Approved 10-7-03

May 6, 2003
Keyport, New Jersey

Minutes of a Work Meeting of the Mayor and Council, held on the above date in the Keyport Senior Center, 110 Second 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 and posted on the Bulletin Boards in accordance with the Open Public Meetings Act, P.L. 1975, Ch. 231.

Mayor Merla called the meeting to order at 7:04 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. **Resolution #177-03,** 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. Waiving Health Benefits but Requesting Dental Benefits
2. Deputy Registrar Position
3. Tax Office

Litigation

1. Magic Touch vs Borough of Keyport
2. Tidelands Grant
3. Kutchman Condemnation
4. PBA vs Borough of Keyport

Labor Relations

1. Grievance/Annette Kovacs

Contract Negotiations

1. New Municipal Complex
2. Public Works Facility
3. Aeromarine Property

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, Litigation, Labor Relations and Contract Negotiations conducted, in 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. Hyer, seconded by Mr. Green

Roll Call Vote: Ayes: Councilmembers Atkins, Hyer, Stalter (arrived at 7:15 P.M.), Doyle, Green
Absent: Councilmember Bergen

Council went into closed session at 7:04 P.M. and this meeting was reconvened at 8:15 P.M.

Mayor Merla called the meeting to order at 8:15 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

BUSINESS IMPROVEMENT DISTRICT BUDGET RESOLUTION

2. **Resolution #178-03** Authorizing Borough Clerk to read Budget by title

RESOLUTION AUTHORIZING BOROUGH CLERK TO READ THE 2003 BUSINESS IMPROVEMENT BUDGET BY TITLE

WHEREAS, the Borough Clerk heretofore posted a complete copy of the approved Budget in accordance with R.S. 40A:4-8 (1a, 1b; and

WHEREAS, copies of said Budget were available to each and every person requesting the same during the week prior to this Hearing and at the time of this Hearing; and

WHEREAS, Budget was advertised in the Courier on April 3, 2003, said Budget was published in accordance with N.J.S.A. 40A: 4-6.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport, that the Budget as advertised, posted and distributed, be read at the Public Hearing by Title.

Offered for adopted by Mrs. Atkins, seconded by Mr. Stalter

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

HEARING ON BUDGET RESOLUTION

3. **Resolution #179-03,** Business Improvement District 2003 Budget

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

2003:

BE IT RESOLVED that Keyport Business Alliance, the district management corporation of the business improvement district, approved the BID Budget, after notification according to the By-Laws to all commercial property and business owners, at the March 3, 2003 annual meeting and election;

BE IT RESOLVED that the following statement of revenues and appropriations shall constitute the BID Budget for the year 2003.

BE IT FURTHER RESOLVED that the Budget was published in the Courier, in the Issue of April 3, 2003;

The Governing Body of the Borough of Keyport does hereby adopt the following as the BID Budget for the Year 2003.

KEYPORT BUSINESS DISTRICT
JANUARY 1, 2003 - DECEMBER 31, 2003
Year Three

PROGRAM BUDGET — **YEAR 2003 EXPENSES**
COMMERCIAL PROPERTIES — **VISUAL IMPROVEMENT - $51,000**

- Welcome Signs & Lighted Message Reader Boards $ 8,000
- Supplemental Public Area Maintenance $ 9,000
- Capital Improvement Concept Plan $12,000
- Streetscape Amenities $ 5,000
- Holiday Decorations $10,000
- Keyport Plaza Holiday Decorations $ 7,000

MARKETING - $75,400

- Welcome Signs & Lighted Message Reader Boards
  Photo Shoots
- Web download, DVD or CD-Rom
  of all commercial production $26,000
- Digital Assets Library for print, cable,
  Web Marketing
- KBA Newletter direct mailed to all
  residents, commercial and business owners $14,000
- Commercial Media Buy $25,000
- Advertise Template (print advertising) $ 2,400
- Website Infusion/E-Commerce $ 8,000

EVENT PRODUCTION & IMPLEMENTATION - $36,000

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

ADVERTISING - $17,000

- Destination Event Advertising $12,000
- Regional Tourism Advertising Publications 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)

- New Jersey Travel & Tourism Grant ($ 5,000)
- Event & Sponsorship Cash Income ($18,700)

January 1, 2003 - December 31, 2003 (12 months)
$220,000 Annual Budget
Assessment Rate .2534 cents per $100 of assessed value

Notice is hereby given that the BID was introduced and approved by the Governing Body of the Borough of Keyport, County of Monmouth on March 18, 2003, which shall constitute a first reading under the statute.

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

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

The hearing was opened at 8:16 P.M., there being no questions or comments the hearing was closed at 8:17 P.M.

PROCLAMATIONS

1. **National Police Week, week of May 11, 2003 and Police Memorial Day, May 14, 2003**

2. **North American Safe Boating Campaign/National Safe Boating Week - May 17-23, 2003**

3. **Senior Center Week (May 11-17, 2003) in the Borough of Keyport**

HEARING ON ORDINANCES

1. **Ordinance #11-03,** Amend Boat Launching Ramp Fees

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of April 17, 2002, 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
CHAPTER XI, RECREATIONAL FACILITIES,
11-6 BOAT LAUNCHING RAMP,
SECTION 11-6.4 PERMIT FEE

The Hearing was opened to the public for comments or questions at 8:20 P.M. There being none, this portion of the meeting was closed at 8:20 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of May 8, 2003 moved by Mr. Green, seconded by Mr. Stalter, with Ayes by all present.

