

Keyport, New Jersey
May 4, 2004

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

Council President Atkins, In Mayor Merla's absence called the meeting to order at 7:03 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #163-04, Closed Meeting - Personnel, Litigation, Labor Relations and Contract Negotiations

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

Personnel

1. Construction Code Office
2. Administrator's Contract
3. Cleaning Personnel - Municipal Complex

Litigation

1. Magic Touch vs. Borough of Keyport

Labor Relations

1. IUOE Grievance - Various Salaries
2. Administrative and Non-Union Agreements
3. IUOE Clerical Unit - Christmas Holidays
4. PBA Negotiations
5. PBA Grievance

Contract Negotiations

1. Municipal Complex
2. Property on Atlantic and Van Dorn Streets
3. Charter Fishing Boat Lease
4. Borough Property - Beers Street
5. Water Utility

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

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

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

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

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

Nays: None
Abstain: None
Absent: None

Council went into closed session at 7:03 P.M. and this meeting was reconvened at 7:58 P.M.

Council President Atkins called the meeting to order at 8:03 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

HEARING

2005 MONMOUTH COUNTY COMMUNITY DEVELOPMENT APPLICATION

Hearing was opened to the public at 8:43 P.M.

Mrs. Atkins advised that funds are available. The Citizen Participation Group met and agreed upon a project and Kenneth Bowers, Planner did an overview. The project that the group decided upon was the road on American Legion Drive. Mr. Freda advised that when the bulkhead is completed and road will be relocated and the Borough has to comply with Green Acres regulations. The application would be for \$250,000 for a two lane road with a cul-de-sac. When the bulkhead is completed, American Legion Drive will still exist but would not be linked together. American Legion Drive would be given Green Acres approval with a swap of property. Phase II would continue the project out to Broad Street. Mr. Bowers is working on the Waterfront plan. The Monmouth County Community Development grant will offset funds. The consensus is to move American Legion Drive off of the water and the proposal is consistent. The County application is due July 2, 2004 and the County Committee meets in August. There are no soft costs in the construction cost of \$250,000 and there is no street lighting; the Borough may not receive all funds requested. Mrs. Atkins said a date has been scheduled with the County for a site visit; May 17, 2004 at 9:30 A.M. Mr. Wedick asked when do the funds have to be utilized. Mr. Freda said the funds would be received next year at this time. Mr. Bergen said this was not the right project to expend funding, that the Borough has always done road projects and neighborhoods, that grant funds should be used to supplement a project off of Atlantic Street. Mr. Bergen said the Borough should adopt a Bond Ordinance for American Legion Drive and apply to Green Acres. Monmouth County grants can only be applied for every other year and he is opposed to submitting American Legion Drive for Monmouth County Community Development grant funds. Mrs. Atkins said the last round of funding was not for streets, but for the Municipal Complex. Mr. Bergen said one comprehensive package should be put together for American Legion Drive. In the for the Atlantic Street area curb cuts are needed. Mr. Freda said this was worth consideration, but Green Acres doesn't normally fund reconstruction of roads; Green Acres does GREEN areas, this would get the road through. Mr. Bergen said American Legion Drive should be funded how the Borough really wants it. Mr. Freda said it does fit with what the Borough wants. Mr. Hyer said the Citizen Participation Group felt that there was no funding appropriated for the American Legion Drive road. Mr. Bergen said a Bond Ordinance is needed and it should be set up. Mr. Wedick asked if the project off of Atlantic Street was of high degree. Mr. Stalter recommended asking Green Acres about the project. Mr. Bergen said the bulkhead

and American Legion Drive have to be planned right. Mr. Freda said money is available from many sources. Mr. Bergen said the project can be funded by a Bond Ordinance or through Green Acres. Mr. Bergen asked what other projects did the Citizen Participation Group look at. Mr. Freda said some streets are total reconstruction and that he took his direction from the Citizens Group. Another notice of a Citizen Participation Group meeting and Mayor and Council Hearing will be published. Mr. Freda said the Therese Street project will begin in May and take approximately eight weeks. Mr. Bergen asked about finishing off Therese Street; tennis courts and lighting. The Citizen Participation Group will be reconvened. Mr. Bergen asked that a Bond Ordinance be prepared for American Legion Drive road. The Hearing was opened at 8:43 P.M. Mr. Michael Lane, First Street, First Street, asked about tying in the Mini Park and linking same to the bulkhead/American Legion Drive project, advising Green Acres that the Borough is putting in a Park/Parking lot. He asked about fire truck access to the back of the stores. He said he was disturbed about the view not being communicated. There are two charter boats (with more than 100 cars) and a fishing pier. A ferry would generate 700-800 cars that will have no place to park. Mr. Freda said a parking garage could be built or a surface lot could be utilized. Mr. Lane said there is no projection for a three year plan. Mr. Anthony Gallo, Atlantic Street, agreed with Mr. Lane, there are two hour parking streets, and three hour parking in the Borough Broad Street lot, there are not enough parking spaces and 40 spots won't accommodate that number of cars. He agreed that the Borough as to do American Legion Drive the right way and asked where will the people who go out on the charter fishing boats and/or the people who use the fishing pier park.

The hearing was closed at 8:52 P.M.

RESOLUTION

2. Accept and Endorse Application to Monmouth County Community Development - held

HEARING ON ORDINANCES

1. Ordinance #5-04, Bond Ordinance Amending Ordinance #8-03 (Therese Street)

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

The Clerk read the Ordinance by Title:

**BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND
ORDINANCE NUMBER 8-03 (WHICH PROVIDES FOR THE
RECONSTRUCTION AND RESURFACING OF THERESE STREET)
HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL
OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, ON APRIL 1, 2003,
AS AMENDED AND SUPPLEMENTED, TO THEREIN INCREASE THE
APPROPRIATION TO \$650,000, TO THEREIN INCREASE THE
AUTHORIZATION OF BONDS OR NOTES TO \$428,500 AND
TO THEREIN INCREASE THE DOWN PAYMENT TO \$21,865**

**Be it Ordained and Enacted by the Borough Council of the
Borough of Keyport, in the County of Monmouth, State of New Jersey
(not less than two-thirds of all members thereof affirmatively
concurring), as follows:**

Section 1. The Bond Ordinance of the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on April 1, 2003., number 8-03 and entitled "BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND RESURFACING OF THERESE STREET, BY AND IN THE

BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING \$500,000 (INCLUDING A MONMOUTH COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$199,635) THEREFOR AND AUTHORIZING THE ISSUANCE OF \$286,000 BONDS OR NOTES OF THE BOROUGH OF KEYPORT TO FINANCE PART OF THE COST THEREOF" (the "Original Ordinance"), which Original Ordinance is hereby amended and supplemented to the extent and with the effect as follows:

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

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

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

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

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

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

(a) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by \$142,500 and the said obligations authorized herein will be within all debt limitations prescribed by law.

(b) For the improvement or purpose set forth in

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

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

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

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

effect.

