June 2, 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, New Jersey 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 7:01 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #218-03, Closed Meeting - Personnel, Litigation, and Contract Negotiations

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

Personnel
2. Tax Office
3. Police Department
4. Waiving of Health Benefits

Litigation
1. Kutschman vs Borough of Keyport
2. Richard Ayers vs Borough of Keyport

Contract Negotiations
1. New Municipal Complex
2. Garbage and Newspaper Contracts
3. Special Improvement District
4. Cellular Tower Lease Bid (WFI)
5. Bayshore Regional Sewerage Authority

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 and Contract Negotiations

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

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

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

Council went into closed session at 7:02 P.M. and this meeting was reconvened at 8:05 P.M.

Mayor Merla called the meeting to order at 8:10 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

HEARING ON ORDINANCE

5. Ordinance #15-03, Bond Ordinance/Public Works Complex

The Clerk reported that the Supplemental Debt Statement has been approved by the Division of Local Government Services.

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of May 22, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE CONSTRUCTION OF A PUBLIC WORKS COMPLEX, BY AND IN THE BOROUGH OF KEYPORT, IN THE THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $850,000 AND THEREFOR AUTHORING THE ISSUANCE OF $809,500 BONDS OR NOTES OF THE BOROUGH TO FINANCE PART OF THE COST THEREOF

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

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

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet the part of said $850,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $809,500 pursuant to the Local Bond Law. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding $809,500 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

SECTION 3. (a) The improvement hereby authorized and purpose for the financing of which said bonds or notes are to be issued is the construction of a public works complex on real property being designated as Block 1, Lot 40 on the Official Tax Map of the Borough and commonly known as 199 Chingarora Avenue, such construction shall include, but is not limited to, excavation, site preparation, the construction of a canopy fueling station, a two (2) story administrative building, maintenance and repair garages, a mechanics shop and a salt dome, the acquisition, construction and installation, as applicable, of pole barns with and without garage doors, concrete flooring, sander hoists, fuel pumps and a fuel tank, material bins, hoists, an air compressor, signage, lighting, fencing, gates, furnishings and technology equipment, and all associated paving, concrete padding, curbing, site restoration, landscaping and other aesthetic improvements, and also including all engineering, design and architectural work, surveying, construction planning, preparation of plans and specifications, permits, bid documents, construction inspection and management, and contract administration, and all work, materials, equipment, labor and appurtenances necessary therefor or incidental thereto.
(b) The estimated maximum amount of bonds or notes to be issued for said improvement or purpose is $809,500.
(c) The estimated cost of said improvement or purpose is $850,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor, being the amount of $40,500 is the down payment for said improvement or purpose.

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

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

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

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

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

(b) The average period of usefulness of said improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is 20 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the Office of the Clerk of the Borough and a complete executed

duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, New Jersey Department of Community Affairs, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds or notes provided for in this bond ordinance by $809,500 and the said bonds or notes authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.
(d) An aggregate amount not exceeding $175,000 for items of expense listed in and permitted under section 20 of the Local Bond Law is included in the estimated cost indicated herein for the purpose or improvement hereinbefore described.

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

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

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

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

Mr. Bergen said cost to clean up the present site should be included and Mr. Hyer said some are. Mr. Bergen said he was concerned that this not "the" site.

The Hearing was opened to the public for comments or questions at 8:11 PM. There being none, the Hearing was closed at 8:11 PM.

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

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

1a. Motion authorizing the Clerk to publish the Ordinance as finally adopted according to law, in the Courier, issue of June 5, 2003 moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

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

The Clerk reported that the Ordinance was published, as introduced, in the Courier, issue of May 22, 2003, that the Affidavit of Publication is on file in her office, that copies were posted on the bulletin boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING AN ORDINANCE FIXING THE SALARIES OF THE VARIOUS OFFICERS, CLERKS AND EMPLOYEES

OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

The Hearing was opened to the public for comments or questions at 8:15 P.M., There being none, the Hearing was closed at 8:15 P.M.

