Approved 12/6/05

July 6, 2004
Keyport, New Jersey

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

Council President Atkins called the meeting to order at 6:38 P.M. and read the Sunshine Law Notice.

ROLL CALL

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

RESOLUTION

1. Resolution #230-04, Closed Meeting - Personnel, Litigation, and Contract Negotiations

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

Personnel
1. Construction Code Office
2. Building Maintenance Worker
3. Early Retirement Initiative
4. CERT Program

Litigation
1. Magic Touch vs. Borough of Keyport
2. Tax Appeal - Keyport Plaza vs. Borough of Keyport
3. Tax Appeal - Velos vs. Borough of Keyport

Contract Negotiations
1. Cable TV Contract
2. Garbage Contract
3. Public Works Facility Lease
4. Municipal Complex
5. Keyport Legion Apartment Agreement

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

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that a meeting of the Mayor and Council shall be held forthwith from which the public shall be excluded in the Council Chambers, Borough Hall 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 Mr. Hyer, seconded by Mr. Doyle

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

Council went into closed session at 6:38 P.M. and this meeting was reconvened at 8:06 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 Wedick, Bergen (arrived 7:01 P.M.), Doyle, Atkins, Stalter (arrived 6:43 P.M.), Hyer. Others present: Mr. Kain, Borough Attorney, Mr. Freda, Borough Engineer and Borough Administrator Palamara (arrived 6:44 P.M.).

APPROVAL OF MINUTES

Motion to approve the minutes of the Work Meeting of June 1, 2004 moved by Mr. Hyer, second by Mr. Stalter with Ayes by all present.

HEARINGS ON ORDINANCES

1. Ordinance #11-04, Bond Ordinance, William A. Ralph Fishing Pier - $850,000

The Borough Clerk reported that the Supplemental Debt Statement was received by the Division of Local Government Services.

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

The Borough Clerk read the Ordinance by Title:

BOND ORDINANCE PROVIDING FOR THE REPLACEMENT OF THE WILLIAM RALPH PIER, BY AND IN THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY; APPROPRIATING $850,000 (INCLUDING A GREEN ACRES GRANT FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF $340,750) THEREFOR AND AUTHORIZING THE ISSUANCE OF $850,000 BONDS OR NOTES OF THE BOROUGH TO FINANCE THE COST THEREOF

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

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

SECTION 2. For the financing of said improvement or purpose described in Section 3 hereof and to meet said $850,000 appropriation, negotiable bonds of the Borough are hereby authorized to be issued in the principal amount of $850,000 pursuant to the Local Bond Law, NJSA 40A:201 et seq., as amended and supplemented (the "Local Bond Law"). In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Borough in a principal amount not exceeding $850,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. Said negotiable bonds or notes authorized under this section

include any bonds or notes issued to memorialize a Green Acres Loan from the New Jersey Department of Environmental Protection.

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

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

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

SECTION 4. Except for the Grant, in the event the United States of America, the State of new Jersey and/or the County of Monmouth 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 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. Except for the Grant, 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 so sold, the price obtained and the name of the purchaser.

SECTION 6. The Capital Budget of the borough is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency, a resolution in the form promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Programs as approved by the Director of the Division of

Local Government Services, New Jersey Department of Community Affairs will be on file in the office of the Clerk and will be available for public inspection.

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

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

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

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly 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 $850,000 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 $200,000 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 Regular Section 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditure 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 devise 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 expenditure 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 $850,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

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

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

The Hearing on the Ordinance was opened to the public at 8:12 P.M. George Walling, Second Street, asked if there was a letter from the Harbor Commission? Mr. Hyer said there was discussion regarding the original cost. Mr. Walling asked if the current pier is sound. Mr. Hyer said Engineer Freda attended a Harbor Meeting and made an inspection. Mr. Bergen said he would vote for the Bond Ordinance, but the Engineer is not to start the work; there is a concern regarding the scope of work. Mr. Bergen said he is not convinced the pier needs to be totally taken down. Mr. Hyer asked about widening the pier.