The Hearing was held on April 19, 2004. There was not a 2/3 vote at the April 19, 2004 Meeting.

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

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

Nays: None
Abstain: Councilman Wedick
Absent: None

- 1a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of May 6, 2004 moved by Mr. Bergen, seconded by Mr. Stalter, with Ayes by all present.
2. Ordinance #6-04, Bond Ordinance Amending Ordinance #21-96, 2004 Road Program

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of April 22, 2004, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk read the Ordinance by Title:

**BOND ORDINANCE AMENDING BOND ORDINANCE
NUMBER 21-96 (WHICH PROVIDES FOR
IMPROVEMENTS TO VARIOUS ROADS)
HERETOFORE FINALLY ADOPTED BY THE
BOROUGH COUNCIL OF THE BOROUGH OF
KEYPORT, IN THE COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, ON NOVEMBER 19, 1996,
TO AMEND THE DESCRIPTION SET FORTH 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 November 19, 1996, numbered 21-96 and entitled, "BOND ORDINANCE PROVIDING IMPROVEMENTS TO VARIOUS ROADS, APPROPRIATING \$275,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$118,700 BONDS AND NOTES TO FINANCE A PORTION OF THE COSTS THEREOF, AUTHORIZED IN AND BY THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY" ("the Original Ordinance"), which Original Ordinance is hereby amended such that Section 3(a) thereof is hereby amended to read as follows:

"Section 3. (a) The improvement hereby authorized and purpose of for the financing of which said bonds or notes are to be issued is the reconstruction and resurfacing of various roadways in the Borough, including, but not limited to, Spring Street, Oak Street, Snyder Lane, East Front Street, Prospect Street, Myrtle Avenue, May Street, Washington Street, Orchard Street, Beers Street and Waverly Street, such reconstruction and resurfacing to include, but is not limited to, roadway excavation, milling, paving and resurfacing such roadway, and the repairing, replacement and/or installation, as applicable of curbs, curb ramps, sidewalks and driveway aprons, drainage work, sewer main and lateral replacement and/or rehabilitation, roadway painting, site restoration, and also including all engineering and design work, surveying, construction planning, preparation of plans

and specifications, permits, bid documents, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto."

Section 2. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory bond ordinance and to the extent of any inconsistency herewith, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, New Jersey Department of Community Affairs (the "Director of the Division of Local Government Services"), will be on file in the office of the Clerk and will be available for public inspection.

Section 3. For the improvement or purpose set forth in the Original Ordinance, as amended hereby, the additional sum of \$50,000 is hereby included for the items of expense listed in and permitted under N.J.S.A. 40A:2-20, making the total amount for such items of expense \$100,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original Ordinance, as amended hereby.

Section 4. The Borough reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended hereby, and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended hereby, with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended hereby, have been or are reasonably expected to be reserved, allocated on a long-term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation Section 1.150-1(e), pursuant to its budget or financial policies within respect to any expenditures to be reimbursed. This Section 4 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended hereby, in accordance with Treasury Regulation Section 1.150-2, and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148-10 to avoid the arbitrage yield restrictions or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized by the Original Ordinance, as amended hereby, used to reimburse the Borough for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended hereby, will not be used directly or indirectly (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any 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 funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized by the Original Ordinance, as amended hereby, to reimburse the Borough for any expenditures toward the cost of the improvement or purpose described in Section 3 of the Original Ordinance, as amended hereby, will be issued in an amount not to exceed \$118,700. The costs to be reimbursed with the proceeds of the bonds or notes authorized by the Original Ordinance, as amended

hereby, will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

Section 5. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code, of the interest on all bonds and notes issued under the Original Ordinance, as amended hereby.

Section 6. Except as expressly amended hereby, the Original Ordinance shall remain in full force and effect.

Section 7. This bond ordinance shall take effect twenty (2) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

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

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

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

Nays None
Abstain: None
Absent: None

- 2a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of May 6, 2004 moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance #7-04, Amend Chapter VII Traffic to establish restrictions for ingress and egress onto Broad Street from Block 80, Lot 1.01

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN
ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES
OF THE BOROUGH OF KEYPORT" ADOPTED BY THE
MAYOR AND COUNCIL AND AMENDED FROM TIME TO
TIME THEREAFTER AMENDING CHAPTER VII, "TRAFFIC"
TO ESTABLISH RESTRICTIONS FOR INGRESS AND
EGRESS ONTO BROAD STREET FROM BLOCK 80,
LOT 1.01 WITHIN THE BOROUGH OF KEYPORT**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Borough Ordinances, Chapter VII, "Traffic," is hereby amended and supplemented to provide as follows:

Section 1. Declaration. The Mayor and Council of the Borough of Keyport have been advised that Keyport Planning Board has approved a certain subdivision application and site plan application which will result in the construction of 12 residential townhouses and a commercial property located at Block 80, Lot 1.01 within the Borough of Keyport. The Mayor and Council have further received a request from the developer that the Monmouth County Planning Board requires as a condition of approval that traffic onto the aforementioned property be limited to ingress only from any portion of Broad Street within the Borough of Keyport. Based upon the comments the Monmouth County Planning Board and the further desire to control traffic onto Broad Street, the Mayor and Council have resolved to restrict access to ingress only onto Broad Street from the within property.

Section 2. Chapter V II, "Traffic" is hereby amended to provide that all vehicular traffic from Block 80, Lot 1.01 be and is hereby restricted and limited to ingress only from Broad Street and no vehicular traffic shall exit from Block 80, Lot 1.01 onto Broad Street within the Borough of Keyport.

Section 3. All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

Section 4. If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 5. This Ordinance shall take effect immediately upon final passage and publication as required by law.

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

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

Nays None
Abstain: None
Absent: None

- 1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 6, 2004 for a Hearing to be held on May 18, 2004 moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.
2. Ordinance #8-04 Amend Chapter XIV, Water and Sewer to revise and update the fees charged by the Borough of Keyport for water connections and sewer connections (as amended)

The Clerk read the Ordinance by Title:

**AN ORDINANCE AMENDING AND SUPPLEMENTING AN
ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES
OF THE BOROUGH OF KEYPORT" ADOPTED BY THE
MAYOR AND COUNCIL AND AMENDED FROM TIME TO
TIME THEREAFTER AMENDING AND SUPPLEMENTING
CHAPTER XIV, WATER AND SEWER**

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport that Chapter XIV, Water and Sewer, is amended and supplemented as follows:

Section 1. Declaration. The Mayor and Council of the Borough of Keyport declare that it is necessary to revise and update the fees charged by the Borough of Keyport for the right to connect, either directly or indirectly, into the water system of the Borough of Keyport. The Mayor and Council further declare that it is necessary to revise and update the fees charged by the Borough of Keyport for sewer connections into the Borough sewer system. The within revisions are necessary to meet current demands on both the water and sewer systems. The Mayor and Council declare that these revisions are necessary to update the Water and Sewer Ordinance within the Borough of Keyport.

