ARE NOT INCREASES IN EXISTING SALARIES, BUT ARE RANGES WITHIN WHICH SALARIES MUST FALL

Section 1. The following annual salary ranges are hereby fixed and determined for the following part-time officers and employees effective January 1, 2003:

	MINIMUM SALARY	MAXIMUM SALARY
FIRE OFFICIAL	$5,000 annually	$15,000 annually

Section 2. Inconsistent Ordinances. All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistency.

Section 3. Severability. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. Effective Date. This Ordinance shall take effect upon its passage and publication according to law.

Offered for adoption by Mrs. Atkins, seconded by Mr. Hyer

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

2a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of May 22, 2003 for a Hearing to be held June 2, 2003 moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Police: Councilman Bergen was absent.

Councilwoman Atkins; Fire: Mrs. Atkins reported on the following: The Senior Citizen Advisory Committee will hold the 6th annual Rainbow Tea. The Fire Dept. and First Aid held inspection. In April, the Fire Dept. had 13 alarms and 527 man hours. Mrs. Atkins attended the First Aid meeting; for the month of May there were 57 calls, 8 to Union Beach, 4 to Aberdeen, 2 to Hazlet and transports for a total of 310 man hours. Mrs. Atkins attended the BID meeting.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer reported on the following: The

Public Works property is being cleaned. Sidewalk repairs are needed at Conway Park. The County Park System did a walk through on the Henry Hudson Trail and the Mosquito Commission was contacted. There was an inquiry from Hazlet regarding the condition of Beers Street. The sewer pump is down. They are working on street signs. The boardwalk repairs in Firemen's Park have been completed. A resident from East First Street had a concern and the Borough Engineer will address the matter. The County Recycling meeting on June 13th will be held in Keyport. Port-o-johns have been installed along the waterfront and the cat walk has been removed. A new float is needed and quotes will be obtained. There were no quotes for the fishing pier repairs. The Borough Engineer will look at the Benjamin Terry Park bulkhead and submit a report. The hydrants are being flushed.

Councilman Stalter; Health, Recreation and Parks. Mr. Stalter reported on the following: The Recreation Commission is pursuing the Skate Park; the Police Chief has looked at other locations. Middletown opened their Skate Park last week. There is an opportunity for organization to raise money by selling Blue Claws tickets. There are 300 tickets for the game on July 17th at 7:05 PM and the First Aid Cadets are interested.

Councilman Doyle; Finance: Councilman Doyle was absent. He submitted a report which was distributed to Mayor and Council.

Councilman Green; Buildings & Grounds and Library.: Mr. Green reported on the following: He and the Mayor attended the Library meeting. The new Municipal Complex should be dedicated by summers end. He has received call regarding speeding on First Street and recommended extending the No Parking on the corners from 25 feet to 50 feet. There was an accident on First Street & Green Grove Avenue on Easter Sunday. He asked about setting up the radar. Councilman Bergen is to be contacted. He advised that the radar vehicle could be parked on private property and enforcement is needed. Mr. Hyer said it should also be set up on Jackson Street.

Administrator Poling: Mrs. Poling reported on the following: There were no bids for the Cellular Tower Lease and the lease will be rebid. May 13, 2003 Payment of Bills: Current Account-$108,400.22; Water & Sewer Account-$18,931.88; General Capital Account-$2,034.59. Bids received for the paving materials contract were referred to Mr. Kain, Borough Attorney and the award of contract will be listed on the June 2nd meeting.

Engineer Freda: Mr. Freda reported on the following: There were no questions regarding the Engineer's Status Report for April. The Green Acres State House Commission application is due May 28th for a 2 year use diversion (recreational purposes). Mr. Kain said Keyport does not have an active ferry. The current approval expires October, 2003 and if it is rebid that application has to be in for June 15th. Mayor Merla said this will determine if there is another pier. Mr. Kain said Green Acres concurred. Department of Transportation application, Atlantic Street is in design, bids in July and contract done in late fall. Mr. Freda said ½ of Atlantic would be done as Phase I, Maple to Third; Mayor Merla said it is in bad shape. The Borough can apply for Phase II to finish Atlantic or apply for the municipal parking lot at Main and Broad, or both. Once the project is started it should be finished. A resident would like to purchase the paper street between Monroe and Hwy. 36 (there are monitoring wells under the street), the property would have to be offered to all adjacent property owners. There is a new home going up on Monroe. The Harbor Commission has discussed an additional boat slip for a Charter Fishing Boat; the Borough owns the property. Mayor Merla agreed in the concept but said it is the wrong time because of the bulkhead being replaced. The permitting could be done while the bulkhead is being done and time is of the essence. Mr. Hyer said the interested party said they would be willing to set the pilings at their expense. Mayor Merla said the Borough should not incur any expense. Mr. Freda asked how many slips and where. Mayor Merla asked Mr. Freda to meet with the Harbor Commission.