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

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

2a. Motion authorizing the Clerk to publish the Ordinance,as finally adopted according to law, in the Courier, issue of June 5, 2003. moved by Mr. Hyer, seconded by Mrs. Atkins, with Ayes by all present.

INTRODUCTION OF ORDINANCES

1. Ordinance #17-03, Salary Ordinance/Deputy Registrar/ Secretary Board of Health

WHEREAS, it is the desire and intent of the Mayor and Council of the Borough of Keyport to have prepared and

adopted a salary ordinance which will have properly served their purposes, but which will be economical to adopt; and

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

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

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

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

	MINIMUM SALARY	MAXIMUM SALARY
Deputy Registrar/ Secretary Board of Health	$15.00 per hour	$25.00 per hour

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

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

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

Offered by Mr. Doyle, seconded by Mr. Stalter

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

1a. Motion authorizing the Clerk to publish the Ordinance, as introduced, in the Courier, issue of June 5, 2003 for a

Hearing to be held on June 17, 2003 moved by Mrs. Atkins, seconded by Mr. Hyer, with Ayes by all present.

2. Ordinance 18-03, Amend Site Plan/Subdivision Ordinance [Site Plan Review and Approval Procedure and Requirement]

BE IT ORDAINED, by the Mayor and Council of the Borough of Keyport, that the "Land Sub-Division and Site Plan Ordinance" of the Borough of Keyport adopted August 3, 1979 and amended from time to time thereafter is hereby amended as follows:

Section 1. Legislative Intent. The Mayor and Council have considered the recommendation of the Planning Board of the Borough of Keyport as well as the recommendation of the Construction Code Office of the Borough of Keyport and Borough Professionals and have determined that it is in the best interest of the Borough of Keyport to raise the minimal construction cost which would require site plan approval by the Planning Board of the Borough of Keyport and to establish a fee for Informal Hearings between applicants or their representatives and the Planning Board of the Borough of Keyport. The Mayor and Council further declare that an increase will relieve citizens of the Borough of Keyport from seeking site plan approval for minimal changes in their buildings or structures within the Borough of Keyport which, in turn, will result in sufficient cost savings to the resident/applicant. The Mayor and Council further believe that an applicant or his representative should be assessed a fee for informal appearances before the

Planning Board which require the services of Borough Professionals to assist applicants with questions prior to the application process.

Section 2. Section 8 of the "Site Plan Review and Approval Procedure and Requirements" is hereby amended as follows:

(A) When site plan approval is required:

1. Whenever there is any new construction, regardless of cost, of a commercial, industrial, multi-family or professional building or structure; or

2. Whenever there is an alteration of any existing commercial, industrial, multi-family or professional building structure or site which alteration extends the physical site of the building, structure or other site improvement, exceeds in costs, the sum of $100,000.00; or

3. Whenever there is a change in use, regardless of costs, of any site, building or structure, from any of the following zoning uses to any other of said uses, namely industrial, commercial, professional or residential, or

4. Whenever there is an alteration of any existing commercial, industrial, multi-family, apartment, residential dwelling or

5. professional building structure or site, the cost of which is $100,000.00 or less, but which results in one or more of the following:

   (a) the installation of additional exterior lighting exceeding 500 watts; or

   (b) the creation of five (5) or more additional parking area spaces (size 10' X 20") or the paving for any purpose of an area equivalent to 5 or more parking space

   (c) in the opinion of the Construction Code Official or Zoning Officer, such alteration, construction or improvement will result in a change in use, intensification or increase in use, at the subject location.

Section 3: Section 6 of the "Land Subdivision and Site Plan Ordinance of the Borough of Keyport," entitled "Fee Schedule" is amended and supplemented as follows:

(J) Informal(s): Meeting between an Applicant, his representatives and the Planning Board of the Borough of Keyport, relative to planning or zoning issues, either in contemplation of an application or during application process shall be assessed a fee for each informal meeting which shall be paid by the applicant prior to each informal.................$350.00

Section 4: All Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and the same are hereby repealed as to the extent of such inconsistencies.