Section 2. Title. Borough Ordinance Chapter XIV, Water and Sewer, Chapter XIV, is hereby amended and supplemented as follows:

Section 14-1.1 Definitions. As used in this chapter:

"Applicant or Customer" shall mean the applicant for water or sewer service at a residential or commercial dwelling, whether

Customer shall be an owner, lessee, tenant or purchaser, and who enters into an agreement thereof for the connection to a borough water or sewer line.

"Dwelling Unit or Units" shall be measurement used to determine residential and non-residential fees based upon the total number of units or in the case of commercial based upon projected flows as defined herein.

"Main" shall mean the Borough owned or leased piping and appurtenances, in or along public highways or streets or along privately owned right-of-ways, used in the transmission or delivery of water to its customers or for the collection of wastewater through a sanitary sewer line.

"Residential Home" shall mean one or two family detached home(s) intended for occupancy as separate living quarters exclusively for one family or household, in the case of a one family home or intended for occupancy as separate living quarters for two (2) separate families or two (2) separate households, in the case of a two family home as further defined in Borough Ordinance 25:1-3.

"Multi-family" shall mean a structure or building occupied or intended for occupancy as separate dwelling units for three (3) or more families with direct access from the outside through a common hall and further provided with separate cooking, sleeping and bathroom facilities for the exclusive use of the occupants of each unit as further defined in Borough Ordinance 25:1-3. Multi-family shall be specifically construed to include apartments, garden apartments, boarding homes, condominiums, cooperatives, hotels or any other type of rental or individually owned properties consisting of three (3) or more units.

"Townhouses" shall mean a structure containing three (3) or more dwelling units each separated by a vertical interior unpierced common walls as defined in Borough Ordinance 25:1-3.

"Commercial" shall mean each and every non-residential structure located within the Borough of Keyport including, but not limited to, retail establishments, stores, offices, professional offices, warehouses, storage facilities, manufacturing facilities, light industrial units, food establishments, taverns, nightclubs, religious houses, service stations, auto repair establishments, marinas or any other buildings or structures not intended to house a family or household in living quarters.

Section 14-1.15 Rate Schedules.

SCHEDULE IV CONNECTION FEES

The initial fees for the right to connect to the Borough's potable water system shall include a Connection Fee or Charge per unit for the cost of connection as illustrated below. These connection fees or charges do not diminish or replace any other fees, charges or costs which may be due to the Borough, including but not limited to, review and inspection of work relative to the connection to insure compliance with all state and municipal codes or any charges by any other entity or agency having authority relative to the connection. These fees shall apply to all connections whether direct, indirect, separate or shared.

For each new unit, whether created by new construction or conversion or additional to an existing structure or change of use, there is established a water connection fee as set forth herein. For units involving new construction, the connection fees, charges or costs shall be paid before the connection is made; inspection fees shall be estimated and adjusted upon completion. Changes that increase the total number of units shall pay additional connection charges for each unit prior to the issuance of a Certificate of

Occupancy in accordance with the within schedule. Each residential unit shall be charged for each sing family living accommodation or dwelling unit per connection. A customer seeking to connect to the water system shall pay the following fees:

Residential Home:

One Family:	\$4,500.00
Two Family:	\$7,500.00

Multi-Family:

Per Separate Dwelling Unit: \$4,500.00

Townhouse:

Per Separate Dwelling Unit: \$4,500.00

Commercial:

Lateral size connection ¾"	\$6,500.00
Lateral size connection 1"	8,500.00
Lateral size connection 2"	12,500.00
Lateral size connection 4"	15,000.00
Lateral size connection 6"	as determined by the Borough Engineer
Lateral size connection 8"	as determined by the Borough Engineer

For all non-residential uses, a "unit" shall mean a projected average daily water consumption of 200 gallons per day. The number of units for a separate building with a single connection to the system shall be calculated in total; if there are multiple connections each connection shall be evaluated separately.

Connection fees which are one (1) time initial service charges for the right to connect are deemed an integral part of the Borough's rate schedule. The balance of charges in Schedules I to III are annual supplemental charges necessary to maintain, improve and operate the Borough's potable water system.

In instances where a water line must be installed from the water main, or other location, to the curb and/or a curb shutoff box installed, the applicant shall be charted 125% of the Borough's total actual cost of installation plus the cost of the meter. If this work is performed by the applicant or his agent, an inspection fee of \$110.00 per inspection hour with a minimum of two (2) hours shall be applied. When water and sewer lines are run at the same time, only one (1) minimum for inspection shall be applicable.

Section 14-2.11 Cost and Installation of Lateral Connection to Main Sewer. In all streets where there are main sewers and no lateral connections from the main sewer to the curb, the customer will install a connection from the main sewer to the curb line and shall pay a connection fee. The initial fee for the right to connect to the Borough's sanitary sewer system shall include a Connection Fee or Charge per unit, together with the cost of the sewer line as illustrated below. These fees, charges and closts do not diminish or replace any other fees, charges or costs which may be due to the Borough, including, but not limited to, review and inspection of work relative to the connection to insure compliance with all state and municipal codes or any charges by any other entity or agency having authority relative to the connection. These fees shall apply to all connections whether direct, indirect, separate or shared.

For each new unit, whether created by new construction or conversion or addition to an existing structure or change of use, there is established a sewer connection fee as set forth herein. For units involving new construction, the connection fees, charges or costs shall be paid before the connection is made; inspection

fees shall be estimated and adjusted upon completion. Changes that increases the total number of units shall pay additional connection charges for each unit prior to the issuance of a Certificate of Occupancy in accordance with the within schedule. Each residential unit shall be charged for each single family living accommodation or dwelling unit per connection. A customer seeking to connect the sanitary sewer shall pay the following connection fees in accordance with the following schedule:

Residential Home:

One Family:	\$4,500.00
Two Family:	\$7,500.00

Multi-Family:

Per Separate Dwelling Unit	\$4,500.00
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Townhouses:

Per Separate Dwelling Unit	\$4,500.00
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Commercial, Industrial and all other non-residential uses:

Connection Fees shall be assessed per equivalent unit designated as single family residential unit as set forth herein for lateral connection to a sewer main. Each individual commercial, industrial or other non-residential unit shall be charted per equivalent unit designated as single family residential unit. Fess shall be computed for industrial, commercial or other non-residential used by determining the number of equivalent units based on an average wastewater flow or two hundred (200) gallons per day per equivalent unit. The number of units for a separate building with a single connection to the system shall be calculated in total; if there are multiple connections, each shall be calculated separately. Projected sanitary sewer flow shall be calculated based upon the NJDEP sanitary sewer table and will be subject to review and approval by the Borough.

In instances where a sanitary sewer line must be installed from the sewer main, or other location, to the curb, the applicant shall be charged 125% of the Borough's total actual cost of installation. If this work is performed by the applicant or his agent, an inspection fee of \$110.00 per inspection hour, with a minimum of two (2) hours shall be applied. When water and sewer lines are run at the same time, only one (1) minimum for inspection shall be applicable.

(Any sewer pipe over six (6") in diameter shall be classified as a sewer main and the construction of sewer mains will be treated as a sewer extension.

Section 3: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies. All sections not expressly modified herein are hereby confirmed.

Section 4: If any section, subsection, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court of competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 5: This ordinance shall take effect immediately upon final passage and publication as required by law.

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

Roll Call Vote: Ayes: Councilmembers Wedick, Bergen, Doyle

Atkins, Stalter, Hyer

Nays: None
Abstain: None
Absent: None

- 2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 6, 2004 for a Hearing to be held on May 18, 2004, moved by Mr. Hyer, seconded by Mr. Doyle, with Ayes by all present.

APPROVAL OF MINUTES

Motion to approve the Minutes of the Regular Meeting of March 16, 2004 (incorrectly listed as a 2003 set of minutes), moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

PROCLAMATION

1. Police Week May 9th to May 15th 2004, Motion to read into the record and post on Bulletin Board moved by Mr. Bergen, seconded by Mr. Wedick with Ayes by all present.

Whereas, the Congress of the United States of America has designated this week of May 15th to be dedicated as "Police Memorial Day," and

Whereas, the law enforcement officers are our guardians of life and property, defenders of the individual rights to be free men, warriors in the war against crime and dedicated to the preservation of life, liberty and the pursuit of happiness, and

Whereas, it is known that every 57 hours an American Police Officer will be killed in the line of duty somewhere in the United States and 187 officers will be seriously assaulted in the performance of their duties, our community joins with other cities and towns to honor all peace officers everywhere, and

We therefore proclaim this week of May 9th to May 15th to be Police Week and call upon all our citizens in this community to especially honor and show our sincere appreciation for the police officers of this Borough by deed, remark and attitude. We call upon them to show their thanks to our men and women who make it possible for us to leave our homes and families in safety each day and to return to our homes knowing they are protected by men and women willing to sacrifice their lives if necessary, to guard our loved ones, property and government against all who would violate the law.

Mrs. Atkins advised Police Inspection will be held on May 15th, 10:00 A.M. to 12:00 Noon at Borough Hall.

COMMUNICATIONS AND PETITIONS

1. Off-Premises Draw Raffle Application from Jesus the Lord Church, June 26, 2004

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

2. Letter from Anthony Vecchio, Code Enforcement Officer/Zoning Officer regarding requests from Bethany Manor and Keyport Legion Apartments to waive Landlord Registration Fees

Motion to refer to Finance Commission moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

3. Letter from William Mills regarding Borough property between Monroe Street and Highway 36, between Atlantic and Broad streets

The Borough Attorney will contact the adjacent property owners for

interest (there are monitoring wells on either end). The same thing should be done for Willow Street and meetings held with property owners.

Motion to refer to Borough Attorney and Councilman Hyer moved by Mr. Bergen, second by Mr. Stalter with Ayes by all present.

4. Letter from Thomas J. Romond, 31 Division Street, requesting the waiving of the sewer fees due to a burst pipe

Motion to refer to Utilities Collector moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

5. Letter from Anthony Infante, 279 Beers Street, requesting replacement of retaining wall, which has weakened.

Mr. Hyer said the garage wall was also damaged; the pipe runs from Beers Street to Green Grove Avenue.

Motion to submit to insurance company moved by Mr. Bergen, second by Mr. Hyer with Ayes by all present.

6. Letter from Raritan Post No. 23, American Legion to sell Poppies during the month of May, 2004

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

7. Requests from the Keyport Fire Department regarding Fair:

- A. Use of Firemen's Parking Lot, June 17-28, 2004, Close American Legion Drive from West Front Street to Municipal Parking Lot From 6:00 P.M. to 12:00 Midnight Tuesday-Saturday, reserving 5 Parking spaces on west end of American Legion Drive
- B. Use of Borough Picnic Tables from June 20-27, 2004
- C. Use of Public Works Equipment from June 20-27, 2004
- D. Use of American Legion Drive Parking Lot on June 24, 2004

Motion to re-list on May 18, 2004 moved by Mr. Bergen, second by Mr. Doyle with Ayes by all present.

8. Letter from Keyport/Union Beach Softball requesting use of the Main and Cedar street fields from April 1, 2004 to July 31, 2004 on dates and times stated

Motion to refer to Recreation Commission moved by Mr. Bergen, second by Mr. Hyer with Ayes by all present.

9. Request from the Union Beach/Keyport Little League to use the Cedar Street baseball field on dates and times stated.

Motion to refer to Recreation Commission moved by Mr. Hyer, second by Mr. Wedick with Ayes by all present.

UNFINISHED BUSINESS

1. Mr. Stalter addressed Mr. Wedick. He said he lives on First Street and he is working on his house. There are a lot of vehicles traveling on First Street at a high rate of speed. Mr. Wedick said he would address this matter with the Police Chief.
2. Mr. Hyer asked the status of the Willow Street vacation. Mr. Kain said the deeds came back in. Mr. Hyer requested Mr. Kain contact the property owners and advise them of the status.
3. Mr. Doyle said the Planning Board discussed concerns at the April 22nd Meeting i.e. raising fees, Green Grove Avenue Apartments and enforcing parking, West Furniture was denied in their request and must comply with the approvals they were given two years ago.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following in Mr. Palamara's absence. April 13th Payment of Bills. April 19th Payment of Bills: Current - \$822,097.18, Water and Sewer - \$404,109.40, Dog - \$1,047.62, Escrow - 9,872.50, General Capital - \$13,339.28, RBIT - \$3,280.23 and Trust - \$39.15. April 27th Payment of Bills: Current - \$155,352.95, Water and Sewer \$15,33.03, RBIT - \$200.00.

ENGINEER'S REPORT

Mr. Freda had no report.

ATTORNEY'S REPORT

Mr. Kain reported on the following. He will be in Court tomorrow regarding three Tax Appeals

MAYOR'S REPORT

The Mayor received a letter from the Department of Community Affairs that our Livable Communities Grant Application was denied. A letter was received from the DEP that there were illegal deposits of soils at Browns Point Marina. A letter was received from the Army Corps of Engineers that they will continue the CAP Dredging Navigation Study. They are seeking Federal Funds for the appraisal report and are looking for a cost sharing contribution.

Boy Scout Troop 80 celebrated 65 years. There will be a flag burning ceremony on June 14th at 7:00 P.M; this matter was referred to the Fire Official on motion of Mr. Bergen, second by Mrs. Atkins with Ayes by all present.

A letter from the State Department of Health and Senior Services was copied for Mayor and Council.

Raritan Hose Fire Company's meeting was referred to Mr. Stalter.

Mr. Bergen, Mr. Kain, Mr. Palamara and CFO Fallon will work on the Division of Local Government Services, Department of Community Affairs Discretionary Aid application; we could be notified in August of any award.

NEW BUSINESS

1. Mr. Wedick said he spoke with John Lane, Prosecutor, regarding the Breath Test Equipment. This was referred to Finance Chairman for 2005/2006 Budget.
2. Mr. Hyer's memo regarding 203 Atlantic Street waiver of sewer charges, stating charges should stand.
3. Mr. Hyer reported on the curb and sidewalk program in which 48 residents are interested. Council should proceed. The residents are not contiguous and are not on roads being reconstructed. Mr. Hyer will forward a list to Mr. Bergen and Mr. Freda for an estimate.
4. Mosquito Commission. There are no services to clean the sanitary Sewer.
5. 313 1st Street sewer line. An outside Contractor would have to be called in.
6. Red Bank Recycling
7. Brush & Shribs, Hazlet will pull.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 9:42 P.M. for comments or questions. Tony Gallo, Atlantic Street, asked about the status of the paving of Atlantic Street. Engineer Freda said Phase I, Maple Place to Third Street; the Borough had 60 days from April 15th to award a contract. Phase II is in the design phase (down to First Street) and will be done the following year. The sidewalks

on Atlantic Street between 1st and 2nd Streets are in disrepair; they are slate. Water lays in the gutter. There was discussion regarding drainage, elevations of the curbs and sidewalks, catch basins. Mr. Gallo said it is obvious the Borough should address the section he lives in no vice versa (south end vs. north end). Engineer Freda said he picked the section to be done. Mr. Bergen asked why the project was not awarded; it was not ready. Mr. Gallo asked that Council consider the section of road to be addressed. The Borough Engineer will review and report back to Council.

Joanne Staeger, Main Street, asked about a Special Meeting; it was for the School Budget. Mr. Bergen said he recommended it not be held. The Committee will meet, not the full Board and Council. There will be a Committee Meeting on May 10, 2005 and then on May 18th there will be a Council Meeting for Council to act on.

Tony Gallo, Atlantic Street, said he would like the Property Maintenance Officer to be proactive. Mr. Hyer said a written request went to the Property Maintenance Officer. He asked that the Ordinance regarding garbage cans be amended and that they be kept in the back yard or along the side of the dwelling. Mr. Kain said the Board of Health has amendments they are reviewing. Mr. Bergen said the Police advise departments on concerns. Mr. Hyer said there have been meetings over the last 6-7 months with various departments regarding changes to Ordinances. There will be a new door knocker distributed to the residents.

Mike Lane, First Street, asked if the West Furniture site is back to the original memorialization; he asked that the owner be cited for not making the appropriate improvements. Mr. Lane asked if a decision was made on the Kara Homes swap; Mr. Kain said there is no decision and the application will proceed with the Planning Board's approval. Mr. Bergen said the Borough would sell, not swap its property. At the eastern section of American Legion Drive, there is the old sewer plant; there is no parking permitted there for the Fishing Boats and Ferry. The Engineer was told to stop spending money on the permit that has not been approved yet. The application for the Waterfront Development was withdrawn. Any application for submittal would be approved by Mayor and Council by Resolution.

Eleanor Cosgrove, First Street, said she lives adjacent to West Furniture and has spent money to fix her property including the cost of litigation. West Furniture has a dumpster on the property (more than allowed) and the dumpster company comes early in the morning, disturbing the peace, to unload the dumpsters; she asked that this be addressed. Mr. Bergen said a change should be made in the garbage ordinance that dumpsters cannot be picked up prior to 8 AM. It is illegal to bring garbage in from other locations or other towns. Mr. Burlew has cited West Furniture and 90% of the sign is down, they do not have a temporary Certificate of Occupancy. Mr. Bergen said if there is not any Certificate of Occupancy, then summonses should be issued. There are trucks that idle at the location, there is an unregistered van parked there, there is garbage along the sidewalk; Mrs. Atkins said the Police should be called and the Property Maintenance officer should be citing the property. Mr. Hyer said the property owner has received 2-3 summonses from the Property Maintenance Officer over the last two weeks. George Sappah removed a metal post that was sticking up. Mr. Burlew said the Agreement with the Planning Board ran out three years ago. Tony Gallo said if there is a Public Safety Hazard, the Police should be advised and directed to address it. Mr. Kain said this matter should be referred to Anthony Vecchio, Robert Burlew and William Cerase to investigate. The Borough Clerk should advise the Police Department to inspect the property and address the unregistered vehicle. Mr. Kain will review the matter as well. Mr. Bergen requested a copy of the 1999 Planning Board Resolution on Mr. Dubleski, West Furniture. Mr. Kain said there should be a new Ordinance amendment which provides that there be screens for garbage cans and dumpsters.

Tony Gallo advised that 100 First Street, between Atlantic and Church Streets there is a safety hazard, the dumpster is not large enough.

Kathy Shaw said the KBA is concerned with how commercial buildings put out their trash; we must work together to make improvements and enforcement is needed. Mrs. Shaw asked for the status on Tracey Dell; Mr. Hyer said piles are needed in order for the floating dock to be completed. Mr. Bergen said Mr. Kain should contact Derrick Marine and advise if the work is not done, the job will be pulled.

Shawn Mowery asked if the Borough will release his retainage. Mr. Kain said there will not be any action taken until the punch list items are completed.

George Walling, Second Street, asked about Mr. Palamara's contract. Mr. Kain said there will be a meeting to address issues. Mr. Walling asked about Mr. Mullen. Mr. Kain said he has contacted District Nine and sent a letter and several contacts were made. Mr. O'Brien is on for this month.

Mr. Burlew said Mr. Dubleski is back to square one (five years ago there was a punch list). There was a second business with no Certificate of Occupancy that should be vacated. Mr. Kain said Mr. Dubleski should be cited on violations. Mr. Bergen advised Mr. Burlew that he as Construction Code Official should do what he must do to correct the situation.

Engineer Freda said the Bulkhead permits are in place and the Army Corps of Engineers will pay for certain things if the Borough does certain things and pay to put back part of the road.

This portion of the meeting was closed at 11:05 P.M.

RESOLUTIONS

3. Resolution #164-04, Adoption of 2004 Business Improvement Budget

SECTION 1. BID Budget of the Business Improvement District, Borough of Keyport, County of Monmouth for the year 2004.

BE IT RESOLVED that the Keyport Business Alliance, the district management corporation of the business improvement district, will take action on the 2004 BID Budget, after notification according to the Bylaws to all commercial property and business owners at the March 8, 2004 annual meeting and election.

BE IT RESOLVED that the following statement of revenues and appropriation shall constitute the BID Budget for the year 2004.

BE IT FURTHER RESOLVED that the budget shall be published in the Courier, issue of April 1, 2004.

The Governing Body of the Borough of Keyport does hereby approve the following as the BID Budget for the Year 2004.

**KEYPORT BUSINESS IMPROVEMENT DISTRICT
JANUARY 1, 2004 - DECEMBER 31, 2004
YEAR FOUR**

**PROGRAM BUDGET
COMMERCIAL PROPERTIES**

YEAR 2004 EXPENSES

VISUAL IMPROVEMENT-\$51,000

- | | |
|--|----------|
| • Lighted Message Reader Boards | \$ 4,000 |
| • Supplemental Public Area Maintenance | \$12,000 |
| • Trash Receptacles/Repairs | \$10,000 |

- Holiday Decorations Installation/Removal \$ 4,000
- Keyport Plaza Holiday Decorations \$10,000
- Special Event Clean Up \$ 3,000
- Capital Projects \$ 8,000

ECONOMIC DEVELOPMENT-\$13,040

- Smart Growth local match \$13,040
- Education of the public and prospective investors
- 3-D and or 3-D Virtual Reality of Planning Vision

MARKETING-\$59,360

- Digital Assets Recording \$ 2,640
- Network Commercial Production \$11,225
- Network Media Buy \$10,000
- Merchant Circular Insert Advertising \$ 2,775
- KBA Newsletter directed mailed to all Residents, apartments, commercial and business owners \$14,300
- "Evergreen" Visitors Guide (10,000) \$ 5,800
- Business Advertising & Marketing Guide \$ 4,620
- Website Infusion/E-Commerce \$ 8,000

EVENT PRODUCTION & IMPLEMENTATION-\$39,990

- Destination Special Event collateral materials \$ 5,000
- Public Relations/Event Productions \$24,000
- Banners, Signs, Event promotion \$ 2,990
- KBA Web Maintenance \$ 8,000

ADVERTISING-\$17,000

- Destination Event Advertising \$12,000
- Regional Tourism Advertising publication \$ 2,000
- Economic Development Advertising Publications \$ 3,000

ADMINISTRATION-\$63,310

- Professional consulting district Management services \$53,335
- Legal \$ 3,000
- Certified Audit/Accounting \$ 2,000
- Insurance \$ 1,500
- Postage \$ 800
- Education/Training \$ 875
- Phone \$ 1,000
- Supplies \$ 800

TOTAL BUDGET \$243,700
AMOUNT RAISED BY ASSESSMENTS \$220,000
(PROPOSED REVENUES) \$ 23,700

- Event & Sponsorship Cash Income \$ 23,700

January 1, 2004-December 31, 2004 (12 months)
\$220,000 Annual Budget
Assessment Rate .2534 cents per \$100 of assessed value

BE IT RESOLVED by the Borough Council of the Borough of Keyport, County of Monmouth that the budget herein set forth is hereby adopted.

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

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

4. Resolution #165-04, Hire Part Time Summer Laborer - Francis A. Fischler

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

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Francis A. Fischler is hereby hired as a Part Time Summer Laborer effective May 5, 2004 at the hourly rate of \$10.00 per hour.

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

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

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

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

5. Resolution #166-04, Hire of Part Time Summer Laborer Janine G. Popovich

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

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Janine G. Popovich is hereby hired as a Part Time Summer Laborer effective May 5, 2004 at the hourly rate of \$10.00 per hour.

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

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

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

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

6. Resolution #167-04, Hire Part Time Summer Laborer - Linda M. Corbett

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

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Linda M. Corbett is hereby hired as a Part Time Summer Laborer effective May 5, 2004 at the hourly rate of \$10.00 per hour.

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

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

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

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

Nays: None
Abstain: None
Absent: None

7. Resolution #168-04, Hire Part Time Summer Laborer - Emily Burlew

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

WHEREAS, applications have been submitted.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Emily Burlew is hereby hired as a Part Time Summer Laborer effective May 5, 2004 at the hourly rate of \$10.00 per hour.

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

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

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

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

Nays: None
Abstain: None
Absent: None

8. Joint Special Meeting with Board of Education on May 10, 2004 regarding defeated school budget (deleted)
9. Resolution #169-04, Extending Solid Waste & Recyclable Collection Service with Bridge Disposal, Inc. for additional 45 days to June 14, 2004

WHEREAS, the Mayor and Council of Borough of Keyport did advertise certain bid specifications for garbage and recyclable materials collection in and for the Borough of Keyport; and

WHEREAS, bids are scheduled to be received on May 27, 2004 pursuant to a Notice to Bidders seeking bids for the Solid Waste and Recyclable Materials Collection within the Borough of Keyport for a contract term of three (3) or five (5) years; and

WHEREAS, the receipt of bids were delayed while the Borough of Keyport explored alternatives relative to the collection of solid waste and recyclable materials for the Borough of Keyport; and

WHEREAS, the present assigned contract between the Borough of Keyport and Bridge Disposal, successor of Marrone Disposal is scheduled to expire on April 30, 2004 prior to the date scheduled for the receipt of bids; and

WHEREAS, Bridge Disposal has consented to extend the term of the contract 45 days from May 1, 2004 through June 14, 2004 on the same terms and conditions and further will agree to continue to perform all solid waste and recyclable services for the Borough of Keyport; and

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that it is in the best interests of the Borough of Keyport to extend the within contract in order to insure solid waste and recyclable collection pending the award of a new contract following the receipt of bids; and

WHEREAS, the Mayor and Council having been advised that Bridge Disposal has consented to the within extension at the same terms and conditions for the period specified herein.

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

1. The Mayor and Council of the Borough of Keyport hereby agree to extend the Solid Waste and Recyclable Materials Contract previously assigned to Bridge Disposal for a period of 45 days through June 14, 2004 under the same terms and conditions contained in the within agreement.
2. The Mayor and Borough Clerk are hereby authorized to sign an addendum to extend the within contract consistent with the terms of this Resolution.
3. That copies of the within Resolution duly certified by the Borough Clerk, be forwarded to Bridge Disposal, Inc., Borough Attorney and the Municipal Finance Officer.
4. That a copy of the within Resolution be retained in the Office of the Borough Clerk for public inspection as required by law.

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

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

Nays: None
Abstain: None
Absent: None

10. Resolution #170-04, Award of Lease to Joseph Serrani for Operation of a Hot Dog Stand

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the lease of a portion of area near the entrance to the municipal boat ramp for the operation of a hot dog/snack stand; and

WHEREAS, based upon the bid submitted, the Mayor and Council have determined to award the within lease commencing May 15, 2004 through September 30, 2004 to Joseph Serrani, Hazlet, New Jersey, based upon his bid of Three Thousand and Five (\$3,005.00) Dollars for the term of the lease; and

WHEREAS, it has become necessary for the Mayor and appropriate Borough Officials to execute the lease agreement for the operation of the hot dog stand; and

WHEREAS, the appropriate Borough Professionals and the State of New Jersey, Green Acres Program have reviewed the appropriate lease and have determined same acceptable to the Borough of Keyport, which will result in a lease payment to the Borough of Keyport in the sum of Three Thousand and Five (\$3,005.00) Dollars, which sum shall be added to the current RBIT account for future use consistent with its intended purpose.

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

1. The Mayor and Council hereby the lease of the hot dog

stand located near the boat ramp to Joseph Serrani, Hazlet, New Jersey, based upon his high bid submission of Three Thousand and Five (\$3,005.00) Dollars.

2. The Mayor and Council hereby authorize the Mayor and appropriate Borough Officials to execute a lease agreement for the lease of a portion of space near the entrance to the Municipal Boat Ramp for the operation of a hot dog stand in the amount of \$3,005.00 with Joseph Serrani based upon the bid submission.
3. Successful Bidder shall be responsible to obtain any permits required by the Borough of Keyport and/or Board of Health prior to the within commencement of operation. The Successful Bidder shall supply proof of required insurance upon execution of the lease agreement and post any required deposits with the Borough of Keyport.
4. Copies of the within Resolution shall be forwarded to the successful bidder, State of New Jersey, Green Acres Program and the Borough Attorney and a copy shall be retained in the Office of the Borough Clerk for public inspection.

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

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

Nays: None
Abstain: None
Absent: None

11. Resolution #171-04, Appoint Ronald F. Gardner to audit 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 conduct a review of the proposed school budget to ascertain whether further reductions should be made by the Governing Body in accordance with applicable statute; 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) 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. Stalter, seconded by Mr. Hyer

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

Nays: None

Abstain: Councilman Wedick

Absent: None

12. Resolution #172-04, Payment of Bills

See full copy of resolution as page of these minutes

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

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

Nays: None

Abstain: None

Absent: None

13. Resolution #173-04, Hire PT PSTO Jacquelyn Shipley

WHEREAS, there is a present need for Part Time Public Safety Telecommunications Operators; and

WHEREAS, sufficient funds have been provided in the 2004 budget for this position; and

WHEREAS, Police Chief Theodore Gajewski has recommended Jacquelyn Shipley be hired for the position.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Jacquelyn Shipley is hereby hired as a Part Time Public Safety Telecommunications Operator at the rate of \$6.50 per hour effective May 5, 2004. When Jacquelyn Shipley is fully trained, the rate per hour will be increased to \$8.50 per hour.

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

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

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

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

Nays: None

Abstain: None

Absent: None

14. Resolution #175-04, Award of Quote to TruGreen/ChemLawn-Lawn Service

WHEREAS, it is necessary to have Lawn Service for the Public Works Department; and

WHEREAS, three (3) quotes have been obtained as follows:

Brothers Lawn Service \$5,670.00
21 Friar Lane
Freehold, New Jersey 07728

Kelleys Landscaping \$5,215.00
375 Center Street
Tuckerton, New Jersey 08087

Tru Green/ChemLawn \$4,078.00
5003 Industrial Road
PO Box 877
Farmingdale, New Jersey 07727

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the quote from TruGreen/ChemLawn, 5003 Industrial Road, PO Box 877, Farmingdale, New Jersey 07727 for Lawn Service for the Public Works Department in the amount of \$4,078.00 is hereby accepted.

BE IT FURTHER RESOLVED that the Chief Financial Officer is to certify the availability of funds.

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

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

Nays: None
Abstain: None
Absent: None

15. Resolution #176-04, Execute Agreement with Shorelands to Supply Water

WHEREAS, the Borough of Keyport operates a Water Plant for the distribution of finished water to the residents of the Borough of Keyport; and

WHEREAS, since the Borough of Keyport was compelled to purchase water from Manasquan as part of an agreement which runs through 2015, the Borough has operated the Water Plant for five (5) months per year and has delivered between 75 to 85 million gallons of finished water per year to the residents of Keyport; and

WHEREAS, the Mayor and Council did recently receive a report from the Licensed Water Plant Operator that the Keyport Water Plant would require significant capital improvements and upgrades to security before the Water Plant could properly operate and produce water for the Borough of Keyport; and

WHEREAS, the Licensed Water Plant Operator made specific recommendations including repairs to the water clarifier, painting and refinishing of the water storage tanks, refinish water plant and wellhouse, calibration of flow meters, upgrades necessity by vulnerability assessment to burglar and fire systems, installation of new fencing, installation of a new roof, examination and maintenance of well pumps and motors and such other repairs to the distribution system as required on inspection; and

WHEREAS, the Mayor and Council have determined that the within repairs, maintenance and upgrades could not have been undertaken or completed prior to May 1, 2004, the date upon which the Borough would commence water plant operations based upon the considerations set forth in his report; and

WHEREAS, the Mayor and Council have considered options to

secure finished water for the residents of the Borough of Keyport from May 1, 2004 through September 30, 2004 and have considered a proposal presented by Shorelands Water Company which has offered to supply water to the Borough of Keyport at the fixed rate of \$4,3492.00 with a credit of \$1,492.00 with credit for the temporary transfer of diversion rights from the Borough to Shorelands for an estimated cost to the Borough of Keyport of \$1,500.00 per million gallons of finished water; and

WHEREAS, the proposed agreement would permit the Borough of Keyport to sell certain excess diversion rights to Shorelands Water Company commencing on or about February 1, 2005 when a rate tariff is expected to be approved by the Board of Public Utilities; and

WHEREAS, the Mayor and Council of the Borough of Keyport are aware that the Local Public Contracts Law requires open public bidding except in certain where an emergency is deemed to exist; and

WHEREAS, the Mayor and Council of the Borough of Keyport have determined that the failure of the water plant to operate efficiently based upon the opinion of the Licensed Water Plant Operator constitutes an emergency requiring the Borough of Keyport to take emergency measures to secure finished water product to the residents of the Borough of Keyport; and

WHEREAS, the Mayor and Council further recognize that Shorelands Water Company is the only private entity capable of delivering finished water to the residents of Keyport through existing interconnections and would be the only entity capable of public bidding; and

WHEREAS, the Borough of Keyport has received a proposed agreement which will permit the Borough to purchase finished water at the net rate of \$1,500.00 per million gallons in exchange for the temporary transfer of the diversion rights held by the Borough which the Governing Body concludes is the basis for a short term solution together with options to protect the long term interests of the Borough of Keyport; and

WHEREAS, the Mayor and Council have considered the recommendations of the ad hoc committee and the appropriate borough professionals as it pertains to the within agreement between the Borough of Keyport and Shorelands Water Company; and

WHEREAS, the Borough of Keyport has notified the State of New Jersey, Department of Environmental Protection, Water Allocation, both verbally and in writing, of the current facts and circumstances; and

WHEREAS, based upon the attendant facts and circumstances and the emergent need to secure a supply of finished water for the five month period commencing May 1, 2004 to the residents of Keyport, the Mayor and Council are incline to authorize the entry of the within agreement based upon the terms herein contained.

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 Council hereby declare that based upon the report and recommendation of the Licensed Water Plant Operator relative to the current condition of the plant, the need for repairs and maintenance, the need for capital improvements and the present security concerns that the Governing Body has determined not to operate the water plant in 2004.
2. Based upon this conclusion, the Mayor and Council hereby

determine that the Borough must secure on an emergent basis finished water to supply the residents of the Borough of Keyport from May 1, 2004 through September 30, 2004.

3. The Mayor and Council hereby authorize the Mayor and Borough Clerk to enter into an agreement with Shorelands Water Company for the purchase of finished water commencing May 1, 2004 for the Borough of Keyport. The Mayor and Council further declare that the agreement was made without competitive bidding based upon certain emergency circumstances created due to the current condition of the water plant.
4. Copies of the within Resolution shall be forwarded to the State of New Jersey, Department of Environmental Protection, Water Allocation, Borough Administrator, Municipal Finance Officer, Borough Attorney a copy of the within Resolution shall be retained in the Office of the Borough Clerk for public inspection.

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

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

16. Resolution #177-04, Resolve PBA Grievance

WHEREAS, the Mayor and Council of the Borough of Keyport did previously hear and consider the grievance Keyport PBA Local 223 as it relates to claims filed for call in pay pursuant to Article XXIII of the Collective Bargaining Agreement between the Borough of Keyport and Keyport PBA Local 223; and

WHEREAS, the Mayor and Council have previously reviewed and denied the grievance filed by the Keyport PBA by Resolution previously adopted by the Mayor and Council on April 6, 2004; and

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised of a proposed settlement which would provide for the issuance of compensatory time or payment of overtime to certain PBA members who attended a meeting on January 27, 2004 in the Borough of Keyport; and

WHEREAS, it appears to the Mayor and Council that the within settlement would be in the best interest of the Borough of Keyport and acceptable to PBA Local 223; and

WHEREAS, the Mayor and Council have further determined that the within grievance should be settled based upon the proposed terms as placed on the record.

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 authorize the settlement of a grievance filed by Keyport PBA Local 223 as it relates to the payment of call in pay pursuant to Article XXIII of the Collective Bargaining Agreement between the Borough of Keyport and Local 223.
2. The Mayor and Council authorize the Chief of Police to provide 4 ½ hours of compensatory time to PBA members Wheeler, Ely, McCartin, Aumack, Salvatore and Dixon for their attendance at a meeting held in the Borough of Keyport on January 7, 2004 and the payment of 3 hours

overtime to PBA member Ferm based upon his attendance at the within meeting, which shall constitute a full settlement of the grievance filed by the PBA on February 16, 2004 relative to Article XXIII (Call In Pay).

3. Copies of the within Resolution shall be forwarded to Matthew Salvatore, President and Kenneth Marr, Delegate, PBA Local 223, Chief of Police, 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. Stalter, seconded by Mr. Hyer

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

Nays: None
Abstain: None
Absent: None

17. Resolution #178-04, Waive Performance Bond for Charter Fishing Boat Lease, Amend lease

WHEREAS, the Mayor and Council by previous resolution did authorize the Borough of Keyport to enter into a lease agreement with John Connell relative to the operation of a Charter Fishing Boat based upon his submission and acceptance of his bid proposal; and

WHEREAS, the proposed lease agreement did provide for the posting of a performance bond for the term of the lease agreement; and

WHEREAS, the applicant, John Connell having sought relief from that provision of the lease agreement based upon his inability to locate a company to underwrite said bond; and

WHEREAS, the matter having been referred to the Harbor Commission for review and consideration of this request and the Harbor Commission having favorably reviewed and considered this request and recommended to the Mayor and Council such modification; and

WHEREAS, the Mayor and Council have considered the association of John Connell with the Borough of Keyport and his favorable payment history; and

WHEREAS, the Mayor and Council desire to authorize the Borough Attorney to modify the Lease Agreement to remove the performance bond requirement.

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

1. The Mayor and Council hereby authorize the Borough Attorney to modify the proposed lease agreement between the Borough of Keyport and John Connell relative to the Charter Fishing Boat to remove any requirement that the Lessee post any form of performance bond during the term of the lease agreement.
2. All other terms and conditions of the lease agreement are hereby confirmed and the Mayor is hereby authorized to execute the amended lease agreement on behalf of the Borough of Keyport.
3. Copies of the within Resolution shall be forwarded to the State of New Jersey, Green Acres Program, Keyport Harbor Commission, John Connell, Municipal Finance Officer and the Borough Attorney and a copy shall be retained in the

Office of the Borough Clerk for public inspection.

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

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

Nays: None
Abstain: None
Absent: None

18. Resolution #179-04, Amend Resolution/Award Fuel Oil Bid

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the contract for the purchase of approximately 11,000 gallons of No. 2 Fuel Oil from Cal Corp., Inc., t/a Stultz Fuel Company by Resolution No. 92-04 duly adopted by this Governing Body; and

WHEREAS, the Mayor and Council have been advised that Resolution No. 92-04 should be amended to set forth the price to be paid for the fuel oil based upon the bid submitted by Cal Corp., Inc. t/a Stultz Fuel Company; and

WHEREAS, the Mayor and Council have been advised that the within modification would not effect the status of the bidder as the lowest responsible bidder and is in accordance with the bid submitted as reviewed by the Borough; and

WHEREAS, the Mayor and Council have determined that the prior resolution should be amended to correctly reflect the terms of the bid awarded by the Borough of Keyport.

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

1. Resolution No. 92-04 adopted by the Mayor and Council is hereby amended to provide that the bid of Cal Corp., Inc. t/a Stultz Fuel Company, 213 Broad Street, Keyport, New Jersey to supply and deliver approximately 11,000 gallons of No. 2 Fuel Oil at the current price of \$1.2725 which is the current "rack price" as of the submission of the bid or at the daily "rack price" plus a deviation of .195 cents per gallon for the term commencing December 23, 2003 though December 22, 2004 is accepted by the Borough of Keyport.

2. All other portions of Resolution NO. 92-04 not specifically modified herein are hereby confirmed.

3. That copies of the within resolution be forwarded to Cal Corp., Inc. t/a Stultz Fuel Company, Municipal Finance Officer and that a copy of the within Resolution be retained in the Office of the Borough Clerk for public inspection.

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

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

Nays: None
Abstain: None
Absent: None

19. Resolution #180-04, Waive sewer portion/Utility Collector to calculate last 3 bills

WHEREAS, a request has been presented by Thomas Romond for an adjustment on his water/sewer bill; and

WHEREAS, the Mayor and Council have reviewed the circumstances.

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

1. The Water/Sewer bill is to be adjusted by the Collector of Water/Sewer Utility Rents by waiving the sewer portion of the bill based on the last three quarters bills.

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

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

Nays: Councilman Bergen

Abstain: None

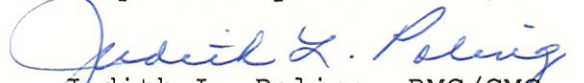
Absent: None

ADJOURNMENT

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

Time of Adjournment: 11:14 P.M.

Respectfully submitted,


Judith L. Poling, RMC/CMC
Borough Clerk/Administrator


as per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