Attorney Kain: Mr. Kain reported on the following: The plaintiff depositions have been completed in the Magic Touch case. A settlement has been reached in a tax appeal with the Board of Taxation and it will be listed on the June 2nd meeting.

Mayor Merla: The Mayor reported on the following: Support (Ordinance or resolution?)of the Constitutional Convention Referendum was referred to the Borough Attorney. The Memorial Day Parade will be on Sunday at 1 PM and Mayor Merla will be attending the Yacht Club opening on Saturday. A letter is being sent to the Therese Street residents and Monmouth County Community Development; the Borough will accommodate their needs. The Council supported the Court Credit Card system and in April $4,200.00 was collected. $40,000 has been collected in 8 weeks for the Landlord Registrations and Mayor Merla acknowledged Anthony Vecchio and Robert Burlew. Mayor Merla spoke with Congressman Pallone regarding dredging; dredging is not a qualification for the 9-11 funding bill (ferry). Congressman Pallone is working on piggy backing on the Earl Naval Base dredging by the Army Corp. Mr. Kain sent a memo to Pauline Redmond last week regarding wetlands. The Historical Society has sent out a newsletter. The Chamber of Commerce has sent a letter that they will be closing their doors effective May 31, 2003. At the BID Board of Directors meeting there was an oversight on the activities and the production of commercials and airing same on t.v. Mayor Merla appointed GayLee Benedict as Alternate #2 Member to the Planning Board and he thanked Tom Antonucci for his service.

REPORTS OF DEPARTMENTS

March, 2003

1. Building Department Monthly Report - Cash Receipts:

PERMIT TYPE	NO. ISSUED	AMOUNT

State DCA Fee	51	$	232.00
Construction Certificates	4		159.00
Plumbing	17		1,333.00
Electrical	22		1,627.00
Building	33		2,909.00
Fire Sub Code	16		919.00
Code Enforcement/			
Certificates of Occupancy	41		1,075.00
Transfer Title	9		315.00
Smoke Detectors	41		820.00
Zoning	16		160.00
200 Ft. Property List	1		10.00
Miscellaneous	7		165.00
Copies	0		-0-
Construction Debris Deposit	3		150.00
Construction Violations	0		-0-
Re-Inspection	0		-0-
TOTALS		**$**	**9,974.00**

Accounts Payable

Amount Paid to Borough: Check No. 2402 $9,492.00
State Fee Due $402.00 Check No. 2403 $ 402.00
(January, February & March)

Submitted by: Annette Kovacs, Senior Permit Clerk

April, 2003

2. Treasurer's Report of Account Balances as February 28, 2003

CURRENT CHECKING	$1,439,991.25
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	3,716.97
TRUST CHECKING	15,257.00
TRUST SAVINGS	134,738.09
RECREATION BAYFRONT	87,761.16
UNEMPLOYMENT/DISABILITY	64,755.19
RECREATION COMMISSION	8,579.13
GENERAL CAPITAL	1,299,429.17
ESCROW TRUST	181,164.10
LAW ENFORCEMENT	9,429.17
SELF HEALTH INSURANCE FUND	2,149.14
PUBLIC ASSISTANCE TRUST FUND	3,605.90
WATER/SEWER CHECKING	5,000.00
WATER/SEWER SAVINGS	27,509.32
WATER CAPITAL INVESTMENT	4,315.96
WATER CAPITAL INVESTMENT	89,984.38
GENERAL CAPITAL INVESTMENT	1,500,817.50

INTEREST EARNED ON INVESTMENTS FOR February, 2003
CURRENT - $2,036.14
WATER - $ 116.00

Submitted by Pauline Redmond, Treasurer

3. Borough Clerk's Report:

WATER/SEWER ACCOUNT

WATER CONNECTION	$
WATER METER	
TURN ON CHARGE	
SEWER CONNECTION	
SEWER/POOL PERMIT	15.00
WATER METER W/TO	100.00
DEMOLITION	
TOTAL WATER/SEWER, CHECK #3555	**$115.00**