Mike Lane, First Street, said there is periodic maintenance done on the Yacht Club pier. He recommended the Borough get an expert regarding stringers. Mayor Merla advised the Borough accepted grant money based on the replacement of the pier and we have applied for more money for the second phase. Phase I will cost $350,000 and Phase II will cost the same. It was asked if the taxpayers money is being spent; no. Mr. Bergen said the Borough will look at the project and the experts.

Joanne Staeger, Main Street, asked how the pier ties into the bulkhead. Mayor Merla said the Borough is looking for road approval and doing the bulkhead work in September. Mr. Wedick asked if there were time constraints on the grant. Mayor Merla said it is according to the Borough's schedule. Engineer Freda said it is O.K. according to the State if the Borough keeps moving and showing progress. The Mayor said the Borough was given a grant and advised to apply for another one. Mr. Wedick asked if there are changes from replacement to repair what the scenario is on funding. Engineer Freda said initially the inspection was done before the grant application. With regard to the structural aspect, the Engineer felt there were problems and repairs and upgrade were done (bracing-stringers).

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:31 P.M.

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

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

Absent: None

*Mr. Bergen would like a study done.

1a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of July 8, 2004, moved by Mr. Doyle, second by Mr. Stalter with Ayes by all present.

2. Ordinance #12-04, Bond Ordinance amending Bond Ordinance #20-03, Atlantic Street Improvements adding $450,000 for a total of $850,000

The Clerk reported that the Supplemental Debt Statement was received by the Division of Local Government Services.

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

The Borough Clerk read the Ordinance by Title:

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NO. 20-03 (WHICH PROVIDES FOR IMPROVEMENTS TO ATLANTIC STREET) HERETOFORE FINALLY ADOPTED BY THE BOROUGH COUNCIL OF THE BOROUGH OF KEYPORT, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, ON AUGUST 5, 2003 TO THEREIN INCREASE THE APPROPRIATION TO $850,000 (INCLUDING NEW JERSEY DEPARTMENT OF TRANSPORTATION GRANTS IN THE AGGREGATE PRINCIPAL AMOUNT OF $310,000) AND TO THEREIN INCREASE THE AUTHORIZATION OF BONDS OR NOTES TO $540,000

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

SECTION 1. The bond ordinance of the Borough of Keyport, County of Monmouth, State of New Jersey (the "Borough") heretofore finally adopted by the Borough Council on August 5, 2003, numbered 20-03 and entitled "Bond Ordinance Providing for Improvements to Atlantic Street by and in the Borough of Keyport, in the County of Monmouth, State of New Jersey, appropriating $400,000 (including a New Jersey Department of Transportation Grant in the amount of $160,000) therefore and authorizing the issuance of $240,000 Bonds or Notes of the Borough to finance part of the cost thereof" (the "Original Ordinance") which Original Ordinance is hereby amended and supplemented to the extent and with the effect as follows:

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

SECTION 3. (a) In order to finance the cost of the improvement or purpose set forth in Section 3 of the Original Ordinance, as amended and supplemented hereby, not covered by the Grants, additional negotiable bonds or notes of the Borough in the amount of $300,000 are hereby authorized to be issued by the

Borough, such that the total authorization of negotiable bonds or notes to be issued by the Borough for the improvement or purpose stated in Section 3 of the Original Ordinance, as amended and supplemented hereby, is equal to $540,000.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose stated in the Original Ordinance, as amended and supplemented hereby is equal to $540,000.

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

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

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

(a) The Supplemental Debt Statement required by the Local Bond Law, NJSA 40A:201 et seq. as amended and supplemented (the "Local Bond Law") has been duly made and filed in the Office of the Clerk of the Borough and a complete executed duplicate thereof has been filed in the Office of the Director of the Division of Local Government Services, and such statement shows that the gross debt of the Borough as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided for in this amendatory and supplemental bond ordinance by $300,000 and the said obligations authorized herein will be within all debt limitations prescribed by law.

(b) For the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby, the additional sum of $100,000 is hereby included for the items of expense listed in and permitted under NJSA 40A:2-20 making the total amount for such items of expense $250,000, such total amount being included in the estimated cost indicated herein for the improvement or purpose set forth in the Original Ordinance, as amended and supplemented hereby.