2. **Ordinance** #12-03, Amending Bond Ordinance - New Municipal Complex

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of April 17, 2002, 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 21-99 (WHICH PROVIDES FOR THE CONSTRUCTION OF A MUNICIPAL BUILDING AND OTHER RELATED EXPENSES) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, SEPTEMBER 21, 1999, AS AMENDED AND SUPPLEMENTED, TO THEREIN INCREASE THE APPROPRIATION TO $4,400,000.00, TO THEREIN INCREASE THE AUTHORIZATION OF BONDS OR NOTES TO $4,189,000.00 AND TO THEREIN INCREASE THE DOWN PAYMENT TO $211,000.00

(Full copy of Ordinance #12-03 attached hereto and made part of these minutes.

The Hearing was opened to the public for comments or questions at 8:22 P.M. A residents asked about the additional monies. Mayor Merla reported in order to complete the job and provide for furniture, phones, computers, etc. the bond ordinance is being amended by $1.2 million dollars. The Chief Financial Officer and the Architect prepared the schedule. It is easier to cancel from the bond ordinance than to add. A resident asked about a contingency. There is a contingency in case there are extra change orders. A resident asked who buys the bonds. There is a sale. A resident asked if the same would be done for the infrastructure. Paving streets and water and sewer lines can be bonded. Mayor Merla said old debt will be retired. In 1999, the then Mayor and Council knew these costs were coming. The costs will be spread out over many years. Mike Lane, First Street said retired people can help with the telecommunications, also businesses have been downsized in the area and they have equipment. Mayor Merla said he responded to the article in the Independent. Regarding furniture, what can be used will be taken, most of the furniture was used when purchased. This is the first new municipal building, the present one does not comply with ADA requirements. There will be 30 offices under one roof and it should be done right. The building is nearing completion. A resident asked how the files could be outdated. Some offices have cabinets going back to 1961. Mary Alan, Maple Place costs are added for windows and the roof. The Hearing was closed at 8:37 PM

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

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

2a. Motion authorizing the Clerk to publish the Ordinance, as finally adopted according to law, in the Courier, issue of May 8, 2003 moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. **Ordinance #13-03,** Amending Chapter V, Section 5-10 Taxi Cabs (Fees)

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 CHAPTER V, SECTION 5-10 TAXI CABS

BE IT ORDAINED by the Mayor and Council of the Borough of Keyport, that Borough Ordinance Chapter V, licensing and business regulations, Section 5-10 Taxi Cabs is hereby amended and supplemented as follows:

Section 1: Declaration. The Mayor and Council declare that it is necessary to revise fees for the issuance of a taxi cab drivers' license and tax cab owners' license as provided in the revised general ordinances of the Borough of Keyport. The Mayor and Council further declare that there had been no increases in the drivers' license or owners' license fees since 1972.

Section 2: Chapter V. Licensing and Business Regulations: 5-10 Tax Cabs, Section 5-10.10 Fees is hereby amended and supplemented as follows:

The fees for the issuance of the licenses herein referred to shall be as follows:

1. For each taxi cab license, fifty ($50) per year or fraction thereof;
2. For each taxi cab drivers' license, twenty-five ($25.00) per year;
3. For a transfer of a taxi cab owners' license fifty ($50.00).

The Borough Clerk shall at the time a license is granted and upon receipt of the license fee, deposit said monies in the appropriate account established by the Borough of Keyport.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 8, 2003 for a Hearing to be held on May 20, 2003 moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

2. **Bond Ordinance** #14-03, Re-appropriation of Funds

This will provide for the purchase of a backhoe which presently is being rented, $49,000 vs $75,000 (rental costs will be taken off the price). The Borough will be receiving approx. $27,000 in FEMA funds.

The Clerk reads 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	$525,000	$499,800	$25,200	10 years

shall remain with the Borough and which appropriation for such fire trucks shall be controlled and disbursed by the Borough;				
(ii) the acquisition of equipment and non-passenger vehicles for the Borough's Department of Public Works, including but not limited to, a street sweeper, a dump truck and a lift truck; and	$260,000 (including $5,000 from the reserve for a public works vehicle in the general capital fund)	$242,700	$12,300	10 years
(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 payments 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.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of May 8, 2003 for a Hearing to be held on May 20, 2003 moved by Mr. Hyer, seconded by Mr. Green, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request to sell Poppies May 1 - 31, 2003:
   a. Raritan Post 23 American Legion
   b. Veteran's of Foreign War Post 4247

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

2. Request from Kiwanis Club of Keyport to take an ad in the 80th Anniversary Yearbook (Full page ad)

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

3. Request from Keyport First Aid Squad for donation

   Motion to refer to Finance Committee moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

4. Request from St. Joseph's Church to have fireworks on May 30, 2003 (rain date May 31, 2003)

   Motion to approve and send copy of letter to Aberdeen Township, moved by Mr. Stalter, seconded by Mr. Hyer, with Ayes by all present.