CURRENT ACCOUNT

BINGO LICENSE	$
GUN PERMITS & ID'S	27.00
LIMO LICENSE	
PHOTOCOPIES	84.00
POSTAGE	.37
RAFFLE LICENSE	150.00
TAXI LICENSE, DRIVER	
TAXI LICENSE, OWNER	
POLICE DEPT ACCIDENT REPORT	346.00
SEARCHES	10.00
VENDING LICENSE	
PEDDLER LICENSE	
LIQUOR LICENSE	3,431.74
STREET OPENING	225.00
FISH & GAME	
NEWSPAPER VENDING MACHINES	
RECYCLING PERMITS	200.00
PARKING PERMITS	10.00
AUCTION LICENSES	
OTHER/Seasonal Business Sales	50.00
TOTAL CURRENT, CHECK #3556	**$4,534.61**

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$ 250.00
BAIT	
ICE	
ICE CREAM	
SODA	
TOTAL RBIT, CHECK #2558	**$ 250.00**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3557	**$ 81.00**
TOTAL RECEIPTS	**$4,435.61**

Submitted by Judith L. Poling, Borough Clerk

4. Tax Collector's Report

2002 TAXES	$ 41,944.16
2003 TAXES	657,097.67
2004 PREPAID TAXES	-0-
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	6,099.93

TAX SEARCHES	-0-
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	19,487.00
RETURNED CHECK CHARGES	-0-
ALL OTHER MISCELLANEOUS REVENUE	$476,159.37
TOTAL CURRENT RECEIPTS	**$1,200,925.63**

WATER & SEWER RENTS	$494,079.74
INTEREST AND COSTS	2,394.53
TURN ON CHARGES	50.00
RETURNED CHECK CHARGES	12.00
POOL PERMITS	15.00
WATER METERS/WITH TURN ON	100.00
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	1,800.00
METER TEST CHARGE	35.00
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	**$ 498,486.27**

Submitted by Pauline Redmond, Tax Collector

5. Municipal Court Report

STATE FINES	$ 221.00
STATE SURCHARGE	-0-
STATE UNINSURED	297.00
COUNTY FUNDS	1,058.82
COUNTY FINES	4,467.00
MUNICIPAL FINES	4,467.00
MUNICIPAL COSTS	4,457.50
MUNICIPAL PARKING	1,510.50
MISCELLANEOUS	2,055/18

Submitted by Kathie Coffey, Court Administrator

6. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

7. Board of Health Report

TOTAL COLLECTED:	**$ 2,626.20**
DOG LICENSES	$ 743.40
CAT LICENSES	104.80
MARRIAGE LICENSES	140.00
BURIAL PERMITS	33.00
DEATH CERTIFICATES	1,215.00
MARRIAGE CERTIFICATES	105.00
BIRTH CERTIFICATES	-0-
POOL PERMITS	-0-

PLAN REVIEW	-0-
FOOD HANDLERS	285.00
MISCELLANEOUS	-0-

DISBURSEMENTS

CHECK #2746 - BORO OF KEYPORT MISC. ACCT	$1,653.00
CHECK #2747 - BORO OF KEYPORT TRUST ACCT	125.00
CHECK #2748 - BORO OF KEYPORT DOG ACCT	713.80
CHECK #2749 - NJ STATE DEPT OF HEALTH	134.40

Submitted by Anne R. Biagianti, Treasurer

8. Building Department Monthly Report - Cash Receipts:

PERMIT TYPE	NO. ISSUED	AMOUNT
State DCA Fee	64	$ 423.00
Construction Certificates	2	136.00
Plumbing	29	2,758.00
Electrical	28	2,523.00
Building	46	6,633.00
Fire Sub Code	19	1,015.00
Code Enforcement/ Certificates of Occupancy	45	1,135.00
Transfer Title	10	365.00
Smoke Detectors	35	700.00
Zoning	25	250.00
200 Ft. Property List	4	40.00
Miscellaneous	11	270.00
Copies	0	-0-
Construction Debris Deposit	3	150.00
Construction Violations	0	-0-
Re-Inspection	0	-0-
TOTALS		**$ 16,398.00**

Accounts Payable

Amount Paid to Borough: Check No. 2406 $15,825.00
State Fee Due $423.00 Paid Quarterly