SECTION 6. The Borough reasonably expects to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance , as amended and supplemented hereby and paid prior to the issuance of any bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby with the proceeds of such bonds or notes. No funds from sources other than the bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, have been or are reasonably expected to be reserved, allocated on a long term basis or otherwise set aside by the Borough, or any members of the same "Controlled Group" as the Borough, within the meaning of Treasury Regulation 1.150-1(e), pursuant to its budget or financial policies with respect to any expenditures to be reimbursed. This Section 6 is intended to be and hereby is a declaration of the Borough's official intent to reimburse any expenditures toward the cost of the improvement or purpose described in the Original Ordinance, as amended and supplemented hereby, to be incurred and paid prior to the issuance of bonds or notes authorized by the Original Ordinance, as amended and supplemented hereby, in accordance with Treasury Regulation Section 1.150-2 and no further action (or inaction) will be an abusive arbitrage 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 expenditure 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 $540,000. The costs to be reimbursed with the proceeds of the bonds or notes authorized herein will be "capital expenditures" in accordance with the meaning of section 150 of the Code and Treasury Regulation Section 1.150-1. This provision will take effect immediately but will be of no effect with regard to expenditures for costs paid outside the permitted reimbursement period set forth in Treasury Regulation Section 1.150-2(d)(2).

SECTION 7. The Borough covenants to maintain the exclusion from gross income under section 103(a) of the Code of the interest on all bonds and notes issued under this Ordinance.

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

SECTION 9. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption and approval by the Mayor, as provided by the Local Bond Law.

The Hearing on the Ordinance was opened to the public at 8:33 P.M. George Walling, Second Street, said Tony Gallo had some concerns regarding drainage. Engineer Freda said he met with Mr. Gallo and that section is worse. The Grant did not include sidewalks and curbs. The project will be done in two phases. The Borough will apply to Monmouth County Community Development for funds.

Larry King asked regarding all bond ordinance, where are the funds. The Mayor said the Ordinance has a number and the Borough would draw from the Bond Ordinance. Mr. Bergen said it is accounted for by the Bond.

There being no one further from the audience who wished to be heard, the Hearing was closed to the public at 8:37 P.M

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

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

2a. Motion authorizing the Borough Clerk to publish the Ordinance as finally adopted according to law in the Courier, issue of July 8, 2004, moved by Mr. Hassmiller, second by Mr. Stalter with Ayes by all present.

COMMUNICATIONS AND PETITIONS

1. Letter from Janet L. Fischer, granddaughter of Ruth Raupp,

former School Crossing Guard, now deceased, requesting memorialization.

Motion to refer to Mr. Hyer and the Special Events Committee moved by Mr. Wedick, second by Mr. Doyle with Ayes by all present.

2. Application for membership in the Keyport Fire Department/Hook and Ladder Company (contingent upon State Approval)

   Motion to Approve moved by Mr. Hyer, second by Mr. Wedick with Ayes by all present.

3. Request from William J. Jeandron that the Borough waive additional fees for volunteers and questioning the Landlord Registration Fee as it pertains to him.

   Motion to refer to the Borough Administrator and list on the July 20th Agenda moved by Mrs. Atkins, seconded by Mr. Hyer with Ayes by all present.

4. Resolution adopted by the Townships of South Brunswick and Mansfield requesting the Governor and Legislation to implement a State sponsored financial aid program for the military reservists and National Guard member deployed in the Global War on Terror.

   Motion to list a supportive Resolution moved by Mr. Stalter, second by Mr. Doyle with Ayes by all present.

5. Leonard Rubenstein request to purchase Block 101, Lot 43.

   Mayor Merla said the Borough needs to move on properties. Mr. Bergen said the Borough should look first; the properties may be in redevelopment zones. Mr. Doyle said there have been 6 inquiries in the past 12 months and the Borough should respond to them.

   Motion to refer to Buildings and Grounds Committee moved by Mr. Doyle, second by Mrs. Atkins with Ayes by all present.

UNFINISHED BUSINESS

1. **Community Development Letter.** Mrs. Atkins said the Borough needs to appoint another representative; she has a work conflict. The Borough Administrator should be appointed.