5. Borough of Sea Bright resolution supporting Assembly Bill 2625 and Senate Bill S-1999 regarding auto insurance

   Motion to approve prepare and list resolution in support, moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

6. Request from Keyport Historical Society to use Borough owned equipment on dates specified

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

7. Letter from Wendy Tooker regarding property behind Senior Center

   Motion to refer to Finance Committee moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

UNFINISHED BUSINESS

1. Ordinance to Amend Park Hours. Awaiting response from the Recreation Commission.

2. 79 Fulton Street request to waive sewer charges. Motion to add a resolution to the agenda waiving the fees, moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. 1. The Lease for the Hot Dog Stand will be re-bid. 2. April 29, 2003 Payment of Bills: Current Account-$174,916.55, Water and Sewer Account-$18,223.00, General Capital Account-$402,850.59, Recreational Bayfront Improvement Trust Account-$1.17, Unemployment Trust-$7,268.82.

ENGINEER'S REPORT

Mr. Freda reported on the following. 1. The Engineer's monthly report was submitted. 2. Submittals have been sent to the Monmouth County Community Development for Therese Street and the project is ready to go; awaiting County ok. They are awaiting approval for the design of Atlantic Street (DOT funding). Next years funding is due June 30th. 3. Green

Acres/Diversion is due in the State House on June 15th. Assignment of Ferry Lease will be listed on the May 20th agenda.

ATTORNEY'S REPORT

Mr. Kain reported on the following. 1. Magic Touch Litigation, trial date is 12/1/03. 2. Catamaran Lease, Resolution is listed on tonight's agenda. 3. Public Works Facility second year option, Resolution is listed on tonight's agenda.

NEW BUSINESS

1. 82 Highway 35/Request to adjust water/sewer bill. Motion to add a Resolution to the agenda moved by Mr. Hyer, seconded by Mr. Stalter, with Ayes by all present.

2 Request for Handicapped Parking Space/40 Church Street. This matter was held.

3. Request from Rosie's Elite Car Wash, 275 Broadway for a review of 4/1/03 water/sewer bill. To be listed on the 5/20/03 agenda.

4. Municipal buildings/Asbestos evaluation, Motion to refer to Building and Grounds Committee, Engineer and Insurance Company moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

5. Placement of post office boxes in municipal lot. Mr. Hyer reported that the are problems at the post office and across the street regarding parking and traffic. Mr. Hyer said the boxes can be moved inside of Firemen's Parking lot, that the walkway is sufficient. The Post Office will approve. It has to be determined if Green Acrea approval is required. The newspaper vending machines outside the Post Office are in disrepair and the Post Office does not want them there. Mr. Doyle said the machines are no help to the businesses. The pick up at these mail boxes is 5 PM.

   Mayor Merla reported on the following:

6. Haley Florist/362 Broadway. They have a septic tank and are requested a sewer line. The nearest is at St. Joseph Church. The matter was referred to Councilman Hyer.

7. Keyport Legion Apartments. Helen Keeler of the Apartments has requested use of the Borough tables and tents on May 28, 2003. Motion to approve, moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

8. Pershing Place. A request has been made for "Children Playing" signs. The matter was referred to Councilman Hyer.

9. Social Worker. The Bethany Manor,Bethany Towers and the Keyport Legion Apartments are in need of a Social Worker. The possibility of an Interlocal was referred to Councilwoman Atkins.

10. Local Zoning Laws. The League of Municipalities has advised that the Courts ruled in favor.

11. Constitutional Convention Referendum. This matter will be listed on the 5/20/03 agenda. The AFL/CIO supports.

12. Vehicles. The County has given the Borough a Bronco and a van.

13. Smart Growth. Councilwoman Atkins, Jeff Fink, KBA and the Mayor attended a presentation of the $85,000 grant (to identify business waterfront properties)the Borough received from the State. With two partners, the Port Authority and New Jersey Transit, total amount received was $118,000.

14. Dredging. Mayor Merla, Councilwoman Atkins, Borough Engineer Freda and Terry Parker (is a good asset as a resident and volunteer) asked Congressman Pallone about funds for dredging. Ms. Bohlin will be submitting paperwork.

15. Construction Code Department. In January and February, $20.000 was collected, $6,000 in back permit fees. Mr. Doyle said the the CCO office called him about the sprinkler system he put in 5 years ago.

16. Department Head Meeting. The Police Department received two grants, $14,000 for vests and the other for DWI. Also the Police Department will addressed speeding with the radar.

17. Landlord Registration Act. Anthony Vecchio, CEO is working hard, fees collected-$10,000.

18. Wetlands. Private owned property which cannot be developed, asking the residents to deed over to the Borough as conservation areas, which would count as points with Green Acres in doing a swap was referred to the Borough Engineer.

19. Therese Street. 37 surveys were mailed out asking the residents if they did or did not want sidewalks. Curbs are needed but sidewalks are an option. 33 responded and there was one vote between yes's and no's. Mayor Merla said he can see the point of those who don't want sidewalks. There will be a pre-construction meeting. A conceptual plan for curbs and gutters, instead of sidewalks should be distributed, a letter sent out to the residents,and a meeting scheduled with the residents.