Submitted by: Annette Kovacs, Senior Permit Clerk

9. Code Enforcement Office Monthly report

See full copy on file in the Clerk's Office

Submitted by Anthony Vecchio
Code Enforcement/Zoning Officer

10. Property Maintenance Officer Report

See full copy on file in the Clerk's Office

Submitted by William Cerase, Property Maintenance Officer

11. Keport Fire Department Report

Total Man Hours to date: 529

Submitted by Harry Aumack, Chief KFD

Motion to accept all reports as submitted moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Resignation from Donna McCue, Part-time Account Clerk effective May 16, 2003

   Motion to accept and send a letter or regret, moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present

2. Request from VFW Post 4247 to use Veteran's, Benjamin Terry, and Cedar Street Parks for Annual Picnic, Saturday, September 13, 2003

   Motion to approve, pending Engineer's inspection and that the bulkhead is fenced off, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present

3. Raffle Applications for Keyport Firemen's Fair:
   A. On-Premises Cash Raffle
   B. On-Premises Draw Raffle
   C. Big Six Wheel
   D. Instant Cash (Pull Tab Tickets)

   Motion to approve, moved by Mrs. Atkins, seconded by Mr. Green, with Ayes by all present

4. KBA Borough Equipment request.

   Motion to approve, moved by Mr. Green, seconded by Mr. Stalter, with Ayes by all present

5. Flag Retirement Ceremony per request of John Popovich, Boy Scout Troop 80 Committee Chairman

   Motion to approve, moved by Mr. Stalter, seconded by Mr. Green, with Ayes by all present

6. Troop 80, Eagle Award - Request to Paint Maltese Crosses On curbs.

   Motion authorizing Mayor Merla to write a letter on behalf of Troop 80, moved by Mr. Hyer, seconded by Mrs. Atkins with Ayes by all present

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:40 P.M. Terry Parker recommended using floating docks instead of pilings for fishing. He said the Borough should get named as a Transit Village as it opens up funding sources. He asked about the sketches for the municipal parking lot between Main and Broad and a 500 car parking structure. Mayor Merla said the Planner will address the parking. Kathy Shaw said the BID has no interest loans and this is Phase II. Mayor Merla said at the last Smart Growth meeting it was said there were no plans, that a professional is needed on board who could identify projects and look at funding sources outside the

Borough. Kathy Shaw said she has met with the Transit Village people and she has the application which she will mail to the Borough Engineer and Attorney. There is also the "BIG' program (fuel taxes) which can be used for boating and time line is needed to set up. Mike Lane, First Street asked if Green Acres funding is being used for the Benjamin Terry bulkhead. Mayor Merla said no. There is a pumping station in the area, at the end of the street and he said to let it become a natural beach. Mr. Lane said the Engineer prepared a new plan for West Furniture and asked if it was available. Mayor Merla said at the Planning Board meeting. Joseph Wedick, Therese Street said there are properties in his area that need attention. Ray Weber asked about the Green Grove Apts. Mayor Merla said they are coming before the Planning Board in June (4th Thursday) and there are still parking problems. The Public Comment Portion of the meeting was closed at 10:03 PM.

RESOLUTIONS

2. **Resolution #199-03,** Support Assembly Bill 2625 and Senate Bill S-1999 (Auto Insurance)

WHEREAS, New Jersey's automobile insurance system is in the midst of a capacity and availability crisis; and

WHEREAS, during the past three decades, many efforts have been made to fix the system, however temporary solutions have only resulted in unstable and anti-competitive markets; and

WHEREAS, four out of the six largest insurers in America do not write business in or state and that number could rise five out of six largest companies within the next year; and

WHEREAS, more than twenty automobile insurance companies have left out state in the past decade and as of last year, New Jersey has 47% fewer companies selling insurance than Illinois, 34% fewer than New York and 31% fewer than Pennsylvania; and

WHEREAS, New Jersey drivers deserve a competitive automobile insurance market where insurers compete and consumers win; and

WHEREAS, bipartisan legislation has been introduced in the New Jersey General Assembly and New Jersey Senate which directs New Jersey toward a more competitive market with increased capacity.

NOW, THEREFORE, BE IT RESOLVED, that this Governing Body hereby calls upon the New Jersey Legislature and New Jersey Governor to support Assembly Bill 2625 (Greenwald/Bateman) and Senate Bill S-1999 (Bucco/Ciesla).