2. **Traffic Study.** Mr. Stalter asked if a traffic study has been done for the intersection of First Street and Green Grove Avenue (they are County Roads). There were 3 "near accidents" within 30 minutes. This matter is referred to the Police Committee and Police Chief. The Mayor said a request should be sent to the County. Other areas that are bad are Hurley Street and Church Street, Main and Maple, Beers and Maple and Maple and Green Grove. County Roads should be addressed.

3. **Woodmont Development.** The Mayor asked Mrs. Atkins to have Recreation address Woodmont on the park.

ADMINISTRATOR'S REPORT

Mr. Palamara reported on the following. Payment of Bills for May 25, 2004 are as follows: **CURRENT** - $125,879.73, **WATER AND SEWER** - $15,980.27 and **RBIT** - $699.73. Payment of Bills for June 22, 2004 are as follows: **CURRENT** - $328,652.47, **WATER AND SEWER** - $466,834.72, **GENERAL CAPITAL** - $$500,355.25 and RBIT - $2,851.99. Payment of Bills for June 29, 2004 are as follows: **CURRENT** - 200,000.00 and General Capital - $500,000.00. The Borough is currently 100% on the Borough's Water Plant System. Improvements will be made to the clarifier, aerator and running the interconnection with Shorelands. There is a shift in the July to August requirements. Mr. Bergen said Ed Ranier is the Licensed Water Plant Operator and he should coordinate this work with Shorelands). With regard to Jonathan English, there are extra shirts for going door to door. Mr. Palamara and Mr. Doyle met with

Nancy Germek. As per Mr. Doyle's letter, we need two people; one for day and the other at night (to wash floors, wax and polish floors). Oscar may fill in for Ms. Germek when she is onvacation. Mr. Doyle said in the new building, maintenance is paramount. The second person is needed because there was a decline in upkeep. Mr. Bergen asked how the Borough is going to afford this.

With regard to the garbage contract, there is a preliminary cost for equipment and personnel; it would cost $280,000 for the Borough to pick up its own garbage with two trucks. Mr. Bergen asked about maintenance of the trucks.

With regard to the Public Works Garage, the specifications were adjusted to reduce costs. Engineer Freda will address this matter in a letter and/or report.

There may be an amendment to the Water/Sewer Ordinance for second meters and paying a minimum charge for four quarters.

Mayor Merla said he would like to thank the American Legion for the flag poles and flags. A presentation will be done at the July 20th meeting.

ENGINEER'S REPORT

Mr. Freda reported on the following. He will review and research a request from Maser Consulting for a letter stating that the Borough is able to provide Water/Sewer service to a multi-unit residential project. They will advance fees to cover; Engineer Freda will check with George Sappah. Traffic counts were done for two weeks on American Legion Drive; the information will be submitted Mr. Hyer and Mr. Stalter (Mayor and Council will be copied). The Harbor Commission asked to set the elevation of the new bulkhead. The Mayor said they will be put up and the Harbor Commission will view them and then take it down (it should be put up for one week).

The work is moving along on Theresa Street (the Contractor is good); 6″ to 8″ PVC pipe to hook up the sump pumps ($50,000). The park equipment can be roped off and the Borough can get a dumpster or take it to the yard. Curbs and sidewalks come around the corner (3 houses on Provost and one on Chandler). Engineer Freda will submit a change order for Council's consideration.

ATTORNEY'S REPORT

Mr. Kain reported on the following. A settlement proposal was received on the Magic Touch Case; this was discussed in closed session. He will respond back that the proposal is unacceptable and the matter will go to the Appellate Division.

NEW BUSINESS

1. **Drug Alliance Meeting.** Mrs. Atkins said she asked Joanne Staeger to come to the Drug Alliance Meeting. She apologized to Mrs. Staeger because she arrived late to the meeting.

2. **Ribbon Cutting.** Mr. Doyle said official invitations are going out for the New Municipal Complex ribbon cutting ceremony. The event will take place on August 7, 2004.

3. **Parks and Playgrounds.** The Mayor said an inventory was done on the parks and playgrounds. Mrs. Atkins was asked to look at the Waterfront at Benjamin Terry Park for benches. Mr. Doyle said there are visioning groups that said the same thing about the benches. The area is still settling and there is temporary fencing there. Mr. Hyer said George Sappah is getting costs on benches and umbrellas.

4. **Water Lines.** Mr. Palamara was asked to advance on the next step of the water lines being tested. We are losing water through the lines and meters. Mr. Bergen requested the sewer lines be done first; it could take 6-8 weeks to do the work.

5. **Livable Communities.** Last year a Livable Communities Grant was submitted. Engineer Freda should take that information and submit a Monmouth County Open Space grant.

6. **Grant.** The Borough received a Domestic Violence Training Grant in the amount of $1,602.00.

7. Thank yous were received from the Central School and High School on graduations.

8. Mr. Doyle, Mrs. Atkins and the Mayor attended a summit on the Shore. Governor McGreevey convened the meeting. Senator Kyrillos was asked to set up a meeting with the Casino Investment Authority Executive Director. Mr. Doyle said there will be Bed and Breakfasts at the Aeromarine site. The Jersey Shore is being promoted from the Delaware Shore.

PUBLIC COMMENT PORTION

The Meeting was opened to the public at 9:40 P.M. for comments or questions. Lawrence King, 28 Cedar Drive, Colts Neck, contractor for the new Municipal Complex said for 6-7 months the Borough owes his company $83,000. Mr. Kain said certain things must be done before the check is released. When Mr. Kantor's release has been received, The Montanari property repaired and an expert inspection has been done, the funds will be released. Mr. King said the Architect, Ned Gaunt, approved the voucher in January and it was pulled. Mr. King said the issues have been taken care of i.e. railings, roof leaks, etc. Mr. Wedick said the State Department of Corrections has a list. There was discussion on what has and has not been done. The Mayor said hopefully the payment and punch list items will be rectified.

Joanne Staeger, Main Street, said the garbage truck is in town too early and they pick and choose what they want to take. The contractor is also taking payment. Mr. Kain said this matter should be referred to the Police Department. Mr. Wedick said the Borough is restricting all multi-family items. Each department must follow up on this matter. Mrs. Staeger asked how the tagging program is going. Mayor Merla asked how the departments are following up; Chief Gajewski said there is a desk complaint entered and an officer follows up on it. There should be a stapling of the recycling brochure to the Certificates of Occupancy. Each department should address the violations that are cited. The Board of Health is adopting Ordinances. Mr. Bergen said the garbage truck should be followed and the public educated.

There has been ponding at the intersection of Broad and Warren Streets for one week. Mrs. Staeger said with regard to Benjamin Terry Park, the Monmouth County Vocational school will do the work if the Borough pays for the materials (overhead for benches). The Recreation members should attend the Committee meetings. It was asked if ad-hoc committee could be formed to address concerns. She questioned the full time cleaning person going on vacation already; one day of vacation per month is accrued.

Eleanor Cosgrove, First Street, said she attended the June 15th Council Meeting regarding 25 Church Street. She asked about a construction debris ordinance. She said she reported to the Police Department 29 bags that were unloaded and the people came back and unloaded more bags. Mr. Bergen said people cannot bring debris from a job site into Keyport and dump it. Chief Gajewski asked who should issue summonses the Police or Construction Code Official. Mr. Bergen said Construction Code Official. Mr. Bergen said if garbage is picked up before 6 AM, the Police or Construction Code Official should check. Administrator Palamara said he and the residents have been conferring on 25 Church Street; all fees have been paid. The driveway fronts on a County Road.

Mike Lane, First Street, said the residents and Mr. Dubleski have met. The residents do not object to the approved plan and Mr. Dubleski can close the driveway on First Street. Mayor Merla said the

Planning Board approved the project in 1999. Mr. Bergen said the Construction Code Official should shut Mr. Dubleski down. Mr. Lane said the Borough and County gave conditional approval on the project. The Mayor said the Borough has spent more time on this matter. Robert Burlew should be contacted on July 7^{th} and be advised to shut Mr. Alfano down because there is no Certificate of Occupancy.

Mrs. Cosgrove said the van has not been moved from Mr. Dubleski's property. Mr. Bergen requested Attorney Kain prepare an Ordinance covering boats on residential and commercial properties.

The Borough Clerk resolved matters with the owner of the Passport Café, 6 Broad Street. There is a resolution to approve the Liquor License renewal on this evening's agenda.

George Walling, Second Street, asked about Green Grove Apartments. The Mayor said there is a new manager. A letter will be sent to them inviting them to come to a special meeting. An Ordinance will be prepared to limit parking on the side streets to residents only and rescind Green Grove Avenue Parking. Mr. Walling asked if the soil has been tested at the end of Beers Street. The Mayor said he moved within the Borough and it does not need to be tested. Mr. Walling asked about a No Parking sign at the Bulkhead. Attorney Kain said it is public parking and he will reach out to the owner; the Borough owns the property. Mr. Walling asked where the Mayor's residency is; 120 First Street, not 17 Atlantic Street.

There being no one further from the audience who wished to be heard, the meeting was closed to the public at 10:52 P.M.

RESOLUTIONS

2. Resolution #231-04, Payment of Bills

See full copy of Resolution as pages 21-23 of these minutes.

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

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

3. Resolution #232-04, Approving and authorizing execution of Borough Attorney Contract for 2004

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

WHEREAS, on January 1, 2004, Wesley M. Kain was appointed as the Borough Attorney for the year 2004; and

WHEREAS, it is desirable to have a contract document which spells out the terms and conditions of the employment of the Borough Attorney.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Keyport, County of Monmouth, State of New Jersey that the attached contract, marked Exhibit "A" for the legal services of Wesley M. Kain be and hereby is approved.

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk are hereby authorized to execute said Contract on behalf of the Borough of Keyport.

BE IT FURTHER RESOLVED that a notice of this Resolution and Award of Contract shall be published as required by law.

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

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

4. Approving and authorizing the Borough Engineer to prepare and submit NJDOT application for Improvements to Warren Street and Coluco Place and authorizing Mayor to sign application. This was deleted

5. Resolution No. 235-04, Hire Part Time PSTO-Sandra Burton (retroactive back to June 22, 2004)

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

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

WHEREAS, the Captain and Lieutenant have recommended that Sandra E. Burton be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

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

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

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $7.00 per hour during training and shall increase to $10.00 per hour when the employee is fully trained; that the maximum number of hours per week is not to exceed 28 hours except until the two vacancies are filled there is no limit on the maximum number of hours per week, and that there are no benefits provided for this part time position.

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

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

6. Resolution No. 236-05, Approve Public Works Facility Lease and authorizing Mayor to execute.

WHEREAS, the Mayor and Council have previously authorized the construction of a new public works facility which will provide a permanent location for the Department of Public Works and which will better serve the needs of the residents of the Borough; and

WHEREAS, preliminary plans and bid specifications were prepared and advertised to construct the new public works facility; and

WHEREAS, until such time as construction is commenced and completed, it remains necessary for the Department of Public Works to remain in its present location, 120 Francis Street, Unit 18, Keyport, New Jersey which is leased by the Borough of Keyport from Swift Properties; and

WHEREAS, the lease agreement by and between the Borough of Keyport and the landlord, Swift Properties will expire on July 31, 2004; and

WHEREAS, it has become necessary for the Borough of Keyport to seek a renewal of the lease agreement for 120 Francis Street, Unit 18 commencing August 1, 2004 through July 31, 2005 with certain options which will permit the borough to extend the lease for an additional two, one year terms through July 31, 2007; and

WHEREAS, the Mayor and Council desire to authorize the extension of the within lease agreement with Swift Properties, for an initial one year term commencing August 1, 2004 through July 31, 2005 with two additional one year options at the monthly rental of $5,008.28 per month or at the yearly rent of $60,099.36 payable to the landlord, Swift Properties.

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

1. The Mayor and Council authorize a one year lease extension of the lease agreement with Swift Properties for the premises designated at 120 Francis Street, Unit 18 for a term commencing August 1, 2004 through July 31, 2005 at the monthly rent of $5,008.28 or $60,099.36 per year with an option for two additional one year terms.

2. The Mayor and Borough Clerk are hereby authorized to execute any such lease extension or letter addendum consistent with the terms herein to effectuate the within lease execution.