PUBLIC PARTICIPATION

The Meeting was opened to the public at 9:30 P.M. for comments or questions. Jeff Fink asked about the Historical Society dates, said that the newspapers should be bought from the businesses and the $118,000 grant received for Smart Growth, that the State is looking at Keyport as a role model and he commended everyone for their hard work. Mitch Myerson, Church Street said that trucks going to the Cornucopia park in the yellow zone which is dangerous. Mr. Myerson talked about the West Furniture properties. A new store has opened up on E. Front Street. On Church Street, the parking lot and billboard are eyesores and asked how they could be issued a C of O. Mayor Merla said Mr. Dubleski came to the Planning Board meeting and discussed the parking lot and having cars exit out onto First Street. The Planning Board objected to this, the plan designed was to have cars exit out onto Church Street. Other items were also discussed. The tenant was fined for not having a C of O, only Mr. Dubleski's business has a C of O. Mr. Dubleski has 30 days to finish the lot, sign and addressed the air conditioner units. Mr. Myerson asked if the property on the corner has C of O's. Mayor Merla said a 10 x 20 sign is being designed. Mr. Cerase, PMO fined him and there is a court date. Mr. Myerson said more teeth is needed in the laws. Mayor Merla said there were 6 of 14 items not completed. Mr. Myerson said the corner property is not safe. Joseph Wedick, Therese Street said thank you for the survey. He asked about pizza boxes in the garbage, that the garbage men are taking them out of the garbage and throwing them on the lawn. Police Chief Theodore Gajewski thanked the Mayor and Council for the Proclamation. He asked about needing a permit to use the Parks and should he contact the Recreation Commission. He advised that the DARE van will be going to South River on May 31st. He said a Williamson Street resident said that Union Beach passes Resolutions on parking and that they don't need DOT approval. Chief Gajewski said if it abutts a County road, it is not the same. Mayor Merla said it is dangerous on Green Grove Avenue by the cemetary, that the road should be widen and the yellow line moved; there is a survey being done. Richard Ayres, 184 Broad Street said he wanted reimbursement for having to pay $200 to get his car when it was towed in May of 2002. Mayor Merla said this was a Police matter, not one for the Mayor and Council and he referred the matter to the Police Chief. Mike Lane, First Street asked if the parking plan for West Furniture is being reviewed; yes. He asked if there is a change on variances will the residents be notified. Mr. Kain said if amending the site plan there is notice. A resident asked about selling the water and wastewater utilities. Mayor Merla said the Borough asked for Request for Proposals. The resident asked if these are foreign bidders. Mayor Merla said Middlesex and Shorelands Water companies are interested and the referendum question goes on the ballot. Mr. Kain advised on procedure. Mayor Merla said the sale is subject to BPU approval. The Borough will either have to adopt a bond ordinance to deal with the infrastruture, or sell, or raise rates. The Borough rate for sewer was 200%, then 140% and now 160%. The Borough was forced to hook up with the BRSA and was forced to buy water 7 months out of the year, not use the wells all year. Mayor Merla said the Borough has petitioned against the New Jersey American water rate increases. The Borough has sold water to Shorelands. There have been many water and sewer breaks this year and there are reasons that are causing problems, i.e. old meters, theft of water, sump pumps and the systems are old. Two public hearings on the sale are scheduled, but there could be 4 in different areas of the Borough. There is an education process. Ray Weber said in Holmdel, there are areas that do not have sewers, and they don't want them. The BRSA is at 40-48% capacity. Union Beach, Hazlet and Holmdel are members but customers will bear the expense. Mayor Merla said years ago Keyport needed Holmdel's vote on a bill to become a member of the BRSA, and they voted no. 6 out of 10 people buy bottled water. Mr. Doyle said he has to change coffee filters every 3 months when they should last 12 months. Mary Alan asked about the Green Grove Apartments parking, that the tenants should complain and asked about widening Green Grove Avenue. Mayor Merla said is is an option, that the Apartments are holding the Borough hostage and that they have to come before the Planning Board. Mr. Hyer commended the Police Department for disposing of files at no cost. The Public Comment Portion of the meeting was closed at 10:24 PM.

Council went back into Closed Session at 10:30 PM and this meeting was reconvened at 11:01 PM. On Roll Call the following were present: Councilmembers Atkins, Hyer, Stalter, Doyle, Green. Absent: Councilman Bergen

RESOLUTIONS

4. **Resolution #180-03,** Authorizing Advertisement for Receipt of Bids

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

1. The Borough Clerk is hereby authorized and directed to publish a notice advertising for receipt of bids for:

   BITUMINOUS CONCRERE SURFACE COURSE, FABC AND
   BITUMINOUS STABILIZED BASE COURSE

   in accordance with the specifications approved by the Public Works Department.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

5. **Resolution #181-03,** Amend March 18, 2003 Payment of Bills

WHEREAS, on March 18, 2003, the Mayor and Council of the Borough of Keyport passed Resolution #126-03 for the Payment of Bills, in the Current Section, check #015604 payable to the order of **Suzana P. Daroca Martinez** in the amount of $710.00.

WHEREAS, it has been determined that this payment has been duplicated.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that the check in the amount of $710.00 payable to Suzana P. Daroca Martinez be voided and the Current Section of the Payment of Bills of March 18, 2003 be amended to read $783,774.59.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

6. **Resolution #182-03,** Authorization for Emergency Repairs Fire Department Aerial Ladder Truck #91

WHEREAS, it was necessary to have Fire Department Aerial Ladder Truck #91 repaired immediately for the protection, safety and welfare of the residents; and

WHEREAS, due to the emergency, quotes were unable to be obtained as per the Local Public Contracts Law (any amount over $2,625.00 requires three (3) quotes).