Section 5: If any section, sub-section, part, clause or phrase of this Ordinance shall be declared invalid by judgment of any Court or competent jurisdiction, the section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of this Ordinance.

Section 6: The Ordinance shall take effect immediately upon final passage and publication as required by law.

Mr. Bergen said that for a $100,000 addition no site plan approval is required, there are no parking requirements (apartment complexes) and the ordinance should be drafted to include these. Mr. Kain said it is being reviewed by the Zoning Office and Construction Code Official who can make requirements and require variances. The Planning Board recommended that a fee for an informal hearing be included.

Offered by Mr. Green, seconded by Mr. Stalter (motion withdrawn)

Motion to refer to the Borough Attorney moved by Mr. Bergen, seconded by Mr. Green. Roll Call Vote: Ayes: Councilmembers Bergen, Atkins, Hyer, Stalter, Green. Abstain: Councilman Doyle.

1a. Motion authorizing the Clerk to publish the Ordinance as introduced and amended, in the Courier, issue of June 5, 2003 for a Hearing to be held on June 17, 2003 moved by Mr. Stalter, seconded by Mrs. Atkins, with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Request from Keyport Indians for use of Borough fields between August 1 and November 30, 2003 as per days and times stated

   Motion to refer to Recreation Committee moved by Mr. Bergen, seconded by Mr. Hyer, with Ayes by all present.

2. Request from the Keyport High School Hall of Fame to take out an ad in the Hall of Fame Ad Book (see resolutions)

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

3. Request from Monmouth County Planning Board to take an ad in the 50th Annual Dinner recognition journal (see resolutions)

   Motion to receive and file, moved by Mrs. Atkins, seconded by Mr. Stalter, with Ayes by all present.

4. City of Perth Amboy Resolution No. 166-5/03 Fire/Rescue Boat Project and Site

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

5. Request from Rutgers for Borough's permission for County to release a copy of aerial map for research purposes.

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

6. Request from Robert Devino for release of Maintenance Bond/Three Bridges Subdivision

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

7. Letter from Frederick J. Kalma, Esq., representing Devino/ Jackiewicz project regarding water/sewer connections

   Motion to refer to Thomas Fallon, CFO, Borough Engineer and Councilman Doyle, moved by Mrs. Atkins, seconded by Mr. Doyle, with Ayes by all present.

8. Letter from Environmental Commission regarding membership

   One member has missed three meetings.

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

9. Application from Membership in Keyport Fire Department/Eagle Hose Company/Richard Bruce Ely (contingent upon state approval)

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

UNFINISHED BUSINESS

Ordinance Amendment/Park Hours. Mr. Stalter said the Recreation Commission is concerned about parking in the lot and the hours. The matter is referred back to the Recreation Commission**. Radar**. Mr. Bergen asked the Police Chief to call him so he may discuss the matter. Mayor Merla said a unit should be sent to Seventh Street. On First Street and Maple Place speed limits vary from 25 to 35 mph. Mr. Stalter said cars speed by his house 60 mph. Mr. Bergen said enforcement is needed. **Drive 25 Signs**. Mrs. Atkins reported that the Business Improvement District is buying signs. **Fire Patrol.** Mrs. Atkins reported that they are having a lunch on Saturday with Sponge Bob**.Blue Claw Tickets**. Mr. Stalter reported that he has tickets **BRSA.** Mr. Doyle reported that the flow adjustment payment is due to litigation. **Willow Street.** Mayor Merla reported that Mr. Heffron, 50 St. George Place inquired about the vacation. Mr. Kain said they were doing the surveying and metes and bounds are needed. **Green Grove Apts.** Mayor Merla has requested a meeting, the Manager will call him and they have plans. **Therese Street.** The Engineer will set up a meeting with the residents regarding sidewalks. An option is curbs and gutters. Monnouth County Community Development is to be called to see if this affects the grant. There are 17 residents vs. 16 residents on sidewalks. The project was rated high because of the Park. Council held a discussion on where to do sidewalks. Mayor Merla said curbs and gutters are needed. **285 Main Street.** There was a meeting on site with Mayor Merla, Councilman Hyer, Richard Gardella, Engineer's office, and George Sappah, Supt. of Public Works. There was an error on the utility map. The residents agreed to put in perforated drains and the Borough will install the pipe and basin. Mr. Tureby has a holding tank tied into the line and it is a good project. Mr. Freda asked how many homes there were; three. Mr. Freda said he has a concern and will discuss it with George Sappah. Residents will put in new sidewalks and curbs. Mayor Merla said the road is in bad condition and is only 5 years old, it was not a good job. Mr. Bergen said agreements are needed with the residents. **Wetlands.** Mayor Merla said a letter could be written to deed over to the Borough. The Mayor will prepare the letter and Mr. Kain will review same. It could be taken as Green Acres and the Borough could request conversion. Mr. Freda said to utilize the property to be careful.

