June 15, 2004
Keyport, New Jersey

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

Council President Atkins, in Mayor Merla's absence called the meeting to order at 6:59 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #210-04, 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. Police Department
3. Administrator Position

Litigation
1. Magic Touch vs. Borough of Keyport

Labor Relations
1. IUOE Grievance - Various Employees Salaries
2. Administrative and Non-Union Agreements

Contract Negotiations
1. Water Plant
2. Municipal Complex

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

BE IT FURTHER RESOLVED that the discussions on Personnel, 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. Stalter, seconded by Mr. Wedick

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

Council went into Closed Session at 7:01 P.M. and this meeting

was reconvened at 8:19 P.M. The closed session will be continued after the Resolution Portion of this meeting.

Council President Atkins in Mayor Merla's absence called the meeting to order at 8:24 P.M. and read the Sunshine Law Notice. Councilman Stalter led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

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

HEARING ON ORDINANCES

1. Ordinance #9-04, Amend Chapter XVI, Street, Sidewalks, Sanitation & Construction Debris.

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of June 3, 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:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER XVI, STREETS, SIDEWALKS AND SANITATION

The Hearing was opened to the public at 8:26 P.M. for comments or questions. Kathy Shaw, KBA asked if there is a commercial trash ordinance; no. There being no further comments or questions, the meeting was closed to the public at 8:27 P.M.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted, in the Courier, issue of June 17, 2004 moved by Mr. Wedick, seconded by Mr. Stalter with Ayes by all present.

2. Ordinance #10-04, Amend Chapter IV, Police Regulations, Section 2 (4-1.22) Abandoned Automobiles

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of June 3, 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:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE ENTITLED "REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT" ADOPTED BY THE MAYOR AND BOROUGH COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER AMENDING AND SUPPLEMENTING CHAPTER IV, POLICE REGULATIONS

The Hearing was opened to the public at 8:28 P.M. for comments or questions. George Walling, Second Street, asked what this Ordinance was about. Mr. Kain said abandoned vehicles on public and private property for months or years (not registered,

inspected or insured). The vehicle can be garaged and covered. Ms. Hayes, First Street, questioned private homes; yes, they are a part of the Ordinance and there is an Ordinance to tow the vehicle if on public property.

Peggy Hayes, First Street, asked if this effects private homes; yes, and is there an ordinance covering towing; yes.

Eleanor Cosgrove, 72 First Street, asked for the time limit before the Ordinance can be enforced. Mr. Kain said if a vehicle is on the street more that 48 hours, the Police can be contacted. Mr. Bergen said there is a towing Ordinance if a vehicle is on public property and asked Mr. Kain to check if the Borough can tow a vehicle off of private property.

There being no further questions from the audience, the Hearing was closed to the public at 8:33 P.M.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of June 17, 2004 moved by Mr. Wedick, second by Mr. Stalter with Ayes by all present.

3. Ordinance No. 11-04, Bond Ordinance $850,000, William A. Ralph Pier

The Clerk reported that the Supplemental Debt Statement was filed with the Division of Local Government Services.

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of June 3, 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 PROVIDING FOR THE REPLACEMENT OF THE WILLIAM A. RALPH PIER, BY AND IN THE BOROUGH OF KEYPORT IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $850,000 (INCLUDING A GREEN ACRES GRANT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF $340,750) THEREFOR AND AUTHORIZING THE ISSUANCE OF $850,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

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

SECTION 1. The improvement or purpose described in Section 3 of this bond ordinance is hereby authorized as a general improvement or purpose to be undertaken by the Borough of Keyport, in the County of Monmouth, State of New Jersey (the "Borough"). For the said improvement or purpose stated in Section 3, there is hereby appropriated the sum of $850,000 which sum includes $340,750 as the amount of a Green Acres Grant expected to be received by the Borough from the New Jersey Department of Environmental Protection (the "Grant"). Pursuant to NJSA 40A:2-11(c), as amended and supplemented, no down payment is required as the improvement or purpose described in Section 3 hereof is a project being funded by a State grant.

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereby and to meet said $850,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $850,000 pursuant to the Local Bond Law, NJSA 40A:2-1 et. seq. as amended and supplemented (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding $850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Said negotiable bonds or notes authorized under this section include any bonds or notes issued to memorialize a Green Acres Loan from the New Jersey Department of Environmental Protection.

SECTION 3. (a) the improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the replacement of the William A. Ralph Pier by and in the Borough, such replacement shall include, the removal and disposal of the existing pier and the construction of a new pier, and also including all engineering, design and architectural work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and management and contract administration and all work, materials, equipment, labor and appurtenances necessary therefore or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is $850,000.

(c) The estimated cost of said improvement or purpose is $850,000.

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

SECTION 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Borough, provided that no notes shall mature later than one (1) year from its date or otherwise authorized by the Local Bond Law. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance and the signature of the Chief Financial Officer upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time in accordance with the provisions of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchaser thereof from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report, in writing, to the Governing Body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, the description, the interest rate and the maturity schedule of the notes so sold, the price obtained and the name of the purchaser.