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport do hereby authorize the payment of $3,857.37 to Seagrave Sales & Service L.L.C., 150 Durham

Avenue, South Plainfield, New Jersey 07080 for emergency repairs to Fire Department Aerial Ladder Truck #91.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

7. **Resolution** #183-03, Award of Catamaran Lease and Authorization to Execute Same

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the lease of space on the municipal pier by which to operate a recreational charter catamaran service from May 15, 2003 through October 15, 2003 within the Borough of Keyport; and

WHEREAS, based upon the bid submitted, the Mayor and Council have determined that Tracy Dell, d.b.a. Idylwild Charters, Holmdel, New Jersey did submit a bid which was determined to be the most favorable to the Borough of Keyport; and

WHEREAS, it has become necessary for the Mayor and appropriate Borough Officials to execute the lease agreement subject to final approval by the State of New Jersey, Green Acres Program and further subject to receipt of appropriate proof of liability insurance satisfactory to the Borough of Keyport; and

WHEREAS, the appropriate Borough Professionals have reviewed the appropriate lease agreement related to the lease of space at the municipal dock for the operation of the recreational catamaran service.

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

1. The Mayor and Council hereby authorize the Mayor and appropriate Borough Officials to execute a lease agreement for the lease of space at the municipal pier for the operation of a recreational catamaran service from May 15, 2003 with Tracy Dell d.b.a. Idylwild Charters, based upon their bid submission.

2. The within execution is specifically contingent on the approval of the State of New Jersey, Green Acres Program, as to the nature and form of the lease agreement and further subject to receipt of proof of liability insurance acceptable to the Borough of Keyport.

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

Offered by Mr. Stalter, seconded by Mr. Hyer

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

Absent: Councilman Bergen

8. **Resolution #184-03,** Release of Maintenance Bond Robeth LLC, 77 Route 35 South, Block 8, Lot 2, Site Plan/Variance

WHEREAS, the above project has requested release of the Maintenance Bond posted on November 20, 1998; and

WHEREAS, the firm of Schoor DePalma, engineers at the time, have completed a final inspection and have recommended release of the Maintenance Bond as per their letter of April 17, 2003, copy attached.

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

1. The Maintenance Bond posted in the amount of $11,056.50 is hereby released pending payment of all outstanding bills.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

9. **Resolution #185-03,** New Municipal Complex/Change Order No. 4

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the construction of a new Municipal Complex; and

WHEREAS, the Mayor and Council of the Borough of Keyport have received a written request from the project architect for a change order for the Municipal Complex as it relates to the contractor, A & K Excavating; and

WHEREAS, the Mayor and Council of the Borough of Keyport have reviewed the proposed change order which consists of a revision to the contract price to include additional work relative to sound system in the municipal court and upgrades insulation and various other upgrades with certain credit allowances as set forth in Change Order No. 4, as submitted by the General Contractor, A & K Excavating, Holmdel, New Jersey, except as it specifically relates to the upgrade of studs and expenses relative to the placement of the generator; and

WHEREAS, based upon the review of the Mayor and Council and the recommendation of the project architect, the Mayor and Council are inclined to authorize the change order for additional work to the sound system for the municipal court and various other interior upgrades in the additional sum of $140,548.95, which will result in the new contract amount being fixed at $3,442,859.90, inclusive of all current change orders, except as specifically related to items GC2 and GC8, upgraded studs and generator relocation, which are specifically disapproved by the governing body; and

WHEREAS, the Mayor and Council desire to memorialize the within Resolution approving the change order and authorizing the project architect to proceed with the within change to the Municipal Complex as set forth in Change Order No. 4 to the Keyport Municipal Center dated May 1, 2003, except as it relates to the stud size increase and generator work which is specifically excluded;

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 approve the change order request recommended by the project architect consisting in improvements to the municipal court sound system and various other interior upgrades to the new municipal complex, including insulation, extended basement work and additional improvements set forth in Change Order No. 4 to the Keyport Municipal Center dated May 1, 2003, except items identified as GC3 and GC3 related to upgraded studs and generator work, which are specifically excluded.

2. The Mayor and Council hereby approve the change order in the amount of $140,548.95, inclusive of all credits, and further authorize the project architect to proceed with the change order, based upon the written proposal submitted, exclusive of the aforesaid studs and generator work. The total current contract between the Borough of Keyport and A & K Excavating is hereby further amended to reflect a revised amount of $3,342,859.90.

3. The within Resolution is specifically contingent upon the certification of the Municipal Finance Officer as the availability of funds within the appropriate Bond Ordinance adopted by the Mayor and Council and amended thereafter.

4. That a copy of the within Resolution, duly certified, to be forwarded to the Project Architect, Clerk of the Works, Borough Engineer, Consulting Engineer, and Municipal Finance Officer.