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be forwarded to Governor James McGreevey, Senator Andrew Ciesla, Senator Anthony Bucco, Assemblyman Christopher Bateman, Assemblyman Louis Greewald, Senator John Palaia, Assemblyman Steve Crodemus, Assemblyman Sean

Kean, all Monmouth County Municipalities and the New Jersey League of Municipalities

Offered by Mr. Hyer, seconded by Mr. Green

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

3. **Resolution #200-03,** Payroll Deduction/Police Officers (Insurance)

WHEREAS, a program offering insurance services to Police and Fire Fighters has been developed by the Police and Firemen's Insurance Association; and

WHEREAS, the Borough of Keyport police officers have expressed a desire to participate in this program; and

WHEREAS, the Borough has the ability to honor such request, and it is the desire of the Borough Council to enable the payroll department to retain funds from participants in trust and disburse premium payments.

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

1. The Council does hereby authorize the payroll department to retain funds from participating officer's salaries and distribute premium payments to the Police and Firemen's Insurance Association.

2. Certified copies of this resolution shall be filed with the Chief of Police, Chief Financial Officer, Treasurer and Administrator.

Offered by Mr. Hyer, seconded by Mr. Green

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

4. **Resolution #201-03,** Permanent Appointment of Public Works Repairer/Scott Hicks

WHEREAS, on March 6, 2002, the Mayor and Council appointed Scott Hicks, Public Works Repairer, pending Department of Personnel testing and certification; and

WHEREAS, the Borough of Keyport has received the Certifications of eligibles for Appointment from the Department of Personnel.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, that Scott Hicks is hereby permanently appointed Public Works Repairer, effective May 21, 2003.

Offered by Mr. Hyer, seconded by Mr. Green

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

5. **Resolution #202-03,** Hire Part Time Summer Laborer/Linda Corbett

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 Linda Corbett is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

6. **Resolution #203-03,** Hire Part Time Summer Laborer/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 Emily Burlew is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

7. **Resolution #204-03,** Hire Part Time Summer Laborer/Harry Knuete

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 Harry Knuete is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

8. **Resolution #205-03**, Part Time Summer Laborer/Frank Fischler

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 is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

9. **Resolution #206-03**, Part Time Summer Laborer/Dylan Borders

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 Dylan Borders is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

10. **Resolution #207-03**, Part Time Summer Laborer/Calvin Cheatum

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 Calvin Cheatum is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter, Green

Absent: Councilmembers Bergen, Doyle

11. **Resolution #208-03,** Part Time Summer Laborer/Pat Denardo

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 Pat Denardo is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

12. **Resolution #209-03,** Part Time Summer Laborer/Chris Lowther

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 Chris Lowther is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

13. **Resolution #210-03,** Part Time Summer Laborer/Ryan Young

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 Ryan Young is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

14. **Resolution #211-03,** Part Time Summer Laborer/John Yard

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 John Yard is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

15. **Resolution #212-03,** Part Time Summer Laborer/Brian 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 Brian Burlew is hereby hired as a Part Time Summer Laborer, effective May 21, 2003 at the hour rate of $10.00 per hour.

Offered by Mr. Hyer, seconded by Mr. Green

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

16. **Resolution #213-03,** Payment of Bills

(FULL COPY OF RESOLUTION ATTACHED HERETO AND MADE PART OF THESE MINUTERS)

Offered by Mr. Hyer, seconded by Mr. Green

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter*, Green
*Mr. Stalter abstained on payments to Wesley Kain, Borough Attorney
Absent: Councilmembers Bergen, Doyle

17. **Resolution #214-03,** Accept Donation from Raritan Post No. **23**

WHEREAS, the Borough of Keyport purchased a 2003 Dodge Durango for the Police Department; and

WHEREAS, Raritan Post No. 23, American Legion has donated the cost of emergency equipment for the vehicle in the amount of $2,530.71; and

WHEREAS, the Borough greatly appreciates the generosity of Raritan Post No. 23, American Legion.

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

1. A list containing this donation accepted by the Borough is hereto attached.

2. The Borough hereby acknowledges receipt of this donation and expresses its appreciation to Raritan Post 23, American Legion.

Offered by Mr. Hyer, seconded by Mr. Green

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

18. **Resolution #215-03**, Special Meeting June 2, 2003, 6:30 P.M. (Closed Meeting for Litigation)

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 2, 2003 at 6:30 P.M.

in the Keyport Senior Center, 110 Second Street, Keyport, New Jersey for the purpose of discussing the following mattes:

Magic Touch vs The Borough of Keyport in Closed Session

WHEREAS, the Open Public Meeting Law required that "48 hour notice" of each meeting be given as required by law.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport shall hold Special Meetings as stated in the Keyport Senior Center, 110 Second Street, Keyport, New Jersey.