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

SECTION 7. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond Ordinance is not a current expense and is an improvement by which the Borough may lawfully undertake as a general improvement and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this Bond Ordinance is 10 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $850,000 and the said bonds and notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $200,000 for items of expense listed and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

SECTION 8. The full faith and credit of the Borough are hereby pledged to the punctual payment of the principal of and the interest on the bonds or notes authorized by this bond ordinance. The bonds or notes shall be direct, unlimited obligations of the Borough, and the Borough shall be obligated to levy ad valorem taxes upon all the taxable real property within the Borough for the payment of the bonds or notes and the interest thereon without limitation as to rate or amount.

SECTION 9. The Borough reasonably expects to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 of this bond ordinance and paid prior to the issuance of any bonds or notes authorized by this bond ordinance with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized herein have been or are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by the Borough, or any member of the same "Controlled Group" as the Borough within the meaning of Treasury Regulation Section 1.150-1(e) pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 9 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the costs of the improvement or purpose described in Section 3 hereof to be incurred and paid prior to the issuance of bonds or notes authorized herein in accordance with Treasury Regulation Section 1.150-2 and no further action (or inaction) will be an abusive arbitrage device in accordance with Treasury Regulation Section 1.148.10 to avoid the arbitrage yield restriction or arbitrage rebate requirements under section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The proceeds of any bonds or notes authorized herein used to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereof will not be used directly or indirection (i) to "refund" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds" within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e)). The bonds or notes authorized herein to reimburse the Borough for any expenditures toward the costs of the improvement or purpose described in Section 3 hereto will be issued in an amount not to exceed $850,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately, but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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

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

The Hearing was opened to the public for comments or questions at 8:35 P.M. Mike Lane, First Street, asked what is in the budget. Mr. Bergen said there is $1.5 million budgeted for projects and this is partially funded by Green Acres; we do not need a down payment. It was asked if there is a Waterfront Ordinance to include all of the projects. Mr. Lane asked if the Borough needed a difference from a Grant to $850,000. Mr. Bergen said a Capital Budget is required and the Borough needs 5% cash for $1.5 million dollars in projects. Engineer Freda said there are engineering costs, bid documents, construction administration, design and permitting fees that are not included; $650,000 is needed to build based on estimates, material and prices are escalating. Mr. Bergen asked if Green Acres should be asked for more funds. Engineer Freda said he would like to revise the cost estimates. Mr. Lane asked if the projects are rated in terms of priority? Mr. Kain said there is a concern about the pier condition ($340,000 grant and $240,000 loan). Engineer Freda said sharing was done as a temporary measure. Mr. Lane said the Yacht Club pier is longer and the same age and is maintained. Mr. Bergen said the project should be part of the overall Waterfront Park Bond Ordinance. Engineer Freda said he had not been authorized to do the design, but he has done some (it will be 3-4 weeks to advertise). George Walling, 54 Second Street, asked about the Catamaran Lease and that the Attorney said the pier is unsafe? Mr. Kain said it was shored up. There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:47 P.M.

Motion to table the adoption to the July 6th Meeting moved by Mr. Bergen, second by Mr. Wedick

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

4. Ordinance No. 12-04, Bond Ordinance Amending bond Ordinance #20-03 Atlantic Street Improvements, Increasing Appropriation to $850,000

The Clerk reported that the Supplemental Debt Statement was filed with the Division of Local Government Services.

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of June 3, 2004, that the Affidavit of Publication is on file in her Office, that copies were posted on the Bulletin Board and made available to the public.

The Clerk read the Ordinance by Title:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 20-03 (WHICH PROVIDES FOR IMPROVEMENTS TO ATLANTIC STREET) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON AUGUST 5, 2003, TO THEREIN INCREASE THE APPROPRIATION TO $850,000 (INCLUDING NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS IN THE AGGREGATE PRINCIPAL AMOUNT OF $310,000) AND TO THEREIN INCREASE THE AUTHORIZATION OF BONDS OR NOTES TO $540,000

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, County of Monmouth, State of New Jersey (the "Borough"), heretofore finally adopted by the Borough Council on August 5, 2003, numbered 20-03 and entitled "Bond Ordinance Providing for Improvements to Atlantic Street by and in the Borough of Keyport, in the County of Monmouth, State of New Jersey; appropriating $400,000 (including a New Jersey Department of Transportation Grant in the amount of $160,000) therefore and authorizing the issuance of $240,000 Bonds or Notes of the Borough to finance part of the cost thereof" (the "Original Ordinance", which Original Ordinance is hereby amended and supplementing to the extend and with the effect as follows:

SECTION 2. For the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplementing hereby, there is hereby appropriated the additional sum of $450,000, said sum to be inclusive of $150,000 as the amount of an additional grant from the New Jersey Department of Transportation. Pursuant to NJSA 40A:2-11(c), as amended and supplemented, no down payment is required as the improvement or purpose described in Section 3 of the Original Ordinance, as amended and supplemented hereby, is a project being funded by a State Grant. The total appropriation of the Original Ordinance, as amended and supplemented hereby, is equal to $850,00, including the sum of $310,000 as the total aggregate principal amount of grants expected to be received from the New Jersey Department of Transportation (the "Grants').

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the Grants, additional negotiable bonds or notes of the Borough in the amount of $300,000 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, such that the total authorization of negotiable bonds or notes to be issued by the Borough for improvement or purpose stated in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to $540,000.

(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 $540,000.

(c) The estimated cost of the improvement or purpose stated in the Original Ordinance, as amended and supplemented hereby, is equal to $850,000.

SECTION 4. The Capital Budget of the Borough is hereby amended, as necessary, to conform with the provisions of this amendatory and supplemental 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 5. The following additional matters are hereby determined, declared, recited and stated:

(a) The Supplemental Debt Statement required by the Local Bond Law, NJSA 40A:2-1 et seq., as amended and supplemented (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 the amendatory and supplemental bond ordinance by $300,000 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 $100,000 is hereby included for the items of expense listed in and permitted under NJSA 40A:2-20, making the total amount for such items of expense $250,000, 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, in accordance with Treasury Regulation Section 1.150-2 and no further action (or inaction) will be an abusive 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" an issue of governmental obligations within the meaning of Treasury Regulation Section 1.150-1(d), (ii) to create, within one year, following the reimbursement of any expenditures of bond proceeds "replacement proceeds", within the meaning of Treasury Regulation Section 1.148-1 of the bonds or any other bond issue, or (iii) to reimburse the Borough for any expenditure or payment that was originally paid with the proceeds of any obligation of the Borough (other than borrowing by the Borough from one of its own funds or the funds of a member of the same "Controlled Group" within the meaning of Treasury Regulation Section 1.150-1(e). The Bonds or notes authorized 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 to exceed $540,000. 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 opened to the public for comments or questions at 8:50 P.M. There was brief discussion on when the project will go out to bid. There being no further discussion, the Hearing was closed to the public at 8:50 P.M.

Motion to hold the ordinance over for adoption until June 29, 2004 moved by Mr. Wedick, second by Mr. Bergen.

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

COMMITTEE REPORTS

Councilman Wedick; Police: Mr. Wedick reported on the following. He thanked the Police for their work this past weekend and gave credit to them. There was a death on a wave runner. There were other events in town. He requested three part time dispatchers be hired.

Councilman Bergen; Finance: Mr. Bergen did not have anything to report. Wendy Tooker should be advised her request is being taken under consideration.

Councilman Doyle; Building & Grounds/Library: Mr. Doyle was absent.

Councilwoman Atkins; Health/Recreation/Parks: Mrs. Atkins reported on the following. The Drug Alliance Grant Agreement has been received. There were 169 First Aid Calls. Boy Scout Troop 80 is holding a flag retirement ceremony.

Councilman Stalter; Fire. Mr. Stalter reported on the following. The Recreation trip to see the Lakewood Blueclaws game is on August 7th.

Councilman Hyer; Public Works/Recycling/Property Maintenance. Mr. Hyer was absent.

Engineer Freda: Mr. Freda reported on the following. He met with the Harbor Commission at their meeting. They would like a marker by the bulkhead for elevation. A vehicle traffic count should be done on American Legion Drive; Front Street is a County Road (Mr. Freda will set this up). The Atlantic Street Road Program is in the works. The Therese Street project will be starting. The Department of Public Works has reduced their scope of work on the Road Program, alternates were suggested. Engineer Freda met with Councilman Hyer and Administrator Palamara. A bid that was received "is out of this world"; it came in at $1.7 million and the estimate Engineer Freda gave was $800,000. Ten companies picked up the specifications.

Attorney Kain: Mr. Kain reported on the following. A memo was sent to Council regarding the Magic Touch case. A settlement conference was applied for; a scheduling order will be done later in the week. Mr. Dubleski's property is making progress. A meeting was held today with Administrator Palamara and the Construction Code Official; all fees will be paid and permits will be in place. Mr. Bergen said no permits should be issued unless the fees are paid. Mr. Kain said there is $3,500 due. Mr. Kain met with Engineer Freda and Kathy Shaw regarding the water tank; Engineer Freda will submit a proposal.

Administrator Palamara: Mr. Palamara reported on the following. The Water Plant should be ready at the end of the week; the clarifier and aerator are done. Prices are being solicited on the roof and doors. The Elizabeth Street tank is being monitored. The Flags and decorations will be in by July 4th. There are three part time laborers for hire on the Agenda. There is cross training for the Deputy Registrar position (in house personnel). The Senior Center storm gutters need to be replaced. There is $1800 for funds in place. The boiler and hot water heater need to be addressed. He met with Nancy Germek and Councilman Doyle met regarding building maintenance. He would like to change the voucher processing procedure. If there is a significant amount on a requisition, it should go to the Councilperson in charge first. Mr. Bergen asked for Mr. Palamara's proposal so Council can set the Policy by Ordinance. Council should know their budget status.

The May 25, 2004 Payment of Bills are as follows: **CURRENT - $125,879.73, WATER AND SEWER - $15,980.27 and RBIT - $699.73.** The June 9, 2004 Payment of Bills are as follows: **CURRENT - $136,468.34, WATER AND SEWER - $16,034.06, GENERAL CAPITAL - $387.54 AND RBIT - $1,011.91.**

Mrs. Atkins asked about the flagpoles (two 30' flagpoles will need County Approval because it has sleeves). She said her information included installation and contribution.

Mr. Bergen asked what time Mr. Palamara arrives in the morning. Mr. Palamara said he stops at the Water Plant, Public Works Building and speak with residents on his way in. Mr. Bergen said he should be in the Office when Borough Hall opens.

Mayor Merla: The Mayor was absent.