5. Copy of the within Resolution shall be retained in the office of the Borough Clerk for public inspection.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

10. **Resolution** #186-03, Payment of Bills

(See full copy of Resolution as pages 27-28 of these minutes)

Offered by Mr. Stalter, seconded by Mr. Hyer

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

11. **Resolution** #187-03, Authorizing Award of Contract for Police Communications Center at New Municipal Complex to Allcom Technologies

WHEREAS, the Mayor and Council of the Borough of Keyport did advertise a request for proposals for the supply and installation of the police communications center for the new municipal complex in accordance with the general requirements prepared b Lloyd Consultants, Inc., Red Bank, New Jersey, consultants, retained by the Borough of Keyport relative to the design and installation of the police communications center within the new municipal complex; and

WHEREAS, specific proposals were received in accordance with the Request for Proposals by the Borough of Keyport; and

WHEREAS, Lloyd Consultants, Inc. has received and reviewed certain written proposals submitted by various venders relative to the supply and installation of the police communications center within the new municipal complex; and

WHEREAS, Lloyd Consultants, Inc., has reviewed the proposal submitted by Allcomm Technologies, Farmingdale, New Jersey, to supply the police communications center in the new municipal complex, including all materials and labor, for the proposed sum of One Hundred Twenty Three Thousand, Five Hundred Seventeen Dollars and Sixty-Seven Cents ($123,517.67); and

WHEREAS, the award of this contract is permissible as an award under the State contract as submitted through the State of New Jersey, Bureau of Purchase and Property for equipment necessary for police communications.

WHEREAS, it is the intention of the Mayor and Council of the Borough of Keyport to authorize the Mayor of the Borough of Keyport to execute a contract with Allcomm Technologies, Farmingdale, New Jersey, for the supply and installation of the police communications center at the new municipal complex in accordance with the proposal submitted.

NOW, THEREFORE, be it, and it is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. The Mayor and Borough Clerk are hereby authorized to enter into a contract consistent with the proposal submitted by Allcomm Technologies, between the Borough of Keyport and Allcomm Technologies, Farmingdale, New Jersey, for the supply and installation of the police communications center for the new municipal complex within the Borough of Keyport as set forth in the written proposal of April 18, 2003, inclusive of all equipment, installation and labor charges.

2. The within award of the contract is contingent upon the certification of the Municipal Finance Officer as to the availability of funds within the applicable bond ordinance as adopted by the Mayor and Council.

3. That Notice of Award, of the within contract be published in a legal newspaper of the Borough of Keyport, if so required, pursuant to *N.J.S.A.* 40A:11-1 et seq. Within ten days.

4. Upon execution, the Borough Clerk is authorized to forward a copy of the completed, executed contract to Allcomm Technologies, Farmingdale, New Jersey.

5. The Borough Clerk shall retain the original and fully executed copy of the contract and supporting application on file in the office of the Borough Clerk.

6. Copies of the within resolution shall be forwarded to Allcomm Technologies, Farmingdale, New Jersey, Lloyd Consultants, Inc., Gaunt, Kaplan & DeSantis, Municipal Finance Officer, Clerk of the Works, Consulting Engineer and the Borough Engineer.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

12. **Resolution #188-03**, Authorizing Renewal of Lease Option for premises 120 Francis Street, Keyport, New Jersey, Public Works Facility

WHEREAS, the Borough of Keyport did enter into a lease agreement with Earl T. Swift for the premises located at 120 Francis Street, Keyport, New Jersey, on June 25, 1998; and

WHEREAS, the Mayor and Council have periodically renewed various lease options for the premises identified as 120 Francis Street, Keyport, New Jersey; and

WHEREAS, the Mayor and Council did adopt Ordinance No. 9-02 which granted to the Borough two one year options for the premises known and identified as 120 Francis Street, Keyport, New Jersey; and

WHEREAS, the Borough of Keyport has previously exercised the option for the lease of the premises from August 1, 2002 through July 31, 2003 by previous action of the Mayor and Council; and

WHEREAS, the Mayor and Council have determined that it would be in the best interest of the Borough of Keyport to renew the second one year lease option commencing August 1, 2003 and expiring on July 31, 2004 in accordance with the agreement between the Borough of Keyport and Earl T. Swift; and

WHEREAS, the Lease Agreement would allow the Borough of Keyport to continue occupancy of the premises located at 120 Francis Street, Keyport, New Jersey, which is presently used by the Department of Public Works, at a market rate of $56,212.00 per year payable in twelve monthly installments of $4,684.35, together with any tax adjustments; and

WHEREAS, the Mayor and Council desire to memorialize this Resolution and authorize the Borough to Enter into the second year of the Lease Agreement commencing August 1,2003 through July 31, 2004.

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 exercise the option to renew the lease for

the premises at 120 Francis Street, Keyport, New Jersey, for an additional one year period commencing on August 1, 2003 and expiring on July 31, 2004 at an annual market rate of $56,212.00 per year payable in twelve monthly installments of $4,684.35 to the landlord, Earl T. Swift.

2. The Borough Clerk is hereby directed to forthwith notify the landlord, Earl T. Swift, of the decision of the Borough of Keyport to exercise the second year option which shall allow the Borough to utilize the aforementioned property from August 1, 2003 through July 31, 2004.

3. A copy of the within Resolution, duly certified by the Borough Clerk, shall also be forwarded to the landlord, Earl T. Swift, and to the Municipal Financial Officer.

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

Offered by Mr. Stalter, seconded by Mr. Hyer

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

13. **Resolution #189-03,** Recognition of Christopher G. Popovich, Eagle Scout

WHEREAS, CHRISTOPHER G. POPOVICH's project resulted in the installation of a 50' five rail fence that created an enclosed pasture for small animals maintained by the historic Longstreet Farm at Holmdel Park in Monmouth County, New Jersey; and

WHEREAS, CHRISTOPHER G. POPOVICH, a member of Troop 80, BSA, Monmouth Council, Boy Scouts of America, has been approved for scouting's highest recognition, The Eagle Scout Badge; and

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Keyport,, that **CHRISTOPHER G. POPOVICH,** is hereby commended on completing his project and congratulated on attaining the Eagle Scout Badge.

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to **CHRISTOPHER G. POPOVICH** for his recognition ceremony to be held on May 10, 2003 at Brookdale Community College, Performing Arts Center.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

14. **Resolution #190-03,** Equipment and Installation - Fire Alarm System

WHEREAS, it is necessary to purchase, install and connect a new Fire Alarm System at the New Municipal Complex; and

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

K.J. McKeon, Inc. Brielle, New Jersey	$18,750.00
BayComm, Inc. Wilmington, Delaware 19807	$18,175.00
Federal Signal Corporation University Park Illinois 60466-3195	$17,310.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council, that the quote of Federal Signal Corporation, Federal Warning Systems, 2645 Federal Signal Drive, University Park, Illinois 60466-3195 for the Fire Alarm System in the amount of $17,310.00 is hereby accepted.

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

Offered by Mr. Stalter, seconded by Mr. Hyer

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

15. **Resolution #191-03,** Re-authorizing receipt of bids for Lease of Portion of Municipal Boat Ramp for Hot Dog Stand and/or Snack Stand

WHEREAS, the Mayor and Council have in the past provided for the lease of a portion of the area near the municipal boat ramp dock for the operation of a hot dog stand/snack stand service within the Borough of Keyport; and

WHEREAS, the Mayor and Council have determined that it would be in the best interests of residents and visitors to the Borough of Keyport to provide for the operation of a hot dog/snack stand in the area adjacent to the Municipal Boat Ramp; and

WHEREAS, the Mayor and Council of the Borough of Keyport desire to re-advertise for receipt of bids for the operation of a hot dog stand and/or a snack stand in an area adjacent to the Municipal Boat Ramp for a period of time from on or about June 5, 2003 through November 4, 2003, which the Mayor and Council believe will be further conducive to recreational activities within the Borough of Keyport; and

WHEREAS, the Mayor and Council desire to finalize this resolution and re-authorize the receipt of bids to be received and opened at the Keyport Borough Hall at a date to be fixed upon public advertisement.

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

1. The Mayor and Council authorize the Borough Clerk to advertise for receipt of bids for a six (6) month lease period of a portion of the area near the municipal boat ramp for the operation of a hot dog stand and/or snack stand commencing June 5, 2003 through November 4, 2003.

2. The Mayor and Council authorize the Borough Clerk to advertise for the receipt of a lease agreement with an effective date term date of six (6) months, commencing June 5, 2003 through November 4, 2003.

3. The receipt of bids and lease agreement shall be subject to the approval of the State of New Jersey, Green Acres Program, both as to form and content. All funds received shall be deposited into the Special BRIT account for appropriate use.

4. A copy of the within resolution shall be forwarded to the State of New Jersey, Green Acres Program, Borough Attorney, Municipal Finance Officer and a copy shall be maintained in the office of the Borough Clerk for public inspection.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

16. **Resolution #192-03,** Designating Special Counsel Brian A. Mullen, Esquire, Middletown, New Jersey, as Development Attorney for the Borough of Keyport

WHEREAS, by previous resolution adopted by the Mayor and Council of the Borough of Keyport, Brian A. Mullen, Esquire, Middletown, New Jersey, was appointed Special Counsel to the Borough of Keyport; and

WHEREAS, the Mayor and Council have been contacted by a perspective developer seeking to develop the property categorized as "Air Marine" located within the Borough of Keyport which is presently in an undeveloped state; and

WHEREAS, due to current changes in the laws within the State of New Jersey, the Mayor and Council see an opportunity for significant development on the "Air Marine" property with significant tax advantages to the citizens of the Borough of Keyport; and

WHEREAS, the Mayor and Council have discussed the appointment of a Development Attorney specifically to review municipal ordinances, Master Plan and to meet with the proposed developer as it relates to the development of the "Air Marine" property; and

WHEREAS, the Mayor and Council have reviewed and considered the qualifications of Brian A. Mullen, Esquire, Middletown, New Jersey, and have reviewed and considered a proposed public/private partnership plan prepared by Mr. Mullen as it relates to development of the Air Marine Property; and

WHEREAS, the Mayor and Council are inclined to appoint Brian A. Mullen, Esquire, Middletown, New Jersey, as the development attorney for the Borough of Keyport and to direct Mr. Mullen to review the master plan, Borough Ordinances and meet with the developer as it relates to the development of the Air Marine Property.

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

1. The Mayor and Council hereby name Brian A. Mullen, Esquire, Middletown, New Jersey as development attorney for the Borough of Keyport as it relates to development and/or redevelopment of the air Marine Property located within the Borough of Keyport.

2. The development attorney is hereby authorized and directed to review appropriate municipal ordinances, Master Plan and to make specific recommendations with respect to the current Borough Ordinance and the Master Plan as it pertains to development, and further, to meet with the potential developers and to address the public/private "partnership" as it relates to the "Air Marine" property.