ADMINISTRATOR'S REPORT

Mrs. Poling reported on the following. Payment of Bill of May 27, 2003: Current Account-$120,294.07; Water and Sewer-$23,166.61; RBIT-$215.30; General Capital-$1,873.11

ENGINEER'S REPORT

Mr. Freda reported on the following. **Use of Benjamin Terry Park.** Mr. Freda said the bulkhead is in poor condition(180 feet). There was an attempt to repair. The water comes through and erodes and areas are exposed. Options: replace or do a portion by the pump station. A permit must be obtained. Mayor Merla said it should be taken down, that the park is hardly used. There is a natural beach at Veteran's Park. Mr. Freda will contact the DEP. Mayor Merla said the property should be roped off. Mr. Hyer said an orange snow fence is up, but people take it down and signs are posted. Mayor Merla said it should be made more secure. An organization has been approved to hold their picnic there. Mr. Freda said a DEP permit may required if taken down. Mayor Merla said the safety issues need to be identified. Council discussed ways to make repairs. Mr. Freda is to call the DEP, a secure fence is to be installed (Public Works is to obtain quotes). **Vacation of Division Street.** Mr. Kain said this situation is similar to Willow Street. Mayor Merla said before DeFino shuts off the water, that the Borough and the residents should be notified (it happened two times). A letter is going out tomorrow apologizing. The Engineer is to notify DeFino.

ATTORNEY'S REPORT

Mr. Kain reported on the following: **Ordinance #18-03.** Mr. Kain read the proposed language change. **Green Acres Diversion.** Mr. Kain said the papers have been filed for the diversion. It was asked if there was compensation from the Borough to Green Acres. The State House Meeting is on June 15, 2003. **Ayers.** Mr. Kain will be representing the Borough in Small Claims Court. **Kutschman.** There is a conference this week. **Tax Appeals.** They have been resolved and there are a few filed in the Tax Court. **Magic Touch.** This matter is on going. **Paving Materials Bids.** Mr. Kain said the bids should be rejected and rebid. Mr. Hyer said there was a fire at 22 Osborn Street and it should be boarded up and there is an uncovered pool. Mr. Kain is to notify the mortgage company. The gate should be boarded up from the Borough parking lot. Mr. Bergen said a complaint should be filed to have the building torn down.