REPORTS OF DEPARTMENTS

April, 2004

1. Municipal Court Report

STATE FINES	$ 551.00
STATE SURCHARGE	400.00
STATE UNINSURED	225.00
COUNTY FUNDS	1,861.82
COUNTY FINES	5,221.75
MUNICIPAL FINES	5,221.75
MUNICIPAL COSTS	4,143.00
MUNICIPAL PARKING	2,057.00
MISCELLANEOUS	2,114.18

Submitted by Kathie Coffey, Court Administrator

May, 2004

2. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ -0-
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	-0-
SEWER/POOL PERMIT	165.00
WATER METER W/TO	300.00
DEMOLITION	
TOTAL WATER/SEWER, CHECK #3602	**$ 465.00**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	-0-
LIMO LICENSE	-0-
PHOTOCOPIES	59.75
POSTAGE	-0-
RAFFLE LICENSE	190.00
TAXI LICENSE, DRIVER	-0-
TAXI LICENSE, OWNER	-0-
POLICE DEPT ACCIDENT REPORT	300.00
SEARCHES	-0-
VENDING LICENSE	180.00
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	19,518.72
STREET OPENING	675.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	160.00
PARKING PERMITS	20.00
AUCTION LICENSES	-0-
DEMOLITION	300.00
TOTAL CURRENT, CHECK #3603	**$ 21,403.47**

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$6,300.00
BAIT	2.50
ICE	24.75
ICE CREAM	-0-
SODA	-0-
TOTAL RBIT, CHECK #3604	**$6,327.25**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3605	$ 216.00
TOTAL RECEIPTS	**$28,411.72**

Submitted by Judith L. Poling, Borough Clerk

3. Building Department

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	44	$ 372.00
CERTIFICATE OF OCCUPANCY	04	276.00
PLUMBING PERMITS	20	1604.00
ELECTRICAL PERMITS	21	1671.00
BUILDING PERMITS	29	3705.00
FIRE SUB CODE	11	750.00
CONST CERT OF OCCUPANCY	53	1375.00
ZONING PERMITS	23	230.00
200 FT PROPERTY LIST	01	10.00
TRANSFER OF TITLE	11	385.00

REINSPECTION FEES	00	-0-
CONSTRUCTION VIOLATIONS	00	-0-
COPIES	01	6.00
MISC.	15	370.00
SMOKE DETECTORS	53	1720.00
CONST. DEPOSITS REFUNDABLE	11	550.00
TOTAL		**13024.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2458	$12102.00
STATE FEE DUE - PAID QUARTERLY	372.00

Submitted by Carole Cerase, Senior Permit Clerk

4. Tax Collector's Report

2004 TAXES	$1,231,433.01
2003 TAXES	37,957.94
2005 PREPAID TAXES	-0-
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	6,337.76
TAX SEARCHES	40.00
POST OFFICE LAND RENT	137.50
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	29,177.98
RETURNED CHECK CHARGES	120.00
ALL OTHER MISCELLANEOUS REVENUE	55,442.88
TOTAL CURRENT RECEIPTS	**$1,360,587.07**

WATER & SEWER RENTS	$ 78,903.25
INTEREST AND COSTS	1,251.44
TURN ON CHARGES	200.00
RETURNED CHECK CHARGES	20.00
POOL PERMITS	75.00
WATER METERS/WITH TURN ON	200.00
NEW METERS AND INSTALLATION CHARGE	57.00
WATER & SEWER CONNECTIONS	1,800.00
METER TEST CHARGE	105.00
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	4,683.51
TOTAL WATER/SEWER RECEIPTS	**$ 87,295.20**

Submitted by Keri R. Stencel, Tax Collector

5. Municipal Court

STATE FINES	$ 673.00
STATE SURCHARGE	386.00
STATE UNINSURED	871.00
COUNTY FUNDS	1,451.88
COUNTY FINES	5,172.50
MUNICIPAL FINES	5,172.50
MUNICIPAL COSTS	3,457.50
MUNICIPAL PARKING	1,392.00
MISCELLANEOUS	1,729.62

Submitted by Kathie Coffey, Court Administrator

6. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE	**$4029.60**
DOG LICENSES	$ 374.20
CAT LICENSES	46.40
MARRIAGE LICENSES	84.00

BURIAL PERMITS	240.00
DEATH CERTIFICATES	1900.00
MARRIAGE CERTIFICATES	165.00
BIRTH CERTIFICATES	15.00
POOL PERMITS	-0-
PLAN REVIEW	-0-
FOOD HANDLERS	385.00
MISCELLANEOUS	820.00

DISBURSEMENTS

CHECK #2797 - BOROUGH OF KEYPORT MISC. ACCT	$3534.00
CHECK #2798 - BOROUGH OF KEYPORT TRUST ACCT	75.00
CHECK #2799 - BOROUGH OF KEYPORT DOG ACCT	374.40
CHECK #2800 - NJ STATE DEPT OF HEALTH	46.20

Submitted by Donna Markowitz, Deputy Treasurer

7. Librarian's Report

See full copy on file in Borough Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

Motion to accept all reports as read, moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

COMMUNICATIONS & PETITIONS

1. Letter from Recreation Commission regarding member Gregory Kemp, recommending removal (see resolutions)

   Motion to Receive and File moved by Mr. Bergen, second by Mr. Stalter with Ayes by all present.

2. Letter from Keyport Indians, Inc. requesting Police assistance at their Mitey Mite Fun Day weekend, August 20,21 and 22, 2004.

   Motion to refer to the Events Committee, moved by Mr. Wedick, second by Mr. Stalter with Ayes by all present.