3. Copies of the within Resolution shall be forwarded to the Municipal Finance Officer and Borough Attorney.

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

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

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

7. Resolution No. 237-04, Authorize Application for State Aid and for the Mayor to execute Stormwater Grant Agreement

WHEREAS, the Governing Body of the Borough of Keyport desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of approximately $8,468.00 to fund the following project:

MUNICIPAL STORMWATER REGULATION PROGRAM

NOW, THEREFORE, BE IT RESOLVED by the Governing Body resolves that John J. Merla or the successor to the Office of the Mayor is authorized to make application for such a grant, if awarded, to execute a grant agreement with the State for a grant in an amount not less than $8,648.00 and not more than $8,468.00 and to execute any amendments thereto.

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

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

8. Resolution No. 238-04, Hire Part Time Public Safety Telecommunications Operator - Carol A. Fox

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

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

WHEREAS, the Captain and Lieutenant have recommended that Carol A. Fox be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Carol A. Fox is hereby hired as temporary Part Time Public Safety Telecommunications Operator effective July 6, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $7.00 per hour during training and shall increase to $10.00 per hour when the employee is fully trained; that the maximum number of hours per week is not to exceed 28 hours except until the two vacancies are filled there is no limit on the maximum number of hours per week, and that there are no benefits provided for this part time position.

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

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

9. Resolution No. 239-04, Hire Part Time Public Safety Telecommunications Operator - Barbara O'Such

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

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

WHEREAS, the Captain and Lieutenant have recommended that Barbara O'Such be hired for the position of temporary Part Time Public Safety Telecommunications Operator; and

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

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that Barbara O'Such is hereby hired as temporary Part Time Public Safety Telecommunications Operator effective July 6, 2004.

BE IT FURTHER RESOLVED that the hourly rate for this position shall be $7.00 per hour during training and shall increase to $10.00 per hour when the employee is fully trained; that the maximum number of hours per week is not to exceed 28 hours except until the two vacancies are filled there is no limit on the maximum number of hours per week, and that there are no benefits provided for this part time position.

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

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

10. Resolution No. 240-04, Set Hourly Rates for Part Time Public Safety Telecommunication Operator

WHEREAS, the Borough of Keyport regularly needs Public Safety Telecommunications Operators on a part time basis; and

WHEREAS, the Chief, Captain and Lieutenant have recommended that to obtain and retain qualified people in this position, the pay rate for Part Time Public Safety Telecommunications Operators be increased to $10,00 per hour when fully trained; and

WHEREAS, the Chief can maintain his budget with this increase; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council that effective July 7, 2004, the hourly rate for all Part Time Public Safety Telecommunications Operators shall be $7.00 per hour during training and shall increase to $10.00 per hour when that employee is fully trained.

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

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

11. Resolution No. 241-04, 2004-2005 Liquor License Renewal, Raysar, Inc. t/a Passport Café and Liquors

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

1322-33-008-005 Raysar, Inc., t/a Passport Café & Liquors

BE IT RESOLVED that all licenses renewed herein, except package stores, but including Retail Consumption Licenses, Plenary

Retail Distribution Licenses and Club Licenses shall have exit and entrance doors to licensed premises closed during all business hours.

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

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

12. Resolution No. 242-04, CERT Program Support

BE IT RESOLVED that the Mayor and Council of the Borough of Keyport hereby supports the Community Emergency Response Team (CERT) Program.

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

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

13. Resolution No. 243-04, Appoint Borough Administrator as Monmouth County Community Development Representative

WHEREAS, on January 1, 2004 Councilmember June E. Atkins was appointed as the Borough of Keyport Monmouth County community Development Representative; and

WHEREAS, Mrs. Atkins has advised the Mayor and Council that due to her work schedule, she is no longer able to fill the position.

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

David G. Palamara, Business Administrator, is hereby appointed to the position of Monmouth County Community Development Representative for the remainder of 2004 effective July 7, 2004.

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

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

14. Resolution No. 244-04, Hire Part Time Building and Grounds Maintenance Worker

WHEREAS, it is necessary to hire a Part Time Building and Grounds Maintenance Worker for the Keyport Public Works Department to perform daily cleaning on the Borough Municipal Building and Senior Building during the absence of the full time Building and Grounds Maintenance Worker; and

WHEREAS, Oscar Acuna was previously employed by the Borough in this part time position from January 2003 through June 2004 and left this job, in good standing because of obligations to his full time job; and

WHEREAS, Mr. Acuna is now able to perform this job during the expected period of absence.