NEW BUSINESS

2003/2004 Liquor License Renewals. Mr. Bergen asked about conditions at Fantasies, the parking, occupancy and the site plan. The Zoning Officer is to be notified to investigate. **Mail Boxes.** Mr. Hyer asked that a letter be sent to Green Acres about the moving of the mail boxes by the Post Office into Firemen's Parking Lot. **Stop Sign.** Mayor Merla said there was an accident at Chingarora & Maple. He asked to check as to whether or not there was a Stop Sign. **Parking on Seventh, Eighth, Fulton and Green Grove Avenue.** There was a letter sent, sanctioned by the Police Department, saying the Borough was considering Permit Parking. The residents were called and advised that that was not correct. A meeting has to take place with the Green Grove Apts. First. **Recycling Brochure.** There was an error in the 4th district brochure, the date was wrong for branch pick up. **Added Assessments.** Robert Burlew, CCO gave the Tax Assessor added assessments in the amount of $65,000. **Monmouth County Transportation Council.** There will be a meeting on June 10th at 7:30 PM in the Matawan Borough Hall and the Department of Transportation will make a presentation. Terry Parker will attend for the Borough. The Jitney for Ferry program has been halted. The Belford terminal is overwhelmed and they plan to double the size. They are using buses. Funding could be obtained for a ferry and parking. The Transit Village could qualify.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 9:50 P.M. for comments or questions. Lisa Burke, 86 Manchester Avenue asked about the letter regarding permit parking. Mayor Merla said is was not authorized by the Borough Council. The Council's intent is that the Green Grove Apts. Created the problem and they should solve the problem. The Department of Transportation recommended not to issue permits for parking. The Green Grove Avenue parking spots are a danger. There will be a meeting with the Green Grove Apts., Chief Gajewski and Captain Dayback. Ms. Burke asked what other options were there. Mayor Merla said the Borough would have to inact legislation that there is a public nuisance and a safety hazard. On Monday at 11:30 am there were 57 open spots in the apartments. Parking on both sides of Manchester will be a help. Mr. Bergen asked if the Fire Department has any concerns about getting the fire trucks down Manchester. (An ordinance is to be listed on the June 17^{th} agenda regarding parking on Manchester). John McGinty, 135 First Street said he sits on the Veteran's of Foreign Wars State Committee and he joined the local VFW. There district, state and national convention is coming up. The Borough approved the VFW the use of Veteran's Park for its picnic. Mayor Merla said the problem will be identified (the bulkhead) and the area will be fenced off. Mr. McGinty asked about the Memorial Day Parade that the veteran's were upset as to where they were placed in the parade. Mr. McGinty said he was 100% disabled and asked what the procedure was to be tax exempt. Mayor Merla said it goes through the Tax Collector to the State for approval. Mayor Merla said he will contact the VFW and American Legion about waiving the boat launching ramp fees. Kathy Shaw said if there are questions regarding the hot dog lease and events of the Business Improvement District to contact them about advertisements. The boat launching ramp is targeted for the Guide and it makes it difficult. She asked if vendors are notified and everyone has an option to bid on the lease. Mr. McGinty asked if there were more licenses; no. The Public Comment Portion was closed at 10:23 PM.

RESOLUTIONS

2. Resolution #219-03, Resolution to Amend May 20, 2003 Payment of Bills

WHEREAS, on May 20, 2003, the Mayor and Council of the Borough of Keyport passed a Resolution for the Payment of Bills, and

WHEREAS, on the Payment of Bills, in the RBIT Account on page two, a payment to Costco in the amount of $171.05 was incorrect, it should have been Borough of Keyport, Current Account in the amount of $171.05.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Keyport that the listing has been corrected, and the balance which was also incorrect has also been amended to read $2,259.05.

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

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

3. Resolution #220-03, Agreement between County of Monmouth and Borough of Keyport regarding (bump out) in front of new Municipal Complex, West Front Street

WHEREAS, the Borough of Keyport is proposing to have constructed a new municipal complex and to place the in the right away of Front Street a County Road, also known as County Route 6 in the Borough of Keyport, County of Monmouth, State of New Jersey, certain sidewalk "bump-outs" as part of the Borough's construction of a new municipal complex; and

WHEREAS, the Borough of Keyport requires the consent and authorization of the County so that this work can occur in the County of Monmouth (County) that the County gives consent and proceed with and construct a "bump-out" on Front Street, as more particularly shown on the plans submitted by Schoor DePalma, File No. KPS7005, dated April 1, 2003.

In consideration of this consent and authorization, the Borough agrees to the following:

1. The Borough shall be responsible for all costs and expenses for the work proposed. The County shall have no liability or responsibility for any costs or expenses for the work.

2. The Borough will obtain a performance bond from the contractor providing for the complete performance of the project and provide a copy to the County. The County of Monmouth will be listed as co-obligee on the contractor's performances guarantee posted with the Borough of Keyport.

3. The Borough will defend, indemnify and hold the County, and the County's officials, employees and agents harmless from all suites, claims, damages or liabilities arising by reason of the construction or existence of the bump-out improvement. The Borough shall be responsible in perpetuity for any and all maintenance and repairs required to the bump-out improvement, including all striping, drainage and appurtenances.

4. The County will have no responsibility for snow removal from or within the area encompassed by the bump-out improvement.

5. The County waives any permit fees that would authorize it to be charged for the proposed bump-out improvement.

6. The Borough understands and agrees that the work on this project shall not commence until the County approves and executes this agreement.

7. This Resolution was offered by the Mayor and Council of the Borough of Keyport on June 2, 2003 as follows:

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

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

4. Resolution #221-03, Donation to Keyport High School Hall of Fame Ad Book

WHEREAS, the Keyport High School Hall of Fame Committee is an organization located in the Borough of Keyport which conducts activities that benefit the public good; and

WHEREAS, the Keyport High School Hall of Fame Committee has requested that the Borough of Keyport contribute the sum of $100.00 for a one (1) page ad in their 2003 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 one (1) page ad in the Keyport High School Hall of Fame 2003 Ad Book and the Mayor and Chief Financial Officer are authorized and directed to pay said sum.

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

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

5. Resolution #222-03, Paving Materials/Reject Bids and Authorize Rebidding

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the purchase of bituminous concrete surface course and stabilized base course for various projects throughout the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk, consistent with the advertised Notice to Bidders; and

WHEREAS, the Mayor and Council have reviewed the within bids which included bids for bituminous concrete stabilized course, together with delivery charges; and

WHEREAS, the Mayor and Council have determined, based upon the bids received, to further refine the bid specifications and thereby to reject all bids received for the within project.

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

1. The Mayor and Council hereby reject the bids received by the Borough Clerk for work in connection with the purchase of bituminous concrete surface course and bituminous stabilized base course based upon the bid specifications proposed.

2. The Borough Clerk is authorized to notify the bidders of the decision of the Mayor and Council and to return all relevant documents to the bidders consistent with this resolution.

3. The Borough Clerk shall comply with any notice requirements relative to the rejection of said bids under appropriate State Statute.

4. The Borough Clerk shall retain a copy of the within Resolution of file for public inspection.

5. The Mayor and Council further authorize the Borough Clerk to re-advertise for receipt of bids with certain revisions to the bid specifications.

6. Certified true copies of the within resolution shall be forwarded to all bidders, Borough Engineer and Chief Financial Officer.

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

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

6. Resolution #223-03 Award of Lease/Hot Dog Stand/Snack Bar

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

WHEREAS, based upon the bid submitted, the Mayor and Council have determined to award the within lease commencing June 5, 2003 through November 4, 2003 to Alfred Valli, Jr., Hazlet, New Jersey, based upon his bid of Two Thousand Six Hundred ($2,600.00) Dollars for the term of the lease; and

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

WHEREAS, the appropriate Borough Professionals and the State of New Jersey, Green Acres Program have reviewed the appropriate lease and have determined same acceptable to the Borough of Keyport, which will result in a lese payment to the Borough of Keyport in the sum of Two Thousand Six Hundred ($2,600.00) Dollars, which sum shall be added to the current BRIT account for future use consistent with its intended purpose.

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

1. The Mayor and Council hereby authorize the Mayor and appropriate Borough Officials to execute a lease agreement for the lease of a portion of space near the entrance to the Municipal Boat Ramp for the operation of a hot dog/snack stand in the amount of Two Thousand Six Hundred ($2,600.00) Dollars with Anthony Valli, Jr., based upon the bid submission.