3. Application from Stephen W. Adamski for membership in the Keyport Fire Department/Liberty Hose Company #3 (contingent upon State approval)

   Motion to Approve, moved by Mr. Stalter, second by Mr. Bergen with Ayes by all present.

4. Application from David W. Quinn for membership in the Keyport Fire Department/Hook and Ladder Company #1 (contingent upon State approval)

   Motion to Approve moved by Mr. Stalter, second by Mr. Bergen with Ayes by all present.

5. Application from Jacqueline D. Kovacs-Olsen for membership in the Keyport Fire Department/Hook and Ladder Company #1 (contingent upon State approval)

   Motion to Approve moved by Mr. Stalter, second by Mr. Bergen with Ayes by all present.

6. Request from Lynda-Lee Mele, 20 Chandler Avenue for adjustment of water/sewer bill due to pool filling.

   Motion to list a resolution waiving the sewer fee moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

UNFINISHED BUSINESS

1. **2004-2005 Liquor License Renewals.** Police Chief Gajewski said there have been less calls from residents and more calls for service at the Liquor License establishments.

PUBLIC COMMENT PORTION

The Meeting was opened to the public for comments or questions at 9:18 P.M. Larry King, M&K Excavating, Inc., was looking for his payment in the amount of $83,000. Attorney Kain advised the Borough has retained an expert regarding the roof, outstanding items: Mr. Kantor and Mr. Montanari's properties and Front Street; the money will not be released. Mr. King said it has been six months. Mr. Bergen said the Borough has some disputes and there is legal counsel involved on both sides. Mr. Kain said the money will be released once the evaluation is done. Mr. King said the roof was a design problem and there is a lifetime guarantee on it, Mr. Kantor was paid. Mr. Kain said the Borough needs a copy of the release from Mr. Kantor. Mr. King said he has reviewed the changes that were requested and the Architect has sent letters to the Governing body to pay M&K. There is a $3,000 change order that has not been paid. He asked where or in what account the $83,000.00 is in. Mr. Kain said the Governing Body needs the concerns they have addressed or there is no payment. Mr. King said there is no lien with Falcon.

Kathy Shaw, KBA, said Friday night is the Antique & Car Show from 6-10 PM at the Stop & Shop; there will be trophies. The Firemen's fair will be the week of June 22nd.

Mike Lane, First Street, thanked the Governing Body for their effort with the West Furniture property (Dubleski) at First and Church Streets. Mr. Lane requested the Planning Board state Mr. Dubleski cannot have the second Certificate of Occupancy until the work is completed. Mr. Bergen said Mr. Dubleski is in violation and no Certificate of Occupancy should be issued; he should be fined. Mr. Lane said with regard to Projects and Finance, he asked that the Borough revisit the cash flow analysis. Mr. Bergen said it is not detailed enough; there was supposed to be a cash flow analysis on the Ferry Service. Mr. Bergen said the Chief Financial Officer is a part time employee.

George Walling, 54 Second Street, asked about the Mullen matter; it is supposed to go before the Ethics Board in June. Mr. Walling asked about the Administrator contract; Mr. Kain said it is pending.

Eleanor Cosgrove, 72 First Street, asked about an Ordinance on Commercial trash and how the businesses are notified; there is a number of ways. This should be put in the KBA Newsletter. Ms. Cosgrove asked about enforcement; Mr. Kain said a violation should be called in. Ms. Cosgrove said Robert Burlew sent a memo to the Mayor regarding the Dubleski property (dumpster and boat). Mr. Kain said Mr. Dubleski will be advised that this will be enforced and the boat will be addressed. The 1999 Plans for the project will be followed and that all fees due and owing are to be paid. The Borough Engineer and Construction Code Official will oversee the matter. Mr. Bergen asked Engineer Freda to stay on top of this. Mr. Kain said everyone wants the project resolved. CFO Fallon should be asked if the Performance and Inspection Fees have been posted. Engineer Freda said he needs a set of plans. Ms. Cosgrove said she is concerned about seepage.

Chief Gajewski said the First Aid wants the old radio equipment to set up as a dispatch/paging system, etc. The First Aid Building will be used as a staging area and a generator is needed. This matter will be referred to the Police Department and Emergency Management Officer.

George Walling asked about Mr. Vecchio's comments regarding the Dubleski property. It was asked how much money in fines has been issued to Mr. Dubleski? Mr. Bergen said the Building Department reported people coming in with new plans for the location. Mr. Walling said they are using the second floor which is in violation of the approvals.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 10:08 PM.

RESOLUTIONS

2. Resolution #211-04, Payment of Bills

See full Resolution as pages 26-28 of these minutes

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

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

3. Resolution NO. 212-04, Recreation Commission - Removal of Gregory Kemp as a member

WHEREAS, Gregory Kemp was appointed as a member of the Recreation Commission on January 1, 2004 to fill a 5 year unexpired term to expire on December 31, 2006; and

WHEREAS, Gregory Kemp has not attended any meetings of the Recreation Commission since his appointment; and

WHEREAS, it is the desire of the Mayor and Council to appoint another person.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Gregory Kemp is hereby removed as a member of the Recreation Commission.