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

BE IT FURTHER RESOLVED that notice of said meetings be posted on the Bulletin Boards 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 re-scheduled meetings of the Governing Body as required by law.

Offered by Mr. Hyer, seconded by Mr. Green

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

18. **Resolution #216-03,** Authorize Re-bid of Cellular Tower Lease

WHEREAS, the Borough of Keyport is the owner of certain real property in a water tank constructed thereon, located at the intersection of Cass Street and Highway 35, Block 33, Lot 19 on the Tax Map of the Borough of Keyport

WHEREAS, the Mayor and Council have previously directed the Borough Attorney to prepare bid specifications for the lease on the top of the aforesaid water tower for the purpose of installing, maintaining and operating an antenna array, consisting of not more than twelve antennas, and associated transmission lines and mounting apparatus, and to lease a portion of said real property consisting of approximately 300 feet, for the purpose of constructing, maintaining and operating a mobile communications facility, consisting of an equipment building, not to exceed 300 square feet to the constructed and maintained by the successful bidder; and

WHEREAS, the Borough Clerk did advertise for receipt of bids which were due to be received on May 15, 2003; and

WHEREAS, at the time of the public bid opening and reading no bids were received for the lease of the top of the water tower; and

WHEREAS, the Mayor and Council have reviewed the within matter and determined that the bids should be re-advertised and have further determined that the term of the lese shall be for five (5) years with a minimum bid of $36,000 per year for each year during the term of the lease; and

WHEREAS, the Mayor and Council desire to direct the Borough Clerk to re-advertise for the lease of the top of the water tank located at Block 33, Lot 19, in the Borough of Keyport.

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

1. The Mayor and Council further authorize the Borough Clerk to re-advertise for receipt of bids for the property and water tank located at the intersection of Cass Street and Highway 35, Block 33, Lot 19, on the tax map of the Borough of Keyport for the purposes of locating on the top of the tower an antenna array, consisting of not more than twelve antennas, at a particular location to be determined in consultation with the Borough Engineer, and appropriate ground space in the amount of approximately 300 square feet.

2. The Mayor and Council further authorize the initial term of the lease to be for five years with certain rights of renewal with a minimum bid

of $36,000 per year for each year during the term of the lease.

3. The successful bidder shall be subject to review by the Borough Engineer as to the location and mounting of such antenna apparatus, not to exceed twelve antennas, and any such bidder is subject to final approval by the Borough Engineer.

4. The Mayor and Council further authorize inclusion in the bid documents a provision that should an existing lease holder on the aforesaid water tower entertain a request to terminate the existing lease agreement upon the execution of the new lease agreement.

5. Copies of the within Resolution shall be forwarded to the Borough Attorney and Borough Engineer, a copy of the within resolution shall be retained in the office of the Borough Clerk for public inspection.

Offered by Mr. Hyer, seconded by Mr. Green

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

20. **Resolution #217-03,** Supporting State House Commission Application for Diversion of Use for Ferry Service

WHEREAS, Block 21.01, Lot 49, is part of the Borough of Keyport, William A. Ralph Municipal Pier which is encumbered with restrictions against disposal or diversion from recreation and conservation used under the New Jersey Department of Environmental Protection Green Acres Program; and

WHEREAS, in conjunction with the proposed commuter ferry service, it is necessary to submit a resolution affirming the Borough of Keyport's support for the application to the State House Commission for the diversion of a portion of Block 21.01, Lot 49; and

WHEREAS, the area to be diverted/disposed of comprises zero acres and has been valued at zero dollars; and

WHEREAS, the Borough of Keyport agrees to compensate for the diversion of disposal by commuter ferry service; and

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

1. The Mayor and Council support the application for the commuter ferry service to the State House Commission.

2. Copies of the within resolution shall be forwarded to the superintendent, Department of Public Works, Borough Engineer, Borough

Attorney and a copy of the within resolution shall be maintained in the office of the Borough Clerk for public inspection.

3. The Borough Attorney is authorized to forward a copy of the within resolution to the State of New Jersey, Green Acres Program in support of the within diversion application.

Offered by Mr. Hyer, seconded by Mr. Green

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

ADJOURNMENT

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

Time of Adjournment: 10:04 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk