PUBLIC PARTICIPATION

The Meeting was opened to the public for comments or questions regarding agenda items at 8:18 P.M. There being none, the Meeting was closed to the public at 8:18 P.M.

APPROVAL OF MINUTES

Minutes of the Work Meetings of May 7th, June 3rd, Regular Meeting of May 20th, Special Meeting of June 11th, Closed Meetings of May 7th, 20th, June 3rd, 11th and 18, 2002 were approved as read on motion of Mr. Hyer, seconded by Mr. Stalter with Ayes by all present.

2002 BUDGET ADOPTION RESOLUTIONS

Thomas Fallon, Chief Finance Officer, said there were three parts to be amended: 1. To include Extraordinary Aid from $0-25,000; 2. The initial amount in the Municipal Alliance line item was amended and increased as per the agreement and 3. The amount paid to the school board was increased $1,400 ($85,956 to $87,391) to offset and reduce the amount to be raised by taxes ($24,000). The State approved the amendment and the 2002 budget. Mr. Merla thanked Mr. Fallon for recommending the Borough apply for extraordinary aid, he thanked the legislature. The Borough applied for $150,000; Council felt the need for this. There was a concern regarding the amount of surplus remaining; it is there if needed. The Borough took a hit with $236,000 in insurance, debt service, salaries, tipping fees went up $4.001 per ton, legal fees, picking up garbage for the apartments. The Budget is up 3 cents and 2% surplus will be left. Credit was given to Mrs. Poling and Mr. Fallon. Mr. Merla said he hopes to exceed last year by increasing areas of new revenue. The original budget started out 18 cents and now it is at 3.3 cents. There are capital projects too.

2. Resolution #233-02, Amend 2002 Budget

WHEREAS, the local municipal budget for the year 2002 was approved on the 12th day of March, 2002; and

WHEREAS, the public hearing on said budget has been held as advertised; and

WHEREAS, it is desired to amend said approved budget no.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Keyport, County of Monmouth that the following amendments to the approved budget of 2002 be made:

GENERAL BUDGET	FROM	TO
Current Fund - Anticipated Revenues		
3. Miscellaneous Revenues - Section B		
State Aid Without Offsetting Appropriations		
Extraordinary Aid		25,000.00
Total Section B: State Aid Without Offsetting Appropriations	1,050,894.00	
3. Miscellaneous Revenues-Section F: Special Items of General Revenue Anticipated with Prior Written Consent of DLGS-Public and Private revenues Offset with Appropriations:		
Municipal Alliance of Alcoholism and Drug Abuse	11,500.00	12,250.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of DLGS-Public and Private Revenues	84,683.90	85,433.90
SUMMARY OF REVENUES		
3. Miscellaneous Revenues:		
Total Section B: State Aid without Offsetting Appropriations	1,050,894.00	1,075,894.00
Total Section F: Special Items of General Revenue Anticipated with Prior Written Consent of Director of DLGS - Public and Private Revenues	84,683.90	85,433.90
Total Miscellaneous Revenues	1,954,506.27	1,980,256.27
5. Subtotal General Revenues	3,233,844.27	3,259,594.27
6. Amount to be Raised by Taxes for Support of Municipal Budget		
a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	3,018,943.52	2,995,566.52
Total Amount to be Raised by Taxes for Support of Municipal Budget	3,018,943.52	2,995,566.52
7. Total General Revenues	6,252,787.79	6,255,160.79

approved 08/06/02

July 16, 2002
Keyport, New Jersey

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

Mayor Graham called the meeting to order at 7:24 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #232-02, 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. Part Time Employee Benefits
2. Assistant Property Maintenance Officer
3. Compensatory Time

Litigation
1. Magic Touch vs. Borough of Keyport

Labor Relations
1. IUOE Negotiations - Public Works/PSTO
2. IUOE Negotiations - Clerical

Contract Negotiations
1. New Municipal Complex
2. VoiceStream Right of Way
3. St. Joseph Church
4. Health Insurance

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

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

Personnel, Litigation, Labor Relations, Contract Negotiations

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

Roll Call Vote: Ayes: Councilmembers Merla, Hyer, Stalter
Absent: Councilmembers Bergen, Atkins, Ashmore

Council went into Closed Session at 7:25 P.M. and this meeting was reconvened at 8:13 P.M.

Mayor Graham called the meeting to order at 8:17 P.M. and read the Sunshine Law Notice. Mayor Graham led the Pledge of Allegiance and Moment of Silence.

ROLL CALL

On Roll Call the following were present: Councilmembers Merla, Ashmore (arrived 7:35 P.M.), Hyer, Stalter. Absent: Councilmembers Bergen and Atkins. Others present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer and Thomas Fallon, Chief Financial Officer.

8. GENERAL APPROPRIATIONS

Public and Private Programs Offset by Revenues

Municipal Drug Alliance Program		
Local Share	2,875.00	3,063.00
State Share	11,500.00	12,250.00
Total Public and Private Programs Offset by Revenues	191,614.90	192,552.90
Total Operations-Excluded from CAPS	631,128.90	632,066.90
Detail:		
Other Expenses	482,028.90	482,966.90
(N) Transferred to Board of Education for Use of Local Schools	85,956.00	87,391.00
(H-2) Total General Appropriations for Municipal Purposes Excluded from CAPS	1,203,990.90	1,206,363.90
(O) Total General Appropriations for Municipal Purposes Excluded from CAPS	1,203,990.90	1,206,363.90
(L) Subtotal General Appropriations (Items H-1) and (O)}	5,659,395.90	5,661,768.90

GENERAL APPROPRIATIONS	**FROM**	**TO**
9. Total General Appropriations	6,252,787.79	6,255,160.79
SUMMARY OF APPROPRIATIONS		
Operations Excluded from CAPS		
Public and Private Programs Offset by Revenues	191,614.90	192,552.90
Total Operations Excluded from CAPS	631,128.90	632,066.90
(N) Transferred to Board of Education	85,956.00	87,391.00
Total General Appropriations	6,252,787.79	6,255,160.79

BE IT FURTHER RESOLVED that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services for his certification of the local municipal budget so amended.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

3. Resolution #234-02, Adoption of 2002 Budget

See full copy of Resolution as pages 19-20 of these minutes

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

HEARING ON ORDINANCE

1. Ordinance #20-02, Amend BID Ordinance

The Clerk reported that the Ordinance was published as introduced in the Courier, issue of July 4, 2002, that the Affidavit of Publication is on file in her office, that copies were posted on the Bulletin Boards and made available to the public.

The Clerk read the Ordinance by Title:

AN ORDINANCE AMENDING AND SUPPLEMENTING THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF KEYPORT ADOPTED BY THE MAYOR AND COUNCIL AND AMENDED FROM TIME TO TIME THEREAFTER TO AMEND SCHEDULE "B" OF ORDINANCE #6-02 "BUSINESS IMPROVEMENT DISTRICT" TO PROVIDE FOR THE INCLUSION/EXCLUSION OF PROPERTY WITHIN THE BUSINESS IMPROVEMENT DISTRICT

The Hearing was opened to the public for comments or questions at 8:26 P.M. There being none, the Hearing was closed to the public at 8:26 P.M.

Offered for adoption by Mr. Merla, seconded by Mrs. Ashmore

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

1a. Motion authorizing the Clerk to publish the Ordinance as adopted according to law in the Courier, issue of July 18, 2002 moved by

Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

INTRODUCTION OF ORDINANCE

1. Ordinance #21-02, Salary Ordinance/Clerk of the Works

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, N.J. IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY

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

WHEREAS, the following ordinance has been prepared with salary ranges therein for the 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 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 ORDAINED by the Mayor and Council of the Borough of Keyport, in the County of Monmouth and State of New Jersey as follows:

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

SECTION 1. The following salary ranges are hereby fixed and determined for the following part time officers and employees retroactive to July 2, 2002:

	MINIMUM SALARY	MAXIMUM SALARY
Clerk of the Works	$60.00 per hour	$70.00 per hour

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

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

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

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

1a. Motion authorizing the Clerk to publish the Ordinance as introduced in the Courier, issue of July 18, 2002 for a Hearing to be held August 6, 2002 moved by Mr. Merla, seconded by Mr. Stalter with Ayes by all present.

COMMITTEE REPORTS

Councilman Bergen; Buildings & Grounds and Library. Mr. Bergen was absent.

Councilwoman Atkins; Fire: Mrs. Atkins was absent.

Councilman Merla; Finance: Mr. Merla reported on the following. He thanked Council for approving the Budget; there was a State Budget delay. The Borough's Health Insurance is being switched to State Health Insurance. All employees were advised of the change and were able to ask questions; there is a make up date for the employees who missed the meeting last week. The Monmouth County Community Development application was submitted; there is a meeting with the County on August 7th (Mr. Merla will report back to Council). A $8,840 Domestic Violence grant was received by the Police Department. There were recent celebrations; the Festival of Sails and Firemen's Fair. There was a lot of press and talk about Keyport.

Councilwoman Ashmore;Police: Mrs. Ashmore reported on the following. The Oyster Fest and Firemen's Fair created a lot of Police overtime. There were no incidents at the Oyster Fest and a few at the Firemen's Fair (off site). The meeting with the Condo's was rescheduled to July 30th at 7 P.M. to discuss garbage and recycling.

Councilman Hyer; Public Works/Recyling/Property Maintenance. Mr. Hyer reported on the following. The Cedar Street Light timers were installed. Public Works has painted benches and made street markings. A demonstration was given on a street sweeper. Fencing was installed at the Recycling yard. A donation of a sign by the old sewer plant has been made by John Devoto (this will have to be accepted by Resolution on August 6th). Mr. Merla requested that BID see the sign. Mayor Graham asked that his appreciation be extended. Mr. Hyer said a lot of thought was put into it. He asked about the new lights at Cedar Street Park.

Councilman Stalter; Health, Recreation and Parks. Mr. Stalter reported on the following. Recreation postponed their meeting this month from July 4th to the 18th. A trip to a Lakewood Blueclaws game is on August 24th leaving from Firemen's Park. Mrs. Poling will accept payments. Recreation is paying for the bus. The next trip will be booked soon.

Administrator Poling: Mrs. Poling reported on the following. She read a report submitted by John Kriskowski, P.E. regarding Cedar Street. The park lights were installed by Lucas Electric during the week ending June 15th. The Contractor has requested partial payment which will be reviewed and a recommendation forthcoming prior to this meeting. Site remediation work and light fixture realignment remains. Lucas Electric has been notified of Council's decision to accept the Lucas proposal to install three new timers for the park lights. At this time, the schedule for completion of the project and installation of the new timers has not been finalized. Lucas Electric should be asked for a price on ballfield lights and Mr. Freda contacted. Mr. Freda said only Public Works and Recreation will be permitted to go into the box. There is a small cost to put a panel outside. The time for the lights to go out would be set (turn on by key). The July 9th Payment of Bills was as follows: **CURRENT ACCOUNT - $103,510.99, WATER AND SEWER - $19,757.48 AND RBIT - $1,883.88.** All condominiums have agreed to have their hydrants flushed by the Borough. The Monmouth County Contract Renewal is due; per Mayor and Council the Borough will continue to participate (1/1/03-12/31/05). Receipt of Bids were taken for Washington Street Phase III and Schoor DePalma made a recommendation. The Maximum General Penalty for violation of Ordinances should be increased from $1,000 to $1250 per State Statute. Motion authorizing Mr. Kain to prepare an Ordinance increasing the Maximum General Penalty moved by Mr. Merla, seconded by Mr. Hyer with Ayes by all present.

Engineer Freda: Mr. Freda reported on the following. The Senior Center/Boiler Replacement bids were too high; there are not enough funds. If the project is rebid, the Borough could get lower prices. The sump pump would be eliminated. A resolution is needed for the project to be rebid. Mr. Merla said the project cannot be awarded and agreed with Mrs. Poling that an Engineer's Estimate is needed. Mr. Freda said he would send an estimate of contract costs to the Borough. The Borough is scheduled to present their project to Monmouth County Community Development on August 28th at 9:45 A.M.; this is after the August 21st deadline date to expend current grant funds. He submitted to Green Acres a pre-application for land diversion. It was not approved, there are issues; current right of way vs. new right of way (it could be longer and require amendment). The Borough should think of what other improvements they want, i.e walkways, etc. The week of August 5th there is a meeting at the site to discuss; Green Acres is supportive and wants the Borough to move forward. Mr. Merla asked if Green Acres made Mr. Freda aware of what they would approve; if the plans are "tweaked", it can be made to work. The work may have to be phased. Mr. Merla asked about landscaping and utility poles; Mr. Freda said JCP&L will reset (there may be a charge). Mayor Graham asked about cutting off one end. Mr. Freda said he would contact Mrs. Poling and Mayor and Council on a date for the meeting.

Attorney Kain: Mr. Kain reported on the following. The Fire Museum Lease should be forwarded to the Museum Committee for review. He and Mr. Freda set a meeting date with residents regarding Willow Street.

Mayor Graham: The Mayor reported on the following. On June 22nd there was a Bike Rodeo at Jesus The Lord Church and the Baykeeper held an Oyster seeding (there was more participation this year and there were more oysters -last year's oysters are thriving). The President of the Board of Education submitted a package (school calendar) and requested the Borough's participation to include the community, Borough directory, dates and times of events; the BID will also participate. Financial participation is needed; there were 1500 copies done last year. The matter was referred to Mr. Hyer to discuss with Mr. Merla on finances ($3,000). Mr. Hyer said this is a great concept.

REPORTS OF DEPARTMENTS

MARCH 2002

1. Police Department Firearm and Fingerprint Fees

Total amount collected $68.00

Submitted by Theodore Gajewski, Police Chief

MAY 2002

2. Treasurer's Report

CURRENT CHECKING	$1,397,642.50
ASSESSMENT TRUST	621.33
FEDERAL AND STATE GRANTS	588.11
ANIMAL CONTROL	7,831.33
TRUST CHECKING	6,177.96
TRUST SAVINGS	133,423.45
RECREATION BAYFRONT	69,209.28
UNEMPLOYMENT/DISABILITY	64,660.09
RECREATION COMMISSION	11,195.81
GENERAL CAPITAL	543,261.50
ESCROW TRUST	171,195.49
LAW ENFORCEMENT	8,859.26
SELF HEALTH INSURANCE FUND	2,149.14
WATER/SEWER OPERATING	5,000.00
WATER/SEWER SAVINGS	161,358.04
WATER/SEWER INVESTMENT	118,893.85
WATER CAPITAL CHECKING	2,701.73
WATER CAPITAL INVESTMENT	89,085.55
GENERAL CAPITAL INVESTMENT	2,975,698.91

INTEREST EARNED ON INVESTMENTS FOR MAY, 2002
CURRENT - $5,867.76
WATER - $ 509.17

Submitted by Pauline Redmond, Treasurer

3. Property Maintenance Officer's Report

See full copy of report on file in Clerk's Office

Submitted by William Cerase, Property Maintenance Officer

JUNE 2002

4. Borough Clerk's Report

WATER/SEWER ACCOUNT

WATER CONNECTION	$ 800.00
WATER METER	-0-
TURN ON CHARGE	-0-
SEWER CONNECTION	1,000.00

SEWER/POOL PERMIT	150.00
WATER METER W/TO	100.00
DEMOLITION	-0-
TOTAL WATER/SEWER, CHECK #3517	**$ 2,050.00**

CURRENT ACCOUNT

BINGO LICENSE	$ -0-
GUN PERMITS & ID'S	90.00
LIMO LICENSE	-0-
PHOTOCOPIES	18.25
POSTAGE	3.40
RAFFLE LICENSE	200.00
TAXI LICENSE, DRIVER	30.00
TAXI LICENSE, OWNER	150.00
POLICE DEPT ACCIDENT REPORT	513.00
SEARCHES	-0-
VENDING LICENSE	-0-
PEDDLAR LICENSE	-0-
LIQUOR LICENSE	-0-
STREET OPENING	225.00
FISH & GAME	-0-
NEWSPAPER VENDING MACHINES	-0-
RECYCLING PERMITS	390.00
PARKING PERMITS	20.00
AUCTION LICENSES	-0-
TOTAL CURRENT, CHECK #3518	**$ 1,639.65**

ESCROW ACCOUNT

CASH REPAIR DEPOSIT, CHECK #3519	$ 81.00

RECREATIONAL BAYFRONT IMPROVEMENT TRUST

BOAT LAUNCHING RAMP PASSES	$ 4,825.00
BAIT	327.50
ICE	108.00
ICE CREAM	-0-
SODA	64.50
TOTAL RBIT, CHECK #3520	**$ 5,325.00**
TOTAL RECEIPTS	**$ 9,095.65**

Submitted by Allyson M. Cinquegrana, Deputy Borough Clerk

5. Tax Collector's Report

2002 TAXES	$ 94,825.02
2001 TAXES	28,433.19
2003 PREPAID TAXES	-0-
PRIOR YEARS TAXES	-0-
PROPERTY REDEEMED	-0-
INTEREST AND COSTS	6,077.17
TAX SEARCHES	20.00
POST OFFICE LAND RENT	-0-
SENIOR CITIZEN HOUSING IN LIEU OF TAXES	26,405.00
RETURNED CHECK CHARGES	20.00
ALL OTHER MISCELLANEOUS REVENUE	139,628.05
TOTAL CURRENT RECEIPTS	**$295,408.43**

WATER & SEWER RENTS	$ 36,536.73
INTEREST AND COSTS	454.86
TURN ON CHARGES	-0-
RETURNED CHECK CHARGES	12.00
POOL PERMITS	285.00
WATER METERS/WITH TURN ON	100.00
NEW METERS AND INSTALLATION CHARGE	-0-
WATER & SEWER CONNECTIONS	1,800.00
METER TEST CHARGE	-0-
FIRE SERVICE	-0-
METER REPLACEMENT, PARTS ETC	-0-
DEMOLITION PERMIT	-0-
ALL OTHER MISCELLANEOUS REVENUE	-0-
TOTAL WATER/SEWER RECEIPTS	**$ 39,188.59**

Submitted by Pauline Redmond, Tax Collector

6. Building Department Report

PERMITS	NUMBER OF PERMITS	AMOUNT RECEIVED
CONSTRUCTION STATE FEE	35	$ 125.00
CERTIFICATE OF OCCUPANCY	33	845.00

PLUMBING PERMITS	8	572.00
ELECTRICAL PERMITS	18	1,345.00
BUILDING PERMITS	27	1,853.00
FIRE SUB CODE	8	430.00
CONST CERT OF OCCUPANCY	2	82.00
ZONING PERMITS	16	160.00
200 FT PROPERTY LIST	4	40.00
TRANSFER OF TITLE	11	390.00
REINSPECTION FEES	0	-0-
CONSTRUCTION VIOLATIONS	0	-0-
COPIES	0	-0-
MISC.	11	260.00
ELEVATOR INSPECTION AGENCY	0	-0-
ELEVATOR-BOROUGH	0	-0-
SMOKE DETECTORS	33	660.00
CONST. DEPOSITS REFUNDABLE	4	200.00
TOTAL		**$ 6,962.00**

ACCOUNTS PAYABLE

AMOUNT PAID TO BOROUGH, CHECK #2374	$ 6,637.00	
STATE FEE DUE - CHECK #2375	920.00	(APR-JUNE)
ELEVATOR INSPECTION AGENCY, CHECK #		

Submitted by Annette Kovacs, Senior Permit Clerk

7. Police Department/Traffic Safety Report

Total Amount received $ 513.00

Submitted by Theodore Gajewski, Police Chief

8. Board of Health Report

TOTAL COLLECTED IN THE BOARD OF HEALTH OFFICE		**$2,664.45**
DOG LICENSES	$ 148.20	
CAT LICENSES	-0-	
MARRIAGE LICENSES	140.00	
BURIAL PERMITS	24.00	
DEATH CERTIFICATES	940.00	
MARRIAGE CERTIFICATES	100.00	
BIRTH CERTIFICATES	10.00	
POOL PERMITS	100.00	
PLAN REVIEW	-0-	
FOOD HANDLERS	-0-	
MISCELLANEOUS	1,202.25	

DISBURSEMENTS

CHECK #2702 - BOROUGH OF KEYPORT MISC. ACCT	$2,399.45
CHECK #2703 - BOROUGH OF KEYPORT TRUST ACCT	125.00
CHECK #2704 - BOROUGH OF KEYPORT DOG ACCT	114.80
CHECK #2705 - NJ STATE DEPT OF HEALTH	25.20

Submitted by Anne R. Biagianti, Treasurer

9. Municipal Court Report

STATE FINES	$1,846.66
STATE SURCHARGE	300.00
STATE UNINSURED	496.67
COUNTY FUNDS	1,697.42
COUNTY FINES	6,118.85
MUNICIPAL FINES	6,118.85
MUNICIPAL COSTS	5,546.00
MUNICIPAL PARKING	1,581.00
MISCELLANEOUS	1,691.58

Submitted by Kathie Coffey, Court Administrator

10. Fire Department Report

Total Company runs: 22
Mileage on Chief's car: 12,150

Submitted by Kenneth Marr, Jr., Fire Chief

11. Librarian's Report

See full copy on file in the Clerk's Office

Submitted by Jacqueline LaPolla, Librarian

Motion to Accept reports as submitted moved by Mr. Hyer, seconded by Mr. Merla with Ayes by all present.

COMMUNICATION AND PETITION

1. Fire Department Membership Application from Peter Tortorell, Jr./Raritan Hose Company (contingent upon State approval).

Motion to Approve moved by Mr. Merla, seconded by Mr. Stalter with Ayes by all present.

PUBLIC PARTICIPATION

The meeting was opened to the public for comments or questions at 9:02 P.M. Terry Musson, Third Street, asked who enforces drought restrictions. Chief Gajewski said the Police Department does and warnings to the condos have been given. Mr. Merla said other municipalities are doing street sweeping. They are using non-potable water. Ken Marr, Jr., Fire Chief, said the Firemen's Fair was a success and thanked Public Works and the Police Department for all of their work. Chief Gajewski said there was a minor problem and the beer tent was closed down. The meeting was closed to the public at 9:06 P.M.

Council recessed until 9:21 P.M.

Chief Marr asked for Council support to the Board of Chiefs to honor Babe Stultz who has dedicated 60 years to the Fire Department; he worked the fair and goes to fires. They would like to make him honorary Chief for a day with a badge and hat, etc at the 125^{th} Anniversary. The President and Legislators will be contacted for commendations. Mayor Graham agreed.

RESOLUTIONS

4. Resolution #235-02, Set Wages of Police Officers for Outside Construction

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport in accordance with Ordinance #17-02, Section 3-6.1, General Rules, subsection a26, the following wages for work performed during off duty hours for any independent contractor working in the Borough of Keyport are as follows:

	Effective July 17, 2002
Chief	$35.00 per hour
Captain	$35.00 per hour
Lieutenant	$35.00 per hour
Sergeant	$35.00 per hour
Patrolman First Class	$35.00 per hour
Patrolman Second Class	$35.00 per hour
Patrolman Third Class	$35.00 per hour
Detective Sergeant	$35.00 per hour
Detective	$35.00 per hour
Special Police Officer	$35.00 per hour

Administration Fee (for processing payroll data) $10.00 per hour

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Ashmore

5. Resolution #236-02, Set Salary for Clean Communities Coordinator

BE IT RESOLVED by the Mayor and Council of the Borough of Keyport in accordance with Salary Ordinance #19-02 that:

SECTION 1. The following salaries are hereby established for the indicated positions effective January 1, 2002 or the date of hire or transfer, whichever is later.

Clean Communities Coordinator $96.00 annually

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Ashmore

6. Resolution #237-02, Payment of Bills

See full copy of Resolution as pages 21-26 of these minutes

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

Roll Call Vote: Ayes: Councilmembers Merla*, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Ashmore

*Mr. Merla abstained from voting on Amazing Amusements Payment under the Current

7. Resolution #238-02, Renew 2002/2003 Liquor License, Rolando's Inc

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, 2002 and ending June 30, 2003, up application filed by:

1322-33-007-007 Rolando's, Inc.

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.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Hyer, Stalter
Abstain: Councilman Merla
Absent: Councilmembers Bergen and Atkins

8. Resolution #239-02, Rescind Appointment of Court Administrator and Deputy Court Administrator as Alternate Custodian of Records

WHEREAS, on July 2, 2002 the Mayor and Council adopted Resolution #219-02, regarding Chapter 404, P.L. 2001, Public Access to Government Records; and

WHEREAS, Resolution #219-02 appointed Alternate Custodians one of which was the Administrator and/or Deputy Administrator of the Municipal Court; and

WHEREAS, the Municipal Clerk has been advised by the Administrator of the Courts that Chapter 404, P.L. 2001 does not apply to the courts.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that the designation of the Administrator and/or Deputy Administrator as alternate custodian of records of the Municipal Court is hereby rescinded and is of no force and effect.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Ashmore

9. Resolution #240-02, Award of Contract/Washington Street Phase III Project

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for Washington Street Reconstruction, Phase III, consisting of various roadway improvements including curbs, sidewalks, driveway apron, water main and sanitary sewer improvements to Washington Street from Provost Avenue to Hobart Avenue, to be performed within the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on July 9, 2002 at the Borough Hall, Keyport, New Jersey consistent with the advertised Notice to Bidders; and

WHEREAS, Defino Contracting Co. did submit a bid to perform the Washington Street Reconstruction, Phase III, consisting of various roadway improvements including curbs, sidewalks, driveway apron, water main, and various sanitary sewer improvements to Washington Street from Provost Avenue to Hobart Avenue in the gross amount of One Hundred and Seventy Eight Thousand, Four Hundred Dollars ($178,400.00) which constituted the lowest bid received pursuant to the specifications proposed; and

WHEREAS, the Mayor and Council are resolved to award a contract to Defino Contracting Company based upon their low bid submitted subject to the Certification of the Municipal Finance Officer as to the availability of funds 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 award the contract for Washington Street Reconstruction Phase III for various roadway improvements including curbs, sidewalks, driveway apron, water main and various sanitary sewer improvements to Washington Street from Provost Avenue to Hobart Avenue within the Borough of Keyport, in the gross amount of One Hundred and Seventy Eight Thousand, Four Hundred Dollars ($178,400.00) to Defino Contracting Co. based upon their low bid submission. The Mayor is hereby further authorized to enter into a contract with the successful bidder upon certification of the availability of funds by the Municipal Finance Officer.

2. The Contract shall be contingent upon the certification of the availability of funds by the Municipal Finance Officer, prior to execution.

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

4. The Borough Clerk shall provide appropriate notice to the successful bidder and the public as required under NJSA 40A:11-1 et. seq. by publishing notice of award of contract in a legal newspaper of the Borough of Keyport within 10 days hereof.

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

6. Certified true copies of the within resolution shall be forwarded to the successful bidder, Borough Attorney and Chief Financial Officer.

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

Roll Call Vote: Ayes: Councilmembers Ashmore, Hyer, Stalter
Abstain: Councilman Merla
Absent: Councilmembers Bergen and Atkins

10. Resolution #241-02, Chapter 159: Clean Communities

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive $350.60 in funding from the State of New Jersey - Clean Communities Program and wishes to amend its 2002 Budget to include this amount as a revenue and offsetting appropriation.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2002 in the sum of $350.60 which is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenues Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenue Offset with Appropriations:
Clean Communities Program $350.60

BE IT FURTHER RESOLVED that a like sum of $350.60 be and the same is hereby appropriated under the captions of:

(A) Operations - Excluded from "CAPS" - Public and Private Programs Offset by Revenues:
Clean Communities Program $350.60

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

11. Resolution #242-02, Chapter 159: Monmouth County Community Development Block Grant

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive $139,034 in funding from the County of Monmouth - Community Development Block Grant Program and wishes to amend its 2002 Budget to include this amount as a revenue and offsetting appropriation.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2002 in the sum of $139,034 which is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenues Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenue Offset with Appropriations:
County of Monmouth-Community Development Block Grant $139,034

BE IT FURTHER RESOLVED that a like sum of $139,034 be and the same is hereby appropriated under the captions of:

(A) Operations - Excluded from "CAPS" - Public and Private Programs Offset by Revenues:

County of Monmouth-Community Development Block Grant $139,034

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

Offered for adoption by Mr. Hyer, seconded by Mr. Stalter
Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

12. Resolution #243-02, Chapter 159: Municipal Alcohol Education/Municipal Court

WHEREAS, NJSA 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of an item of appropriation for an equal amount; and

WHEREAS, the Borough will receive $2,728.64 in funding from the State of New Jersey - Municipal Court Alcohol Education and Rehabilitation Fund and wishes to amend its 2002 Budget to include this amount as a revenue and offsetting appropriation.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Keyport, County of Monmouth, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2002 in the sum of $2,728.64 which is now available as a revenue from:

Miscellaneous Revenues - Section F: Special Items of General Revenues Anticipated with Prior Written Consent of the Director of Local Government Services - Public and Private Revenue Offset with Appropriations:
Municipal Court Alcohol Education and
Rehabilitation Fund $2,728.64

BE IT FURTHER RESOLVED that a like sum of $2,728.64 be and the same is hereby appropriated under the captions of:

(A) Operations - Excluded from "CAPS" - Public and Private Programs Offset by Revenues:
Municipal Court Alcohol Education and
Rehabilitation Fund $2,728.64

BE IT FURTHER RESOLVED that the Borough Clerk forward two copies of the "Chapter 159 Certification and Approval Form" to the Director of the Division of Local Government Services.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

13. Resolution #244-02, New Municipal Complex Contract-Change Order #1

WHEREAS, the Mayor and Council have authorized a change to the Contract for the construction of the New Municipal Complex to extend the rear basement; and

WHEREAS, Kaplan, Gaunt DeSantis, Architects has submitted and recommended approval of Change Order #1 (copy attached); and

WHEREAS, the Chief Financial Officer has certified the availability of funds for Change Order #1.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that Change Order #1 in the amount of $78,452.00 is hereby approved increasing the present Contract amount from $3,010,000.00 to $3,088,452.00.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter

Absent: Councilmembers Bergen and Atkins

14. Resolution #245-02, New Municipal Complex - Award Phase IV Architect Services

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize the construction of a new municipal complex and retain the services of Kaplan, Gaunt, DeSantis as project architect for the within municipal complex project; and

WHEREAS, the architect has advised the Mayor and Council of the costs associated with Phase IV of the construction project "Construction Administration Fees" in an amount not to exceed the sum of Sixty Thousand Dollars ($60,000.00) in accordance with their proposal for services relative to the construction of the new municipal complex; and

WHEREAS, the Mayor and Council have resolved to authorize payments to the architect based upon services to be provided to the Borough of Keyport related to the construction administration of the new municipal complex; and

WHEREAS, additional funds are available for the architect to provide the aforesaid Phase IV services from the bond ordinance previously adopted, subject to the certification by the Municipal Finance Officer in an amount not to exceed the sum of Sixty Thousand Dollars ($60,000.00).

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

1. The Mayor and Council hereby the authorize the payment of an amount not to exceed the sum of Sixty Thousand ($60,000.00) to Kaplan, Gaunt & DeSantis as Phase IV "Construction Administration Fees" relative to the construction of the new municipal complex.

2. The within Resolution is subject to a certification of the Municipal Finance Officer as to the availability of such funds from the within Bond Ordinance.

3. The architect is authorized to submit appropriate vouchers for payment in accordance with the work performed in this matter.

4. Copies of the within Resolution shall be forwarded to the project architect, Edmund H. Gaunt, Jr. and to the Municipal Finance Officer and the Borough Clerk shall retain a copy of the within Resolution for public inspection.

5.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

15. Resolution #246-02, New Municipal Complex - Reimbursement of Expenses, Architect Services, Phase III

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize the construction of a new municipal complex and retain the services of Kaplan, Gaunt & DeSantis as project architect for the within municipal complex project; and

WHEREAS, the architect has advised the Mayor and Council of the costs associated with the bidding process, which include the following sums: Twelve Thousand Six Hundred and Forty Nine Dollars and Ninety Five cents ($12,649.95) as base project, printing related costs: Ten Thousand, Eight Hundred and Fifteen Dollars and thirty six cents ($10,815.36) as the cost of printing relative to rebidding of the project and Three Thousand Four Hundred and Sixty One Dollars and ninety cents ($3,461.90) for additional engineering costs associated with the within project; and

WHEREAS, the Mayor and Council have resolved to authorize reimbursement of expenses associated with Phase III of the within project and to authorize and/or confirm payments to the architect based upon the within expenditures provided to the Borough of

Keyport related to the bidding process of the new municipal complex: and

WHEREAS, additional funds are available for the architect relative to expenses incurred related to the aforesaid project from the bond ordinance previously adopted subject to the certification by the Municipal Finance Officer in an amount of Twenty Six Thousand, Nine Hundred and Twenty Seven Dollars and twenty one cents ($26,927.21).

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 reimbursement of expenses to Kaplan, Gaunt & DeSantis, in the sum of Twenty Six Thousand Nine Hundred and Twenty Seven Dollars and twenty one cents as an amendment to Phase III of the architect's proposal, "Bidding fee" relative to the new Municipal Complex.

2. The within Resolution is subject to a certification of the Municipal Finance Officer as to the availability of such funds from the within bond ordinance.

3. Copies of the within Resolution shall be forwarded to the project architect, Edmund H. Gaunt, Jr. and to the Municipal Finance Officer and the Borough Clerk shall retain a copy of the within Resolution for public inspection.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

16. Resolution #247-02, Amend July 2nd Payment of Bills

WHEREAS, on July 2, 2002, the Mayor and Council of the borough of Keyport passed Resolution #218-02 for the Payment of Bills; and

WHEREAS, a payment was made to Black Beard Cave in the amount of $180.00 in the Current Section of the Payment of Bills; and

WHEREAS, the Treasurer has advised that Black Beard Cave, the vendor was late opening up, so the charge for the Counselors was waived.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Keyport that check #014672 in the amount of $180.00 is hereby voided and the Current Section of the July 2, 2002 Payment of Bills balance be amended to read $253,280.91.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

17. Resolution #248-02, Cancel Tax Sale Certificate Block 1, Lot 46

WHEREAS, the Borough has heretofore conducted a sale for unpaid taxes of premises known as Block 1, Lot 46, premises listed in the name of John W. Nappi, now Antlor; and

WHEREAS, the Borough of Keyport has issued Tax Sale Certificate #97-0022 with regard to said sale; and

WHEREAS, the Tax Collector has advised the Mayor and Council that payment has been made in full for all taxes due in conjunction with said Tax Sale Certificate and for the redemption thereof.

NOW, THEREFORE, BE IT RESOLVED that the Tax Collector is hereby authorized to cancel sale Tax Sale Certificate of Record and to take such steps as may be required to officially record said cancellation.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter

Absent: Councilmembers Bergen and Atkins

18. Resolution #249-02, Hire Part Time Special Law Enforcement Officer, Class I, Timothy Regan

WHEREAS, on May 7, 2002, Timothy E. Regan was appointed as Part Time Special Police Officer, Class I, effective May 8, 2002 contingent upon graduating from the Monmouth County Police Academy; and

WHEREAS, on May 28, 2002 Timothy E. Regan completed his training and graduated from the Monmouth County Police Academy.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Timothy E. Regan is hereby appointed as a Part Time Special Police Officer, Class I, retroactive to May 28, 2002 at the salary currently in effect for this position.

BE IT FURTHER RESOLVED that since this is a Part Time position there are no benefits and the maximum amount of hours is not to exceed 28 hours per week.

BE IT FURTHER RESOLVED that since this is a Part Time position this appointment will expire on December 31, 2002.

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

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

19. Resolution #250-02, Reject Bids Received for Boiler Replacement/Senior Center

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the replacement of the boiler located at the Keyport Senior Center; 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 various alternate work proposals requested by the Borough of Keyport as part of the bid specifications; and

WHEREAS, the Mayor and Council have determined that there are insufficient funds in the applicable ordinance to award a contract based upon the bids received and upon further recommendation of the Borough Engineer, the Mayor and Council have determined to reject the bids 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 replacement of the boiler at the Keyport Senior Center based upon the availability of funds in the current bond ordinance which are insufficient to award a contract for the within project.

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 on file for public inspection.

5. 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. Stalter

Roll Call Vote: Ayes: Councilmembers Merla, Ashmore, Hyer, Stalter
Absent: Councilmembers Bergen and Atkins

20. Resolution #251-02, Appointment of Special Legal Counsels in Magic Touch Litigation.

WHEREAS, the Mayor and Council of the Borough of Keyport have previously authorized the appointment of Counsel for the Mayor, Councilmembers and Borough employees named in certain punitive damages counts relative to litigation commenced as Magic Touch Construction Company et al. vs. Borough of Keyport, et al pending in the Superior Court of New Jersey, Monmouth County, under Docket No. MON-L-2755-00; and

WHEREAS, pursuant to the previous resolution the Mayor, Councilmembers and Borough Employees have been authorized to retain personal counsel for the purposes of defending the punitive damages claimed in the within litigation; and

WHEREAS, the Mayor and Council of the Borough of Keyport have been advised of the names of the various attorneys selected and desire to memorialize their appointment as special counsel relative to the punitive damage claims raised in connection with the Magic Touch litigation.

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

1. The Mayor and Borough Council hereby appoint Pasquale A. Menna, Esq., Red Bank, New Jersey as Special Legal Counsel on the Magic Touch litigation on behalf of former Councilman George Walling.

2. The Mayor and Borough Council hereby appoint John R. Fiorino, Jr., Esq., Aberdeen, New Jersey, as Special Legal Counsel on the Magic Touch litigation, on behalf of Councilman Robert J. Bergen.

3. The Mayor and Borough Council hereby appoint Keith P. Jones, Esq., Princeton, New Jersey, as Special Legal Counsel on the Magic Touch litigation on behalf of Mayor Kevin Graham.

4. The Mayor and Borough Council hereby appoint Donald M. Lomurro, Esq., Freehold, New Jersey, as Special Legal Counsel on the Magic Touch litigation on behalf of Judith L. Poling, Borough Clerk/Administrator.

5. The within resolution confirms the appointment of counsel previously authorized by Resolution of the Mayor and Council. All terms of the previous Resolution not expressly modified herein are hereby confirmed.

6. Certified copies of the within Resolution shall be forwarded to the Special Legal Counsel named herein, to the Municipal Finance Officer and to the Borough Attorney and a copy shall be maintained in the office of the Borough Clerk for public inspection.

7. The within appointment is made without competitive bidding as same constitute a professional service under applicable New Jersey Statutes.

8. That a notice of the within appointments shall be published in a local newspaper of the Borough of Keyport as provided by law.

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

Roll Call Vote: Ayes: Councilmembers Hyer and Stalter
Nays: None
Abstain: Councilmembers Merla and Ashmore
Absent: Councilmembers Bergen and Atkins

ADJOURNMENT

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

Time of Adjournment: 9:41 PM

Respectfully submitted,

Judith L. Poling /amc

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

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk

SECTION 2 - UPON ADOPTION FOR YEAR 2002
(Only to be Included in the Budget as Finally Adopted)

RESOLUTION 234-02

Be it Resolved by the Borough Council of the Borough of Key port, County of Mon mouth that the budget herein before set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of:

(a) 2,995,566.52 (Item 2 below) for municipal purposes, and"
(b) ______ (Item 3 below) fo School Purposes in Type 1 School Districts only (N.J.S.A. 18A:9-2) to be raised by taxation and,
(c) ______ (Item 4 below) to be added to the certificate of amount to be raised by taxation for local school purposes in Type II School Districts only (N.J.S. 18A:9-3) and certification to the County Board of Taxation of the following summary of general revenues and appropriations.
(d) ______ (Sheet 43) Open Space, Recreation, Farmland and Historic Preservation Trust Fund Levy

RECORDED VOTE (Insert last name) Offered for adoption by Mr. Merla, seconded by Mr. Stalter

Ayes { Merla, Ashmore, Hyer, Stalter

Nays { None

Abstained { None

Absent { Bergen, Atkins

SUMMARY OF REVENUES

1. General Revenues				
Surplus Anticipated			08-100	850,338.00
Miscellaneous Revenues Anticipated			40004-10	1,980,256.27
Receipts from Delinquent Taxes			15-499	429,000.00
2. AMOUNT TO BE RAISED BY TAXATION FOR MUNICIPAL PURPOSES (Item 6(a), Sheet 11)			07-190	2,995,566.52
3. AMOUNT TO BE RAISED BY TAXATION FOR SCHOOLS IN TYPE I SCHOOL DISTRICTS ONLY: Item 6, Sheet 42	07-195			
Item 6(b), Sheet 13 (N.J.S. 40A:4-14)	07-191			
Total Amount to be Raised by Taxation for Schools in Type I School Districts Only				
4. To Be Added TO THE CERTIFICATE FOR AMOUNT TO BE RAISED BY TAXATION FOR SCHOOL IN TYPE II SCHOOL DISTRICTS ONLY: Item 6(b), Sheet 13 (N.J.S. 40A:4-14)			07-191	
Total Revenues			40000-00	6,255,160.79

SUMMARY OF APPROPRIATIONS

5. GENERAL APPROPRIATIONS	xxxxxxx	xxxxxxxxxxxxxxxxxxxx
Within "CAPS"	xxxxxxx	xxxxxxxxxxxxxxxxxxxx
(a&b) Operations Including Contingent	30001-00	4,347,705.00
(e) Deferred Charges and Statutory Expenditures - Municipal	30004-00	107,700.00
(f) Judgements	46-885	
Excluded from "CAPS"	xxxxxxx	xxxxxxxxxxxxxxxxxxxx
(a) Operations - Total Operations Excluded from "CAPS"	60023-00	632,066.90
(c) Capital Improvements	60002-00	30,000.00
(d) Municipal Debt Service	60003-00	456,906.00
(e) Deferred Charges - Municipal	60024-00	
(f) Judgements	37-480	
(n) Transferred to Board of Education for Use of Local Schools (N.J.S. 40:48-17.1 & 17.3)	29-405	87,391.00
(g) Cash Deficit	46-885	
(k) For Local District School Purposes	60008-00	
(m) Reserve for Uncollected Taxes (Include Other Reserves if Any)	50-899	593,391.89
6. SCHOOL APPROPRIATIONS - TYPE I SCHOOL DISTRICTS ONLY (N.J.S. 40A:4-13)	60010-00	
Total Appropriations	30000-00	6,255,160.79

It is hereby certified that the within budget is a true copy of the budget finally adopted by resolution of the Governing Body on the 16th day of July, 2002. It is further certified that each item of revenue and appropriation is set forth in the same amount and by the same title as appeared in the 2002 approved budget and all amendments thereto, If any, which have been previously approved by the Director of Local Government Services.

Certfied by me this 16th day of July, 2002 Judith L. Poling Clerk

Signature

Judith L. Poling, CMC

Sheet 42