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

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

4. Recreation Commission - Appointment of Member. This was deleted from the Agenda

5. Resolution No. 213-04, Approval of 2004-2005 Liquor Licenses

WHEREAS, application for renewal of certain plenary retail consumption, plenary retail distribution and club licenses has been made to the Mayor and Council of the Borough of Keyport as hereinafter set forth; and

WHEREAS, the Borough Clerk reports that in each and every instance notice of renewal has been published by the Alcoholic Beverage Control; and

WHEREAS, the Borough Clerk further reports that the requisite fee by each and every applicant has been paid and is in her office; and

WHEREAS, the Borough Clerk reports that each of the applicants has received approval from the Keyport Building Inspection Department and that all pertinent Ordinances of the Borough of Keyport have been complied with by each of the applicants.

NOW, THEREFORE, BE IT RESOLVED that plenary retail consumption licenses be issued by the Borough of Keyport and the appropriate officers of the Borough are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2004 and ending June 30, 2005 upon application filed by:

1322-33-002-004	Hilvo Inc., t/a Ye Cottage Inn
1322-33-004-007	Fantasies, Inc. t/a Fantasies
1322-33-005-008	The Office at Keyport, Inc. t/a The Office
1322-33-006-004	Vestri Corp., t/a Up The Creek Tavern
1322-33-009-002	Suburban Wine & Liquor, Inc., t/a Smith's Liquor Shop
1322-33-010-004	Uptown Keyport Bar & Grill, LLC, t/a Uptown Keyport Bar & Grill, LLC
1322-33-011-008	Olini & Merla, Inc. t/a Bulkhead Bar & Grille
1322-33-019-003	Denjachris, Inc., t/a Town and Country Inn

BE IT FURTHER RESOLVED that plenary retail distribution license be issued by the Borough of Keyport and appropriate officers of the Borough of Keyport are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2004 and ending June 30, 2005 upon application filed by:

1322-44-001-006	Jowin Co., Inc. t/a Buy Rite Liquors of Keyport

BE IT FURTHER RESOLVED that club licenses be issued by the Borough of Keyport and the appropriate officers are hereby authorized to issue and sign the same in the name of the Borough of Keyport for the period commencing July 1, 2004 and ending June 30, 2005 upon application filed by:

1322-31-013-001	Raritan Post 23, American Legion, t/a Raritan Post 23, American Legion
1322-31-014-002	Columbian Club of Keyport t/a Columbian Club of Keyport
1322-31-015-001	Keyport Lodge 2030 BPOE of USA t/a Keyport Lodge 2030
1322-31-016-002	Keyport Yacht Club t/a Keyport Yacht Club
1322-31-018-001	Veterans of Foreign Wars Post 4247, Inc., t/a VFW Post 4247

BE IT FURTHER RESOLVED that all licenses renewed herein, except Package Stores, but including Retail Consumption Licenses, Retail Plenary Distribution Licenses and Club Licenses shall have exit and entrance doors to Licensed premises closed during all business hours.

BE IT FURTHER RESOLVED the following applies to liquor license 1322-33-004-007, Fantasies:

1. Applicant agrees to provide additional security to the exterior of the premises and to comply with any and all recommendations as to exterior security as may be made from time to time by the Borough of Keyport Police Department.

2. Applicant agrees to comply with any and all recommendations of the Keyport Police Department relative to internal traffic flow including installation of various signage, as well as restriction of traffic flow to residential areas.

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

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

6. Resolution No. 214-04, Authorizing Engineering Fees/Birdsall Engineering/additional work in the amount of $18,000 relative to American Legion Drive Replacement

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the Borough Engineer to prepare appropriate plans and designs for the replacement of the bulkhead along American Legion Drive in conjunction with work to be performed by the New Jersey Department of Environmental Protection which will result in the replacement of 1600 linear feet of the bulkhead along American Legion Drive; and

WHEREAS, the Borough Engineer has commenced plans and designs for the bulkhead replacement based upon an initial estimate submitted to the Borough of Keyport and approved by the Mayor and Council; and

WHEREAS, due to the nature and scope of the work involved, particularly the changes requested by the Army Corps of Engineers, the addition of certain upland improvements, the design of a decorative railing and walkway surface and revisions to the public parking and access area along American Legion Drive, the Borough Engineer has requested certain additional funds in an amount not to exceed $18,000.00 by letter dated January 14, 2004; and

WHEREAS, the Mayor and Council have reviewed the within revised proposal from the Borough Engineer for the completion of the design plans for the bulkhead replacement, which includes additional work not set forth in the initial scope of work submitted and approved by the Borough; and

WHEREAS, the Mayor and Council have reviewed the revised proposal prepared by the Borough Engineer and have determined to authorize the Borough Engineer to undertake the additional work necessary to proceed with the American Legion Bulkhead replacement at an additional cost of $18,000.00, subject to the certification of availability of funds by the Municipal Finance Officer.

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

1. The Borough Engineer is authorized to undertake and complete all additional engineering as set forth in the letter proposal dated January 14, 2004 relative to the bulkhead replacement at American Legion Drive.

2. The Borough Engineer shall prepared appropriate design plans in accordance with the Army Corps of Engineers, including the design of a "splash pad" behind the bulkhead, prepare the appropriate designs for the decorative railing and walkway located on the bulkhead, complete designs for all upland improvements, coordinate plans for public parking and access to the western portion of American Legion Drive and coordinate lighting of the walkway with JCP&L as set forth in their written letter proposal dated January 14, 2004, for an additional fee not to exceed the sum of Eighteen Thousand ($18,000.00) Dollars, upon certification from the Municipal Finance Officer as to the availability of funds from the BRIT account, general account of the Borough of Keyport or from an appropriate bond ordinance of the Borough.