NOW, THEREFORE, BE IT RESOLVED by the Governing body of the Borough of Keyport, in the County of Monmouth, State of New Jersey that Oscar Acuna is hereby hired as temporary Part Time Building and Grounds Maintenance Worker effective July 6, 2004.

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

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

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

15. Resolution No. 245-04, Authorize disposal of Borough Park and Playground Equipment

WHEREAS, the Mayor and Council have recently authorized certain capital improvements to Therese Street consisting of roadway repaving and the installation of various curbs and sidewalks; and

WHEREAS, as part of the improvements, certain items of playground equipment were removed from Therese Street Park with the determination that due to the age and condition of the equipment and in consideration of safety issues, that the within equipment could not be restored; and

WHEREAS, the Mayor and Council have determined that the within equipment is no longer necessary for municipal purpose due to the age, condition and safety considerations and are resolved to authorize the disposal of the aforesaid equipment.

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 disposal of certain playground equipment from Therese Street Park which is determined to no longer be necessary for public use based upon the age and condition of the equipment and the safety considerations for use by young children at the park.

2. The Mayor and Council authorize the disposal of the within equipment deemed no longer necessary for municipal use in accordance with applicable State Statute.

3. Copies of the within Resolution shall be forwarded to the Superintendent of the Department of Public Works, Borough Engineer and Borough Attorney and a copy of the within Resolution shall be maintained in the Office of the Borough Clerk for public inspection.

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

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

Council went into closed session at 11:11 P.M. and this meeting was reconvened at 11:25 P.M. On Roll Call the following were present: Councilmembers Wedick, Bergen, Doyle, Atkins, Stalter, Hyer.

RESOLUTION

16. Resolution No. 246-04, Reject Bids for Collection of Solid Waste and Recycling and authorizing the re-advertisement of bids

WHEREAS, the Mayor and Council of the Borough of Keyport did authorize receipt of bids for the collection of Solid Waste and Recyclable Materials within the Borough of Keyport; and

WHEREAS, bids were received by the Borough Clerk on May 27, 2004 consistent with the advertised Notice to Bidders; and

WHEREAS, the Mayor and Council have reviewed the within bids received and have determined that it is in the best interest of the Borough of Keyport to reject the bids received which were in excess of the estimates anticipated by the Borough of Keyport and re-advertise the Collection of Solid Waste and Recyclable Materials in order to incorporate various additional options or alternate bids recommended by the Borough Council to facilitate the collection of solid waste and recyclable by proposing amendments to the schedules and greater flexibility in the delivery of recyclable materials to approved collection centers; and

WHEREAS, the Mayor and Council have further determined to authorize the Borough Attorney to prepare various amendments and bid options relative to the Collection of Solid Waste and Recyclable Materials within the borough of Keyport; and

WHEREAS, the Mayor and Council are resolved to reject all bids received for the within project amending the bid specification and re-advertise for receipt of bids consistent with the recommendation of the Borough Attorney.

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 Collection of Solid Waste and Recyclable Materials for the reasons incorporated in the within body of this resolution.

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 Attorney is hereby directed to prepare appropriate amendments and options to the bid specifications relative to the Collection of Solid Waste and Recyclable Materials as soon as practicable.

4. Upon receipt of the revised bid specifications, the Borough Clerk is hereby authorized to re-advertise for receipt of bids for the Collection and Disposal of Solid Waste and Recyclable Materials.

5. Certified copies of the within resolution shall have forwarded to all bidders submitting bids, Borough Attorney and Municipal Finance Officer and a copy of the within resolution shall be retained by the Borough Clerk for public inspection.

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

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

ADJOURNMENT

Motion to Adjourn moved by Mr. Bergen, second by Mr. Wedick with Ayes by all present.

Time of Adjournment: 11:26 P.M.

Respectfully submitted,

Judith L. Poling

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

Allyson M. Cinquegrana

per Allyson M. Cinquegrana, RMC
Deputy Borough Clerk