3. The development attorney shall be paid at the rate of $130.00 per hour as fixed by the Mayor and Council of the Borough of Keyport, and shall periodically submit progress reports and billing to the Mayor and Council relative to work in the area of development. Development Attorney shall not exceed $5,000.00 in fees without further express authorization of the Mayor and Council.

4. A certified copy of the within resolution shall be forwarded to the development attorney, Brian A. Mullen, Esquire, Borough Attorney, and Municipal Finance Officer and a copy of the resolution shall be retained in the office of the Borough Clerk for public inspection.

5. The appointment of the Development Attorney is made without competitive bidding pursuant to *N.J.S.A.* 40A:11-1 *et seq*. As the within position is considered a professional position under the within statute.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

17. **Resolution #193-03,** Approving Contribution to Kiwanis Club of Keyport, Inc.

WHEREAS, the Kiwanis Club of Keyport, Inc. is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Kiwanis Club of Keyport, Inc. has requested that the Borough of Keyport contribute the sum of $100.00 for a full page ad in their 80th Anniversary Ad Book.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport, that the sum of $100.00 is hereby approved as a contribution for a full page ad in their 80th Anniversary Ad Book and the Mayor and Chief Finance Officer are authorized and directed to pay said sum.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

18. **Resolution #194-03,** Authorizing Borough Engineer to Prepare Specifications for the Purchase of a New or Used Backhoe for use by the Department of Public Works

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised of the need to acquire a backhoe for use by the Department of Public Works; and

WHEREAS, the Mayor and Council have reviewed such a request and desire to authorize the Borough Engineer to prepare specifications to bid the purchase of a 2003 John Deere 310G backhoe, or its equivalent, new or used, if used, with a maximum of 350 hours, subject to the transfer of appropriate warranties, and to provide for the trade of the current 1985 John Deere 510B backhoe, presently deemed inoperable by the Borough of Keyport; and

WHEREAS, the Mayor and Council desire to request the Borough Engineer to prepare specifications for a fee not to exceed the sum of $2,500.00 without further authorization.

NOW THEREFORE, BE IT the same is hereby resolved by the Mayor and Council of the Borough of Keyport as follows:

1. Borough Engineer is authorized to prepare bid specifications for the purchase of a 2003 John Deere 319G backhoe, or its equivalent, new or used, with a maximum of 350 hours and subject to all current warranties.

2. Borough Engineer shall prepare the appropriate bid specifications for a fee not to exceed the sum of $2,500.00, upon certification from the Municipal Finance Officer as to the availability of funds either from the bond ordinance or the general account of the Borough of Keyport.

3. That a certified copy of this resolution be forwarded to the Borough Engineer and Municipal Finance Officer and that a copy of the within resolution be retained in the office of the Borough Clerk for public inspection.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

19. **Resolution #195-03,** Adjustment of Water/Sewer Account #1514002

WHEREAS, Leroy and Elizabeth Mackason owners of 79 Fulton Street, Keyport, New Jersey, Water/Sewer Account #1514002 have requested an adjustment to the Water/Sewer bill due to a leaking water pipe; and

WHEREAS, the Mayor and Council have reviewed this matter and based on the recommendations of the Collector of Water/Sewer Utility Rents render the following decision:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that the Water/Sewer Account #1514002 shall be adjusted as follows:

1. The Water/Sewer Account #1514002, the sewer portion of the bill shall be reduced by $216.97.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

20. **Resolution** #196-03, Adjustment to Water/Sewer Account #10096001

WHEREAS, Who Z LLC Maurice Montemurro, 82 Highway 35, Keyport, New Jersey, Water/Sewer Account #10096001 have requested an adjustment to the Water/Sewer bill; and

WHEREAS, the Mayor and Council have reviewed the matter based on the recommendation of the Collector of Water/Sewer Utility Rents render the following decision:

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council that the Water/Sewer Account #10096001 shall be adjusted as follows:

1. Water/Sewer Account #10096001, the sewer portion of the bill shall be reduced by $657.68.

Offered by Mr. Stalter, seconded by Mr. Hyer

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

21. **Resolution #197-03,** Supporting a Quality Care Improvement Fund

WHEREAS, New Jersey nursing homes are severely underfunded by the government Medicaid program; and

WHEREAS, the Medicaid reimbursement rates paid by the state of New Jersey are not enough to maintain adequate staffing or to develop a stable, well-trained work force; and

WHEREAS, an underfunded Medicaid system threatens our ability to deliver quality care and puts both seniors and employees at risk; and

WHEREAS, poverty wages and inadequate benefits have created high employee turnover and undermined nursing home quality of care;

WHEREAS, nursing homes must provide decent jobs to help attest and keep qualified staff;

WHEREAS, nursing home workers and residents, family members, people with disabilities and religious and political leaders are joining together with a significant proportion of New Jersey's nursing homes care providers to promote quality, long term care in New Jersey in order to ensure that all New Jersey nursing home residents receive the care they deserve.

THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Keyport:

> **Endorse and support the proposed legislation to create the New Jersey Quality Care Improvement Fund; a fund to be comprised of a state assessment on occupied nursing home beds to be matched by the federal government under the Medicaid program.**

Offered by Mr. Stalter, seconded by Mr. Hyer

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

ADJOURNMENT

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

Time of Adjournment: 11:04 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk

Joanne Clemente

As per Joanne Clemente
Deputy Borough Clerk