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.

Mr. Bergen asked Engineer Freda about the Bulkhead design; there is a new lower elevation. There was brief discussion. Mr. Bergen said this should have been dealt with up front.

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

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

Nays: None

Abstain: None
Absent: Councilmembers Doyle and Hyer

7. Resolution No. 215-04, Authorize Engineer to prepare FY2005 DOT Municipal Aid Application/Improvements to Warren Street and Coluco Place

WHEREAS, the Borough Engineer has recommended that the Mayor and Council apply to the New Jersey Department of Transportation for funds that are available under the New Jersey Transportation Trust Fund Authority Act, Fiscal Year 2005 Municipal Aid Program for the purpose of Roadway Improvements Resurfacing; and

WHEREAS, the Mayor and Council have considered this recommendation.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Borough Engineer be and hereby is authorized to prepare the application and the Mayor be and is hereby authorized to execute the application for State Aid available to municipalities under the New Jersey Transportation Trust Fund Authority Act, and to submit same to the District Local Aid Office within the New Jersey Department of Transportation for the purpose of Roadway Improvements.

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

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

8. Resolution No. 216-04, Set Salary for position of Part Time Deputy Registrar

WHEREAS, Vital Statistics and Board of Health Services need to be readily available to the public during regular business hours; and

WHEREAS, while these services are normally provided by the Registrar/Secretary to the Board of Health, provisions to properly provide these services to the public in his/her absence are appropriate; and

WHEREAS, other Borough personnel are able to provide these services within the normal course of their duties and are receiving cross training to do so.

NOW, THEREFORE, BE IT RESOLVED that duties of Deputy and Alternate Deputy Registrar/Board of Health Clerk Assistant may be added to those of any or all clerical/administrative personnel normally assigned to work at Borough Hall at the direction of the Borough Administrator.

BE IT FURTHER RESOLVED that personnel working as and/or training as Deputy and Alternate Deputy Registrar/Board of Health Clerk Assistant be paid at the greater of their regular rate or the rates set below for time spent performing these duties; during any period a person performs the complete duties of the Registrar/Secretary to the Board of Health, that person shall be paid the greater of their salary or the current hourly rate of the Registrar/Secretary to the Board of Health consistent with provisions of any applicable bargaining unit agreement.

BE IT FURTHER RESOLVED that the hourly rate for Deputy and Alternate Deputy Registrar/Board of Health Clerk Assistant shall be $12.00 per hour.

Mr. Bergen asked Administrator Palamara why a Deputy

Registrar Salary is being established and asked why the Borough cannot use the existing in house staff at $12.00 per hour.

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

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

9. Resolution No. 217-04, Part Time Summer Laborer - Brian Mislosky

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 Brian Mislosky is hereby hired as a Part Time Summer Laborer effective June 16, 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, second by Mrs. Atkins

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

10. Resolution No. 218-04, Part Time Summer Laborer - Ryan Young

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 Ryan Young is hereby hired as a Part Time Summer Laborer effective June 16, 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, second by Mrs. Atkins

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

11. Resolution No. 219-04, Part Time Summer Laborer - Brian 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 Brian Burlew is hereby hired as a Part Time Summer Laborer effective June 16, 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, second by Mrs. Atkins

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

12. Resolution No. 220-04, Authorize Execution of Drug Alliance Agreement for 2005

WHEREAS, it is desirable for the Borough of Keyport to enter into an Agreement with the Monmouth County Board of Chosen Freeholders for Alcoholism and Drug Abuse as part of the Alliance to Prevent Alcoholism and Drug Abuse.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the Mayor and Borough Clerk are hereby authorized to execute the Alliance to Prevent Alcoholism and Drug Abuse Agreement for the period of January 1, 2005 to December 31, 2005 (or as per three year grant subsequent to approval) and the appointment of stated Alliance Committee members as attached with the Monmouth County Board of Chosen Freeholders.

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

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

13. Resolution No. 221-04, Appointment of Drug Alliance Members

BE IT RESOLVED that Barbara Hilliard, June Atkins, Joe Biagianti, John Dumford, Joni Connelly, Ptl. Robert McCartin, Tracy Alverez, Robert Hyman, Jeff Fink, Kathy Shaw, Ken Marr, Jr., Neil Nielson, Father Ken, Helen Keeler, Bob Burlew, Anne Biagianti, Cathy McLane, Annette Kovacs, Michelle Shanck, Ken Krohe and Roy Jimenez be and hereby are appointed as members of the Keyport Alliance for a term of June 15, 2004 through December 31, 2005.

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

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

14. Resolution No. 222-04, Authorize Borough Administrator to hire Part Time Summer Laborers

WHEREAS, it is necessary to hire Part Time Summer Laborers for the Keyport Public Works Department; and

WHEREAS, there are funds available for seven employees and in addition to the three employees recommended for hire tonight, applications for other positions are being accepted for review by the Public Works Superintendent and Borough Administrator; and

WHEREAS, the services of all of the Part Time Summer Laborers is needed before the next scheduled meeting of the Mayor and Council.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, in the County of Monmouth, State of New Jersey that the Borough Administrator is authorized to hire additional employees to bring the total number of part time Summer Laborers to seven.

BE IT FURTHER RESOLVED that the hourly rate shall be $10.00 per hour; that the maximum number of hours per week is not to exceed 28 hours per employee and that there are no benefits provided for these part time positions.