2. Successful Bidder shall be responsible to obtain any permits required by the Borough of Keyport and/or the Board of Health prior to the commencement of operation.

3. Copies of the within Resolution shall be forwarded to the successful bidder, State of New Jersey, Green Acres Program and the Borough Attorney and a

copy shall be retained in the office of the Borough Clerk for public inspection.

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

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

7. Resolution #224-03, Emergency Repair, Highway 36, 3/24/03

WHEREAS, an emergency existed on March 24, 2003 arising out of the break in a 4" sewer lateral located at 101 Highway 36, in Borough of Keyport; and

WHEREAS, this emergency affected the public health, safety and welfare and required immediate action; and

WHEREAS, the immediate need to repair the broken 4" sewer lateral on an emergency basis could not have been reasonably foreseen and exceeded the amount set forth in N.J.S.A. 40A:11-6.1; and

WHEREAS, the Superintendent of Public Works, in furtherance of his duties and responsibilities, authorized acceptance of a proposal from Apollo Sewer of Keyport, New Jersey to repair the broken 4" sewer later on a time and materials basis which work was performed at a total cost of up to $7,113.71; and

WHEREAS, the Borough Engineer has reviewed the matter and the scope of the work performed and is satisfied that there was an emergent condition.

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

1. The prior authorization to Apollo Sewer of Keyport, New Jersey to perform emergent work to repair a broken 4" sewer lateral at 101 Highway 36 in the Borough of Keyport on and about March 24, 2003 in the total amount of up to $7,113.71 is approved.

2. The appropriate Borough Officials are authorized to sign such documents as may be required to effectuate the foregoing.

3. A certificate of availability of funds is annexed hereto.

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

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

8. Resolution #225-03, Payment of Bills
(Copy of Resolution attached hereto and made part of these minutes)

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

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

9. Resolution #226-03, Support Constitutional Convention

WHEREAS, the Mayor and Council of the Borough of Keyport as remain concerned of the inequities of the current system of property taxation which funds both State, County and Municipal Governments, the Board of Education and various other public institutions through the use of property taxes; and

WHEREAS, since the New Jersey State Legislature has failed to approve the convening of a State Constitutional Convention to address property tax reform, the Mayor and Council have determined to pass this Resolution to call upon the State Legislature to convene a State Constitutional Convention to address the issue of property tax reform; and

WHEREAS, the Mayor and Council of the Borough of Keyport believe that a State Constitutional Convention is necessary to reform the inadequacies and inequities in the present system of taxation faxed not only by the Borough of Keyport but by all residents throughout the State of New Jersey; and

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

1. The Mayor and Council of the Borough of Keyport call upon the New Jersey State Legislature to convene a State Constitutional Convention is necessary to reform the inadequacies and inequities in the present system of taxation faced not only by the Borough of Keyport but by all residents throughout the State of New Jersey.

2. The Mayor and Council of the Borough of Keyport strongly support property tax reform as beneficial not only to the residents of the Borough of Keyport but to the citizens of the State of New Jersey.

3. A copy of this Resolution duly certified, be served upon the co-presidents of the New Jersey State Senate, the Speaker of the Assembly, Local Senate and Assembly members from the 13th District and that a copy of the within resolution be retained in the office of the Borough Clerk for public inspection.

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

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

10. Resolution #227-03, Amend Resolution #65-03 Harbor Commission Appointment

WHEREAS, on January 21, 2003 William Carey was appointed as a member of the Harbor Commission to fill an unexpired term expiring on December 31, 2004; and

WHEREAS, the expiration date was in error.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that William Carey is hereby appointed to the Harbor Commission to fill a five (5) year unexpired term which will expire on December 31, 2006.

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

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

ADJOURNMENT

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

Time of Adjournment: 10:30 P.M.

Respectfully submitted,

Judith L. Poling

Judith L. Poling, RMC/CMC
Borough Clerk