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

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

15. Resolution No. 223-04, Set Salary for position of Recreation Director

WHEREAS, the Borough of Keyport maintains an active Summer Recreation Program; and

WHEREAS, on behalf of the Recreation committee, the Chairman has recommended that the annual pay rate for the Recreation Director be increased to $4,000 for the season; and

WHEREAS, the Chairman states that this increase can be provided within the limits of the existing budget; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that effective 2004, the annual rate for the Recreation Director shall be increased to $4,000 for the season.

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

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

16. Resolution No. 224-04, Hire Part Time PSTO Daniel Whitman

WHEREAS, there is a present need for Public Safety Telecommunications Operators due to a temporary vacancy for medical leave, the resignation of a full time employee plus the departure of a trainee; and

WHEREAS, to allow greater scheduling flexibility and to allow sufficient time for required background checks on applicants it is recommended by the Police Chief, Captain and Lieutenant that Part Time Public Safety Telecommunications Operators be hired on a temporary basis; and

WHEREAS, the Captain and Lieutenant have recommended that Daniel Whiteman be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

WHEREAS, sufficient funds have been provided in the 2004 Budget for this Part Time position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Daniel Whiteman is hereby hired as temporary Part Time

Public Safety Telecommunications Operator effective June 22, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $6.50 per hour during training and shall increase to $8.50 per hour when the employee is fully trained; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

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

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

17. Resolution No. 225-04, Hire Part Time PSTO - Heather Andrews

WHEREAS, there is a present need for Public Safety Telecommunications Operators due to a temporary vacancy for medical leave, the resignation of a full time employee plus the departure of a trainee; and

WHEREAS, to allow greater scheduling flexibility and to allow sufficient time for required background checks on applicants it is recommended by the Police Chief, Captain and Lieutenant that Part Time Public Safety Telecommunications Operators be hired on a temporary basis; and

WHEREAS, the Captain and Lieutenant have recommended that Heather Andrews be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

WHEREAS, sufficient funds have been provided in the 2004 Budget for this Part Time position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Heather Andrews is hereby hired as temporary Part Time Public Safety Telecommunications Operator effective June 22, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $6.50 per hour during training and shall increase to $8.50 per hour when the employee is fully trained; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

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

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

18. Resolution No. 226-04, Extend Part Time PSTO Fortunato Campesi to work full time

WHEREAS, Resolution No. 84-04 authorized the hiring of Fortunato Campesi as a Part Time Public Safety Telecommunications Operator for a maximum of 28 hours per week; and

WHEREAS, due to the temporary medical absence of Public Safety Telecommunications Operator Eleanor Sappah additional temporary coverage is needed and Fortuanto Campesi is available and capable of performing this work on a temporary basis; and

WHEREAS, the Police Chief has recommended Mr. Campesi be permitted to work up to 40 hours per week at the same conditions of his existing employment.

NOW, THEREFORE, BE IT RESOLVED that the employment of Fortunato Campesi is continued with the maximum number of hours increased to not exceed 40 hours per week on a temporary basis during the absence of Eleanor Sappah and that all of the other conditions provided in Resolution No. 84-04 shall continue.

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

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

19. Resolution No. 227-04, Hire Part Time Public Safety Telecommunications Operator - Janine Popovich

WHEREAS, there is a a present need for Public Safety Telecommunications Operators due to a temporary vacancy for medical leave, the resignation of a full time employee plus the departure of a trainee; and

WHEREAS, to allow greater scheduling flexibility and to allow sufficient time for required background checks on applicants it is recommended by the Police Chief, Captain and Lieutenant that Part Time Public Safety Telecommunications Operators be hired on a temporary basis; and

WHEREAS, the Captain and Lieutenant have recommended that Janine Popovich be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

WHEREAS, sufficient funds have been provided in the 2004 Budget for this Part Time position; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Janine Popovich is hereby hired as temporary Part Time Public Safety Telecommunications Operator effective June 22, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $6.50 per hour during training and shall increase to $8.50 per hour when the employee is fully trained; that the maximum number of hours per week is not to exceed 28 hours and that there are no benefits provided for this part time position.

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

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

20. Resolution No. 228-04, Special Meeting - June 29, 2004, 7:00 P.M.

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

Tuesday, June 29, 2004, 7:00 P.M.

in the Municipal Complex, Council Chambers, 70 W. Front Street, Keyport, N.J. for the purpose of holding a Closed Session for a Personnel Matter, the adoption of Bond Ordinance No. 12-04 and any other business which may come before the Governing Body; and

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

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

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

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

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

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

21. Resolution No. 229-04, Waive Sewer Fee for 20 Chandler Avenue

WHEREAS, a request has been presented by Lynda-Lee Mele of 20 Chandler Avenue for an adjustment on her water/sewer bill due to filling a pool; 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 will be adjusted by the Collector of Water/Sewer Utility Rents by waiving the sewer portion of the bill as it pertains to the pool filling portion of the bill contingent upon Ms. Mele obtaining a pool filling permit and paying the $15.00 fee.

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

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

Council went back into closed session at 10:23 P.M. and this meeting was reconvened at 10:32 P.M. On Roll Call the following were present: Councilmembers Wedick, Bergen, Atkins, Stalter. Absent: Councilmembers Doyle and Hyer

ADJOURNMENT

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

Time of Adjournment: 10:32 P.M.